

ASSEMBLY BILL NO. 621—COMMITTEE ON JUDICIARY

MARCH 19, 1999

Referred to Committee on Judiciary

SUMMARY—Makes various changes concerning central repository for Nevada records of criminal history. (BDR 14-545)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the central repository for Nevada records of criminal history; requiring certain agencies of criminal justice to submit various 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; revising the provisions concerning the unlawful possession and use of certain records; providing a penalty; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 179.275 is hereby amended to read as follows:
2 179.275 Where the court orders the sealing of a record pursuant to
3 NRS 179.245, 179.255 or 453.3365, a copy of the order must be sent to
4 ~~each~~ :
5 1. *The central repository for Nevada records of criminal history; and*
6 2. *Each* public or private company, agency or official named in the
7 order, and that person shall seal the records in his custody which relate to
8 the matters contained in the order, shall advise the court of his compliance,
9 and shall then seal the order.
10 **Sec. 2.** Chapter 179A of NRS is hereby amended by adding thereto the
11 provisions set forth as sections 3 and 4 of this act.
12 **Sec. 3.** *“Record of public safety” means a record, other than a*
13 *record of criminal history, that is submitted to the central repository by*
14 *an agency of criminal justice and maintained by the central repository*
15 *pursuant to the provisions of this chapter.*

1 **Sec. 4. 1. In the time and manner prescribed by the director of the**
2 **department and in addition to the information collected pursuant to NRS**
3 **179A.075, each law enforcement agency may collect and submit to the**
4 **central repository a record of each:**

5 **(a) Applicant for the issuance or renewal of an occupational license**
6 **or permit who the law enforcement agency investigates on behalf of a**
7 **licensing board or other licensing authority; and**

8 **(b) Motor vehicle that is towed at the direction of the law enforcement**
9 **agency.**

10 **2. An agency of criminal justice that receives the information set**
11 **forth in subsection 1 from the central repository shall maintain the**
12 **confidentiality of any such information declared confidential by specific**
13 **statute.**

14 **Sec. 5.** NRS 179A.010 is hereby amended to read as follows:

15 179A.010 As used in this chapter, unless the context otherwise
16 requires, the words and terms defined in NRS 179A.020 to 179A.073,
17 inclusive, **and section 3 of this act** have the meanings ascribed to them in
18 those sections.

19 **Sec. 6.** NRS 179A.070 is hereby amended to read as follows:

20 179A.070 1. "Record of criminal history" means information
21 contained in records collected and maintained by agencies of criminal
22 justice, the subject of which is a natural person, consisting of descriptions
23 which identify the subject and notations of **summons in a criminal action,**
24 **warrants,** arrests, ~~[detention.]~~ **citations for misdemeanors issued pursuant**
25 **to NRS 171.1773, citations issued for violations of NRS 484.379 and**
26 **484.3795, detentions, decisions of a district attorney or the attorney**
27 **general not to prosecute the subject,** indictments, informations or other
28 formal criminal charges and dispositions of charges, including , **without**
29 **limitation,** dismissals, acquittals, convictions, sentences, **information set**
30 **forth in section 17 of this act concerning an offender in prison, any post-**
31 **conviction relief,** correctional supervision occurring in Nevada,
32 information concerning the status of an offender on parole or probation,
33 and information concerning a convicted person who has registered as such
34 pursuant to chapter 179C of NRS. The term includes only information
35 contained in ~~[memoranda]~~ **a record, maintained in written or electronic**
36 **form,** of **a** formal ~~[transactions]~~ **transaction** between a person and an
37 agency of criminal justice in this state ~~[-The term is intended to be~~
38 ~~equivalent to the phrase "criminal history record information" as used in~~
39 ~~federal regulations.]~~ , **including, without limitation, the fingerprints of a**
40 **person who is arrested and taken into custody and of a person who is**
41 **placed on parole or probation and supervised by the division of parole**
42 **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. 7. 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 *and records of public safety 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

1 other sexual offense, to the division in the manner prescribed by the
2 director of the department. ~~[A report of disposition]~~ *The information* must
3 be submitted to the division:

- 4 (a) Through an electronic network;
- 5 (b) On a medium of magnetic storage; or
- 6 (c) In the manner prescribed by the director of the department,
7 within ~~[30 days after the date of disposition.]~~ *the period prescribed by the*
8 *director of the department.* If an agency has submitted a record regarding
9 the arrest of a person who is later determined by the agency not to be the
10 person who committed the particular crime, the agency shall, immediately
11 upon making that determination, so notify the division. The division shall
12 delete all references in the central repository relating to that particular
13 arrest.

