

Assembly Bill No. 621–Committee on Judiciary

CHAPTER.....

AN ACT relating to the central repository for Nevada records of criminal history; requiring certain agencies of criminal justice to submit certain records to the central repository for Nevada records of criminal history; authorizing the central repository to disseminate information contained in the central repository by electronic means; making various other changes concerning the central repository for Nevada records of criminal history; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 179.275 is hereby amended to read as follows:

179.275 Where the court orders the sealing of a record pursuant to NRS 179.245, 179.255 or 453.3365, a copy of the order must be sent to ~~each~~ :

1. *The central repository for Nevada records of criminal history; and*
2. *Each* public or private company, agency or official named in the order, and that person shall seal the records in his custody which relate to the matters contained in the order, shall advise the court of his compliance, and shall then seal the order.

Sec. 2. NRS 179A.070 is hereby amended to read as follows:

179A.070 1. “Record of criminal history” means information contained in records collected and maintained by agencies of criminal justice, the subject of which is a natural person, consisting of descriptions which identify the subject and notations of *summons in a criminal action, warrants, arrests, ~~detention,~~ citations for misdemeanors issued pursuant to NRS 171.1773, citations issued for violations of NRS 484.379 and 484.3795, detentions, decisions of a district attorney or the attorney general not to prosecute the subject, indictments, informations or other formal criminal charges and dispositions of charges, including , without limitation, dismissals, acquittals, convictions, sentences, information set forth in section 7 of this act concerning an offender in prison, any post-conviction relief,* correctional supervision occurring in Nevada, information concerning the status of an offender on parole or probation, and information concerning a convicted person who has registered as such pursuant to chapter 179C of NRS. The term includes only information contained in ~~memoranda~~ *a record, maintained in written or electronic form,* of *a* formal ~~transactions~~ *transaction* between a person and an agency of criminal justice in this state ~~[. The term is intended to be equivalent to the phrase “criminal history record information” as used in federal regulations.] , including, without limitation, the fingerprints of a person who is arrested and taken into custody and of a person who is placed on parole or probation and supervised by the division of parole and probation of the department.~~

2. "Record of criminal history" does not include:

- (a) Investigative or intelligence information, reports of crime or other information concerning specific persons collected in the course of the enforcement of criminal laws ; ~~H~~
 - (b) Information concerning juveniles ; ~~H~~
 - (c) Posters, announcements or lists intended to identify fugitives or wanted persons and aid in their apprehension ; ~~H~~
 - (d) Original records of entry maintained by agencies of criminal justice if the records are chronological and not cross-indexed ; ~~in any other way.~~
 - (e) Records of application for and issuance, suspension, revocation or renewal of occupational licenses, including , *without limitation*, permits to work in the gaming industry ~~H~~
 - ~~(f) Court~~ ;
 - (f) Except as otherwise provided in subsection 1, court* indices and records of public judicial proceedings, court decisions and opinions, and information disclosed during public judicial proceedings ; ~~H~~
 - (g) ~~Records~~ *Except as otherwise provided in subsection 1, records* of traffic violations constituting misdemeanors ; ~~H~~
 - (h) Records of traffic offenses maintained by the department to regulate the issuance, suspension, revocation or renewal of drivers' or other operators' licenses ; ~~H~~
 - (i) Announcements of actions by the state board of pardons commissioners and the state board of parole commissioners, except information concerning the status of an offender on parole or probation ~~H~~ ;
- or*
- (j) Records which originated in an agency other than an agency of criminal justice in this state.

Sec. 3. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The central repository for Nevada records of criminal history is hereby created within the Nevada highway patrol division of the department.

2. Each agency of criminal justice and any other agency dealing with crime or delinquency of children shall:

- (a) Collect and maintain records, reports and compilations of statistical data required by the department; and
- (b) Submit the information collected to the central repository in the manner recommended by the advisory committee and approved by the director of the department.

3. Each agency of criminal justice shall submit the information relating to sexual offenses and other records of criminal history *that it collects,* ~~creates or issues,~~ and any information in its possession relating to the genetic markers of the blood and the secretor status of the saliva of a person who is convicted of sexual assault or any other sexual offense, to the division in the manner prescribed by the director of the department. ~~A report of disposition~~ *The information* must be submitted to the division:

- (a) Through an electronic network

;

(b) On a medium of magnetic storage; or
(c) In the manner prescribed by the director of the department, within ~~{30 days after the date of disposition.}~~ *the period prescribed by the director of the department.* If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the division. The division shall delete all references in the central repository relating to that particular arrest.

4. The division shall ~~{:}~~, *in the manner prescribed by the director of the department:*

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Sexual offenses and other records of criminal history; and
(2) The genetic markers of the blood and the secretor status of the saliva of a person who is convicted of sexual assault or any other sexual offense.

(b) ~~{Use}~~ *When practicable, use* a record of the ~~{subject's fingerprints}~~ *personal identifying information of a subject* as the basis for any records maintained regarding him.

(c) Upon request during a state of emergency proclaimed pursuant to NRS 414.070, provide the information that is contained in the central repository to the state disaster identification team of the division of emergency management of the department of motor vehicles and public safety.

5. The division may:

(a) Disseminate any information which is contained in the central repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with federal and state repositories to facilitate exchanges of ~~{such information.}~~ *information that may be disseminated pursuant to paragraph (a);* and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person ~~{:}~~ *whose record of fingerprints the central repository submits to the Federal Bureau of Investigation and:*

(1) Who has applied to any agency of the ~~{state}~~ *State of Nevada* or any political subdivision *thereof* for a license which it has the power to grant or deny;

(2) With whom any agency of the ~~{state}~~ *State of Nevada* or any political subdivision *thereof* intends to enter into a relationship of employment or a contract for personal services;

(3) About whom any agency of the ~~{state}~~ *State of Nevada* or any political subdivision *thereof* has a legitimate need to have accurate personal information for the protection of the agency or the persons within its jurisdiction; or

(4) For whom such information is required to be obtained pursuant to NRS 449.179.

6. The central repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the central repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the superintendent of public instruction for a license;

(2) Has applied to a county school district for employment; or

(3) Is employed by a county school district,
and notify the superintendent of each county school district and the superintendent of public instruction if the investigation of the central repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, notify the superintendent of each county school district by providing him with a list of all persons:

(1) Investigated pursuant to paragraph (d); or

(2) Employed by a county school district whose fingerprints were sent previously to the central repository for investigation,
who the central repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude since the central repository's initial investigation. The superintendent of each county school district shall determine whether further investigation or action by the district is appropriate.

(f) Investigate the criminal history of each person who submits fingerprints or has his fingerprints submitted pursuant to NRS 449.176 or 449.179.

(g) On or before July 1 of each year, prepare and present to the governor a printed annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be presented to the governor throughout the year regarding specific areas of crime if they are recommended by the advisory committee and approved by the director of the department.

(h) On or before ~~January 31~~ **July 1** of each ~~odd-numbered~~ year, prepare and submit to the director of the legislative counsel bureau, for submission to the legislature, ***or the legislative commission when the legislature is not in regular session,*** a report containing statistical data about domestic violence in this state.

(i) Identify and review the collection and processing of statistical data relating to criminal justice and *the* delinquency of children by any agency identified in subsection 2, and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

7. The central repository may:

(a) At the recommendation of the advisory committee and in the manner prescribed by the director of the department, disseminate compilations of statistical data and publish statistical reports relating to crime or *the* delinquency of children.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The central repository may not collect such a fee from an agency of criminal justice, any other agency dealing with crime or *the* delinquency of children which is required to submit information pursuant to subsection 2 or the state disaster identification team of the division of emergency management of the department of motor vehicles and public safety. All money collected pursuant to this paragraph must be used to pay for the cost of operating the central repository.

(c) In the manner prescribed by the director of the department, use electronic means to receive and disseminate information contained in the central repository that it is authorized to disseminate pursuant to the provisions of this chapter.

8. As used in this ~~section, “advisory”~~ section:

(a) “*Advisory* committee” means the committee established by the director of the department pursuant to NRS 179A.078.

(b) “Personal identifying information” means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver’s license number, social security number, date of birth and photograph or computer generated image of a person; and

(2) The fingerprints, voiceprint, retina image and iris image of a person.