14 4. The division shall ~~[]~~, *in the manner prescribed by the director of*
15 *the department:*

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

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

22 ~~—(b) Use]~~ ; and

23 *(3) Records of public safety.*

24 *(b) When practicable, use* a record of the ~~[subject's fingerprints]~~
25 *personal identifying information of a subject* as the basis for any records
26 maintained regarding him.

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

32 5. The division may:

33 (a) ~~[Disseminate]~~ *Except as otherwise provided in paragraph (b),*
34 *disseminate* any information which is contained in the central repository to
35 any other agency of criminal justice;

36 (b) *Except as otherwise provided in subsection 4 of NRS 179A.100,*
37 *disseminate only to law enforcement agencies in this state, records*
38 *concerning:*

39 *(1) An applicant for the issuance or renewal of a permit to carry a*
40 *concealed firearm submitted to the central repository pursuant to NRS*
41 *202.366 or 202.3687; and*

1 ***(2) An applicant for the issuance or renewal of an occupational***
2 ***license or permit submitted to the central repository pursuant to section 4***
3 ***of this act.***

4 ***(c)*** Enter into cooperative agreements with federal and state repositories
5 to facilitate exchanges of ~~{such information;}~~ ***the information that the***
6 ***central repository may disseminate pursuant to paragraph (a);*** and

7 ~~{(e)}~~ ***(d)*** Request of and receive from the Federal Bureau of
8 Investigation information on the background and personal history of any
9 person ~~{(h)}~~ ***whose record of fingerprints the central repository submits to***
10 ***the Federal Bureau of Investigation and:***

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

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

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

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

23 6. The central repository shall:

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

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

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

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

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

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

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

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

43 (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

1 *central repository that it is authorized to disseminate pursuant to the*
2 *provisions of this chapter.*

3 *(d) Collect and maintain records submitted to the central repository*
4 *pursuant to section 4 of this act.*

5 8. As used in this ~~section, "advisory~~ *section:*

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

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

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

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

16 **Sec. 8.** NRS 179A.080 is hereby amended to read as follows:

17 179A.080 The director of the department is responsible for
18 administering this chapter and may adopt regulations for that purpose. The
19 director shall:

20 1. Adopt regulations for the security of the central repository so that it
21 is adequately protected from fire, theft, loss, destruction, other hazards and
22 unauthorized access.

23 2. Adopt regulations and standards for personnel employed by agencies
24 of criminal justice in positions of responsibility for maintenance and
25 dissemination of information relating to sexual offenses , ~~and~~ other
26 records of criminal history ~~and~~ *and records of public safety.*

27 3. Provide for audits of informational systems by qualified public or
28 private agencies, organizations or persons.

29 **Sec. 9.** NRS 179A.100 is hereby amended to read as follows:

30 179A.100 1. The following records of criminal history may be
31 disseminated by an agency of criminal justice without any restriction
32 pursuant to this chapter:

33 *(a) Any which reflect records of conviction only; and*

34 *(b) Any which pertain to an incident for which a person is currently*
35 *within the system of criminal justice, including parole or probation.*

36 2. Without any restriction pursuant to this chapter, a record of criminal
37 history or the absence of such a record may be:

38 *(a) Disclosed among agencies of criminal justice which maintain a*
39 *system for the mutual exchange of criminal records.*

40 *(b) Furnished by one agency of criminal justice to another to administer*
41 *the system of criminal justice, including , without limitation, the furnishing*
42 *of information by a police department to a district attorney ~~or~~ or court.*

43 *(c) Reported to the central repository.*

1 3. An agency of criminal justice shall disseminate to a prospective
2 employer, upon request, records of criminal history concerning a
3 prospective employee or volunteer which:
4 (a) Reflect convictions only; or
5 (b) Pertain to an incident for which the prospective employee or
6 volunteer is currently within the system of criminal justice, including parole
7 or probation.