Sec. 4. NRS 62.350 is hereby amended to read as follows:

62.350 1. The fingerprints of a child must be taken if the child is in custody for an act that, if committed by an adult:

(a) Would be a felony, a gross misdemeanor or a sexual offense; or

(b) Would be a misdemeanor, and the act involved:

(1) The use or threatened use of force or violence against the victim;

or

(2) The possession, use or threatened use of a firearm or a deadly weapon.

2. The fingerprints of a child who is in custody but who is not subject to the provisions of subsection 1 may be taken if a law enforcement officer finds latent fingerprints during the investigation of an offense and the

officer has reason to believe that the latent fingerprints are those of the child. The officer shall use the fingerprints taken from the child ~~for the purpose of making~~ **to make** an immediate comparison with the latent fingerprints. If the comparison is:

(a) Negative, the fingerprint card and other copies of the fingerprints taken may be immediately destroyed or may be retained for future use.

(b) Positive, the fingerprint card and other copies of the fingerprints:

(1) Must be delivered to the court for disposition if the child is referred to court.

(2) May be immediately destroyed or may be retained for future use if the child is not referred to court.

3. Fingerprints that are taken from a child pursuant to the provisions of this section:

(a) May be retained in a local file or a local system for the automatic retrieval of fingerprints if they are retained under special security measures that limit inspection of the fingerprints to law enforcement officers who are conducting criminal investigations. If the child from whom the fingerprints are taken subsequently is not adjudicated delinquent, the parent or guardian of the child or, when the child becomes at least 18 years of age, the child, may petition the court for the removal of the fingerprints from any such local file or local system.

(b) Must be submitted to the central repository for Nevada records of criminal history if the child is adjudicated delinquent for an act that, if committed by an adult, would be a felony or sexual offense, and may be submitted to the central repository for any other act. ***Any such fingerprints submitted to the central repository must be submitted with a description of the child and the unlawful act, if any, that the child committed.*** The central repository shall retain the fingerprints ***and such information*** of the child under special security measures that limit inspection of the fingerprints ***and such information*** to law enforcement officers who are conducting criminal investigations and to officers and employees of the central repository who are assisting law enforcement officers with criminal investigations or who are conducting research or performing a statistical analysis.

(c) Must not be submitted to the Federal Bureau of Investigation unless the child is adjudicated delinquent for an act that, if committed by an adult, would be a felony or a sexual offense.

4. A child who is in custody must be photographed for the purpose of identification. Except as otherwise provided in this subsection, the photographs of the child must be kept in the file pertaining to the child under special security measures that limit inspection of the photographs to law enforcement officers who are conducting criminal investigations. If a court subsequently determines that the child is not delinquent, the court shall order the photographs to be destroyed.

5. Any person who willfully violates any provision of this section is guilty of a misdemeanor.

Sec. 5. NRS 202.366 is hereby amended to read as follows:

202.366 1. Upon receipt by a sheriff of an application for a permit, the sheriff shall conduct an investigation of the applicant to determine if he is eligible for a permit. In conducting the investigation, the sheriff shall forward a complete set of the applicant's fingerprints to the ~~central repository for Nevada highway patrol division of the department~~ **central repository for Nevada records of criminal history** and the Federal Bureau of Investigation for a report concerning the criminal history of the applicant. The sheriff shall issue a permit to the applicant unless he is not qualified to possess a handgun ~~under~~ **pursuant to** state or federal law or is not otherwise qualified to obtain a permit pursuant to NRS 202.3653 to 202.369, inclusive, or the regulations adopted pursuant thereto.

2. To assist the sheriff in conducting his investigation, any local law enforcement agency, including the sheriff of any county, may voluntarily submit to the sheriff a report or other information concerning the criminal history of an applicant.

3. Within 120 days after a complete application for a permit is submitted, the sheriff to whom the application is submitted shall grant or deny the application. If the application is denied, the sheriff shall send the applicant written notification setting forth the reasons for the denial. If the application is granted, the sheriff shall provide the applicant with a permit containing a colored photograph of the applicant and containing such other information as may be prescribed by the department. The permit must be in substantially the following form:

NEVADA CONCEALED FIREARM PERMIT

County	Permit Number
Expires	Date of Birth
Height	Weight
Name	Address
City	Zip
	Photograph
Signature	
Issued by	
Date of Issue	
Make, model and caliber of firearm authorized	

4. Unless suspended or revoked by the sheriff who issued the permit, a permit expires on the fifth anniversary of the permittee's birthday, measured from the birthday nearest the date of issuance or renewal. If the date of birth of a permittee is on February 29 in a leap year, for the purposes of NRS 202.3653 to 202.369, inclusive, his date of birth shall be deemed to be on February 28.

Sec. 6. NRS 202.3687 is hereby amended to read as follows:

202.3687 1. The provisions of NRS 202.3653 to 202.369, inclusive, do not prohibit a sheriff from issuing a temporary permit to carry a concealed firearm. A temporary permit may include, but is not limited to, provisions specifying the period for which the permit is valid.

2. Each sheriff who issues a permit pursuant to the provisions of NRS 202.3653 to 202.369, inclusive, shall ~~[, upon request by the department,]~~ provide such information concerning the permit and the person to whom it is issued ~~[as is deemed necessary by the department for inclusion in]~~ to the central repository for Nevada records of criminal history.

Sec. 7. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

The department shall collect and submit to the central repository for Nevada records of criminal history:

1. A record of:

(a) The name and fingerprints of each offender serving a term of imprisonment in an institution or facility of the department;

(b) The length of the term of imprisonment of the offender, including, without limitation, the number of days served during a period of pretrial detention, if any; and

(c) The date of admission of the offender; and

2. A notice of the release of each offender.

Sec. 8. Section 2 of Assembly Bill No. 165 of this session is hereby amended to read as follows:

Sec. 2. NRS 62.350 is hereby amended to read as follows:

62.350 1. The fingerprints of a child must be taken if the child is in custody for an act that, if committed by an adult:

(a) Would be a felony, a gross misdemeanor or a sexual offense;
or

(b) Would be a misdemeanor, and the act involved:

(1) The use or threatened use of force or violence against the victim; or

(2) The possession, use or threatened use of a firearm or a deadly weapon.

2. The fingerprints of a child who is in custody but who is not subject to the provisions of subsection 1 may be taken if a law enforcement officer finds latent fingerprints during the investigation of an offense and the officer has reason to believe that the latent fingerprints are those of the child. The officer shall use the fingerprints taken from the child to make an immediate comparison with the latent fingerprints. If the comparison is:

(a) Negative, the fingerprint card and other copies of the fingerprints taken may be immediately destroyed or may be retained for future use.

(b) Positive, the fingerprint card and other copies of the fingerprints:

(1) Must be delivered to the court for disposition if the child is referred to court.

(2) May be immediately destroyed or may be retained for future use if the child is not referred to court.

3. Fingerprints that are taken from a child pursuant to the provisions of this section:

(a) May be retained in a local file or a local system for the automatic retrieval of fingerprints if they are retained under special security measures that limit inspection of the fingerprints to law enforcement officers who are conducting criminal investigations. If the child from whom the fingerprints are taken subsequently is not adjudicated delinquent, the parent or guardian of the child or, when the child becomes at least 18 years of age, the child, may petition the court for the removal of the fingerprints from any such local file or local system.

(b) Must be submitted to the central repository for Nevada records of criminal history if the child is adjudicated delinquent for an act that, if committed by an adult, would be a felony or sexual offense, and may be submitted to the central repository for any other act. Any such fingerprints submitted to the central repository must be submitted with a description of the child and the unlawful act, if any, that the child committed. The central repository shall retain the fingerprints and such information of the child under special security measures that limit inspection of the fingerprints and such information to law enforcement officers who are conducting criminal investigations and to officers and employees of the central repository who are assisting law enforcement officers with criminal investigations or who are conducting research or performing a statistical analysis.

(c) Must not be submitted to the Federal Bureau of Investigation unless the child is adjudicated delinquent for an act that, if committed by an adult, would be a felony or a sexual offense.

4. A child who is in custody must be photographed for the purpose of identification. Except as otherwise provided in this subsection, the photographs of the child must be kept in the file pertaining to the child under special security measures *which provide* that ~~[limit inspection of]~~ the photographs ~~[to law enforcement officers who are conducting]~~ *may be inspected only to conduct* criminal investigations ~~[]~~ *and photographic lineups*. If a court subsequently determines that the child is not delinquent, the court shall order the photographs to be destroyed.