8 4. The central repository shall disseminate to a prospective or current
9 employer, upon request, information relating to sexual offenses, *other*
10 *records of criminal history or records of public safety* concerning an
11 employee, prospective employee, volunteer or prospective volunteer who
12 gives his written consent to the release of that information.

13 5. Records of criminal history must be disseminated by an agency of
14 criminal justice upon request, to the following persons or governmental
15 entities:

16 (a) The person who is the subject of the record of criminal history for
17 the purposes of NRS 179A.150.

18 (b) The person who is the subject of the record of criminal history or his
19 attorney of record when the subject is a party in a judicial, administrative,
20 licensing, disciplinary or other proceeding to which the information is
21 relevant.

22 (c) The state gaming control board.

23 (d) The state board of nursing.

24 (e) The private investigator's licensing board to investigate an applicant
25 for a license.

26 (f) A public administrator to carry out his duties as prescribed in chapter
27 253 of NRS.

28 (g) A public guardian to investigate a ward or proposed ward or persons
29 who may have knowledge of assets belonging to a ward or proposed ward.

30 (h) Any agency of criminal justice of the United States or of another
31 state or the District of Columbia.

32 (i) Any public utility subject to the jurisdiction of the public utilities
33 commission of Nevada when the information is necessary to conduct a
34 security investigation of an employee or prospective employee, or to
35 protect the public health, safety or welfare.

36 (j) Persons and agencies authorized by statute, ordinance, executive
37 order, court rule, court decision or court order as construed by appropriate
38 state or local officers or agencies.

39 (k) Any person or governmental entity which has entered into a contract
40 to provide services to an agency of criminal justice relating to the
41 administration of criminal justice, if authorized by the contract, and if the
42 contract also specifies that the information will be used only for stated

1 purposes and that it will be otherwise confidential in accordance with state
2 and federal law and regulation.

3 (l) Any reporter for the electronic or printed media in his professional
4 capacity for communication to the public.

5 (m) Prospective employers if the person who is the subject of the
6 information has given written consent to the release of that information by
7 the agency which maintains it.

8 (n) For the express purpose of research, evaluative or statistical
9 programs pursuant to an agreement with an agency of criminal justice.

10 (o) The division of child and family services of the department of human
11 resources and any county agency that is operated pursuant to NRS
12 432B.325 or authorized by a court of competent jurisdiction to receive and
13 investigate reports of abuse or neglect of children and which provides or
14 arranges for protective services for such children.

15 (p) The welfare division of the department of human resources or its
16 designated representative.

17 (q) An agency of this or any other state or the Federal Government that
18 is conducting activities pursuant to Part D of Title IV of the Social Security
19 Act, ~~42 U.S.C. §§ 651 et seq.~~

20 (r) The state disaster identification team of the division of emergency
21 management of the department of motor vehicles and public safety during a
22 state of emergency proclaimed pursuant to NRS 414.070.

23 6. Agencies of criminal justice in this state which receive information
24 from sources outside this state concerning transactions involving criminal
25 justice which occur outside Nevada shall treat the information as
26 confidentially as is required by the provisions of this chapter.

27 **Sec. 10.** NRS 179A.130 is hereby amended to read as follows:

28 179A.130 Each agency of criminal justice which maintains and
29 disseminates information relating to sexual offenses, ~~or~~ other records of
30 criminal history *or records of public safety* must maintain a log of each
31 dissemination of that information other than a dissemination of the fact that
32 the agency has no record relating to a certain person. The log must be
33 maintained for at least 1 year after the information is disseminated, and
34 must contain:

35 1. An entry showing to what agency or person the information relating
36 to sexual offenses, ~~or~~ other records of criminal history *or records of*
37 *public safety* were provided;

38 2. The date on which the information was provided;

39 3. The person who is the subject of the information; and

40 4. A brief description of the information provided.

41 **Sec. 11.** NRS 179A.140 is hereby amended to read as follows:

42 179A.140 1. An agency of criminal justice may charge a reasonable
43 fee for information relating to sexual offenses, ~~or~~ other records of

1 criminal history *or records of public safety* furnished to any person or
2 governmental entity except another agency of criminal justice and the state
3 disaster identification team of the division of emergency management of the
4 department of motor vehicles and public safety. The central repository shall
5 not charge such a fee for information relating to a person regarding whom
6 the central repository furnished a similar report within the immediately
7 preceding 6 months in conjunction with the application by that person for
8 professional licensure.