5. Any person who willfully violates any provision of this section is guilty of a misdemeanor.

Sec. 9. Section 22 of Assembly Bill No. 626 of this session is hereby amended to read as follows:

Sec. 22. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The central repository for Nevada records of criminal history is hereby created within the Nevada highway patrol division of the department.

2. Each agency of criminal justice and any other agency dealing with crime or delinquency of children shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the department; and

(b) Submit the information collected to the central repository in the manner recommended by the advisory committee and approved by the director of the department.

3. Each agency of criminal justice shall submit the information relating to sexual offenses and other records of criminal history that it creates or issues, and any information in its possession relating to the genetic markers of the blood and the secretor status of the saliva of a person who is convicted of sexual assault or any other sexual offense, to the division in the manner prescribed by the director of the department. The information must be submitted to the division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the director of the department, within the period prescribed by the director of the department. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the division. The division shall delete all references in the central repository relating to that particular arrest.

4. The division shall, in the manner prescribed by the director of the department:

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Sexual offenses and other records of criminal history; and

(2) The genetic markers of the blood and the secretor status of the saliva of a person who is convicted of sexual assault or any other sexual offense.

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him.

(c) Upon request during a state of emergency **or declaration of disaster** proclaimed pursuant to NRS 414.070, provide the information that is contained in the central repository to the state disaster identification team of the division of emergency management of the department of motor vehicles and public safety.

5. The division may:

- (a) Disseminate any information which is contained in the central repository to any other agency of criminal justice;
- (b) Enter into cooperative agreements with federal and state repositories to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and
- (c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints the central repository submits to the Federal Bureau of Investigation and:
 - (1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;
 - (2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;
 - (3) About whom any agency of the State of Nevada or any political subdivision thereof has a legitimate need to have accurate personal information for the protection of the agency or the persons within its jurisdiction; or
 - (4) For whom such information is required to be obtained pursuant to NRS 449.179.

6. The central repository shall:

- (a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.
- (b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.
- (c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the central repository.
- (d) Investigate the criminal history of any person who:
 - (1) Has applied to the superintendent of public instruction for a license;
 - (2) Has applied to a county school district for employment; or
 - (3) Is employed by a county school district,and notify the superintendent of each county school district and the superintendent of public instruction if the investigation of the central repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.
- (e) Upon discovery, notify the superintendent of each county school district by providing him with a list of all persons:
 - (1) Investigated pursuant to paragraph (d); or

(2) Employed by a county school district whose fingerprints were sent previously to the central repository for investigation, who the central repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude since the central repository's initial investigation. The superintendent of each county school district shall determine whether further investigation or action by the district is appropriate.

(f) Investigate the criminal history of each person who submits fingerprints or has his fingerprints submitted pursuant to NRS 449.176 or 449.179.

(g) On or before July 1 of each year, prepare and present to the governor a printed annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be presented to the governor throughout the year regarding specific areas of crime if they are recommended by the advisory committee and approved by the director of the department.

(h) On or before July 1 of each year, prepare and submit to the director of the legislative counsel bureau, for submission to the legislature, or the legislative commission when the legislature is not in regular session, a report containing statistical data about domestic violence in this state.

(i) Identify and review the collection and processing of statistical data relating to criminal justice and the delinquency of children by any agency identified in subsection 2, and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

7. The central repository may:

(a) At the recommendation of the advisory committee and in the manner prescribed by the director of the department, disseminate compilations of statistical data and publish statistical reports relating to crime or the delinquency of children.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The central repository may not collect such a fee from an agency of criminal justice, any other agency dealing with crime or the delinquency of children which is required to submit information pursuant to subsection 2 or the state disaster identification team of the division of emergency management of the department of motor vehicles and public safety. All money collected pursuant to this paragraph must be used to pay for the cost of operating the central repository.

(c) In the manner prescribed by the director of the department, use electronic means to receive and disseminate information contained in the central repository that it is authorized to disseminate pursuant to the provisions of this chapter.

8. As used in this section:

(a) "Advisory committee" means the committee established by the director of the department pursuant to NRS 179A.078.

(b) "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver's license number, social security number, date of birth and photograph or computer generated image of a person; and

(2) The fingerprints, voiceprint, retina image and iris image of a person.

Sec. 10. This act becomes effective upon passage and approval.

~