9 2. All money received or collected by the department pursuant to this
10 section must be used to defray the cost of operating the central repository.

11 **Sec. 12.** NRS 179A.150 is hereby amended to read as follows:

12 179A.150 1. ~~{The}~~ *Except as otherwise provided in this subsection,*
13 *the* central repository and each state, municipal, county or metropolitan
14 police agency shall ~~{permit}~~ *allow* a person, who is or believes he may be
15 the subject of information relating to sexual offenses , ~~{or}~~ other records of
16 criminal history *or records of public safety that are* maintained by that
17 agency, to appear in person during normal business hours of the agency and
18 inspect any recorded information held by that agency pertaining to him.
19 This right of access does not extend to data contained in intelligence,
20 investigative or other related files, and does not include any information
21 other than that defined as information relating to sexual offenses , ~~{or}~~ a
22 record of criminal history ~~{}~~ *or record of public safety.*

23 2. Each such agency shall adopt regulations and make available
24 necessary forms to ~~{permit}~~ *allow* inspection and review of information
25 relating to sexual offenses , ~~{or}~~ other records of criminal history *or records*
26 *of public safety* by those persons who are the subjects thereof. The
27 regulations must specify:

28 (a) The reasonable periods during which the records are available for
29 inspection;

30 (b) The requirements for proper identification of the persons seeking
31 access to the records; and

32 (c) The reasonable charges or fees, if any, for inspecting records.

33 3. Each such agency shall procure for and furnish to any person who
34 requests it and pays a reasonable fee therefor, all of the information
35 contained in the central repository which pertains to the person making the
36 request.

37 4. The director of the department shall adopt regulations governing:

38 (a) All challenges to the accuracy or sufficiency of information relating
39 to sexual offenses , ~~{or}~~ other records of criminal history *or records of*
40 *public safety* by the person who is the subject of the allegedly inaccurate or
41 insufficient record;

42 (b) The correction of any information relating to sexual offenses ~~{or}~~
43 ~~other-record}~~ , *other records* of criminal history *or records of public safety*

found by the director to be inaccurate, insufficient or incomplete in any material respect;

(c) The dissemination of corrected information to those persons or agencies which have previously received inaccurate or incomplete information; and

(d) A time limit of not more than 90 days within which inaccurate or insufficient information relating to sexual offenses, ~~for~~ other records of criminal history *or records of public safety* must be corrected and the corrected information disseminated. The corrected information must be sent to each person who requested the information in the 12 months preceding the date on which the correction was made, and notice of the correction must be sent to each person entitled thereto pursuant to NRS 179A.210, to the address given by each person who requested the information when the request was made.

Sec. 13. NRS 179A.900 is hereby amended to read as follows:

179A.900 Any person who ~~is~~:

~~1. Willfully requests, obtains or~~ *knowingly:*

1. *Requests, obtains,* seeks to obtain *or disseminates* records of criminal history *or records of public safety* under false pretenses;

2. ~~Willfully communicates~~ *Communicates* or seeks to communicate records of criminal history *or records of public safety* to any agency or person except pursuant to this chapter; or

3. ~~Willfully falsifies any~~ *Falsifies a* record of criminal history or any record relating to records of criminal history ~~is~~ *or a record of public safety or any record relating to records of public safety,* is guilty of a misdemeanor.

Sec. 14. 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:

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

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

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

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

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

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

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

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

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

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

Sec. 15. 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~~ **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

1 purposes of NRS 202.3653 to 202.369, inclusive, his date of birth shall be
2 deemed to be on February 28.

3 **Sec. 16.** NRS 202.3687 is hereby amended to read as follows:

4 202.3687 1. The provisions of NRS 202.3653 to 202.369, inclusive,
5 do not prohibit a sheriff from issuing a temporary permit to carry a
6 concealed firearm. A temporary permit may include, but is not limited to,
7 provisions specifying the period for which the permit is valid.

8 2. Each sheriff who issues a permit pursuant to the provisions of NRS
9 202.3653 to 202.369, inclusive, shall ~~[, upon request by the department,]~~
10 provide such information concerning the permit and the person to whom it
11 is issued ~~[as is deemed necessary by the department for inclusion in]~~ to the
12 central repository for Nevada records of criminal history.

13 **Sec. 17.** Chapter 209 of NRS is hereby amended by adding thereto a
14 new section to read as follows:

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

17 1. *A record of:*

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

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

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

24 2. *A notice of the release of each offender.*

25 **Sec. 18.** NRS 440.430 is hereby amended to read as follows:

26 440.430 1. Any coroner whose duty it is to hold an inquest on the
27 body of any deceased person, and to make the certificate of death required
28 for a burial permit, shall state in his certificate the name of the disease
29 causing death, or, if from external causes:

30 (a) The means of death; and

31 (b) Whether (probably) accidental, suicidal or homicidal.

32 2. In either case, the coroner shall furnish such information as may be
33 required by the board in order to classify the death properly.

34 3. *A coroner who makes a certificate of death concerning a person*
35 *for whom the central repository for Nevada records of criminal history*
36 *has a record shall collect and submit a record of the certificate of death*
37 *and, if possible, a record of the fingerprints of the decedent to the central*
38 *repository in the time and manner prescribed by the director of the*
39 *department of motor vehicles and public safety.*

40 **Sec. 19.** NRS 481.245 is hereby amended to read as follows:

41 481.245 1. When a coroner is unable to establish the identity of a
42 dead body by means other than by dental records, he shall ~~have~~ :

1 ***(a) Collect a record of the fingerprints of the decedent, if possible, and***
2 ***submit the record to the central repository for Nevada records of criminal***
3 ***history; and***

4 ***(b) Have*** a dental examination of the body ~~made~~ ***conducted*** by a
5 dentist. The dentist shall prepare a record of his findings and forward it to
6 the investigation division and to the central repository for Nevada records
7 of criminal history.

8 2. Each sheriff, chief of police or other law enforcement agency which
9 receives a report of a person missing under suspicious circumstances who is
10 18 years or older shall:

11 (a) Transmit to the investigation division and to the central repository
12 for Nevada records of criminal history:

13 (1) The initial report that contains identifying information concerning
14 the missing person within 72 hours after the receipt of that report; and

15 (2) Any subsequent report concerning the missing person within 5
16 working days after the receipt of that report if the report contains additional
17 identifying information concerning the missing person;

18 (b) Notify immediately such persons and make inquiries concerning the
19 missing person as the agency deems necessary; and

20 (c) Enter the information concerning the missing person into the
21 computer for the National Crime Information Center and the central
22 repository for Nevada records of criminal history, if appropriate.

23 3. The sheriff, chief of police or other law enforcement agency shall
24 request the written consent of the next of kin or guardian of a person who
25 has been reported to him as missing for 30 days or more to obtain certain
26 identifying information about the missing person that the National Crime
27 Information Center recommends be provided from the appropriate
28 providers of medical care. After receiving the written consent, the sheriff,
29 chief of police or other law enforcement agency shall obtain the identifying
30 information from the providers of medical care and forward that
31 information and any other relevant information to the investigation division
32 and to the central repository for Nevada records of criminal history for
33 comparison with the identifying information that is on file concerning
34 unidentified deceased persons. This subsection does not prevent the
35 voluntary release of identifying information about the missing person by the
36 next of kin or guardian of the missing person at any time.

37 4. The next of kin or guardian of the person reported as missing shall
38 promptly notify the appropriate law enforcement agency when the missing
39 person is found.

40 5. The sheriff, chief of police or other law enforcement agency shall
41 inform the investigation division, the central repository for Nevada records
42 of criminal history and the National Crime Information Center when a

43 missing person has been found.

- 1 6. The investigation division and the central repository for Nevada
- 2 records of criminal history shall:
- 3 (a) Maintain the records and other information forwarded to them
- 4 pursuant to subsections 1, 2 and 3 for the purpose of comparing the records
- 5 and otherwise assisting in the identification of dead bodies; and
- 6 (b) Upon request during a state of emergency proclaimed pursuant to
- 7 NRS 414.070, provide the records and other information that are
- 8 maintained pursuant to this subsection to the state disaster identification
- 9 team of the division of emergency management of the department.
- 10 **Sec. 20.** The amendatory provisions of section 13 of this act do not
- 11 apply to offenses committed before the effective date of this act.
- 12 **Sec. 21.** This act becomes effective upon passage and approval.

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