

Senate Bill No. 148—Committee on Judiciary

CHAPTER.....

AN ACT relating to sentencing; revising the penalty for commission of a category E felony; allowing the court to require a person convicted of a category E felony to serve a term of confinement in the county jail as a condition of probation; revising the provisions relating to presentence investigations and reports; 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 193.130 is hereby amended to read as follows:

193.130 1. Except when a person is convicted of a category A felony, and except as otherwise provided by specific statute, a person convicted of a felony shall be sentenced to a minimum term and a maximum term of imprisonment which must be within the limits prescribed by the applicable statute, unless the statute in force at the time of commission of the felony prescribed a different penalty. The minimum term of imprisonment that may be imposed must not exceed 40 percent of the maximum term imposed.

2. Except as otherwise provided by specific statute, for each felony committed on or after July 1, 1995:

(a) A category A felony is a felony for which a sentence of death or imprisonment in the state prison for life with or without the possibility of parole may be imposed, as provided by specific statute.

(b) A category B felony is a felony for which the minimum term of imprisonment in the state prison that may be imposed is not less than 1 year and the maximum term of imprisonment that may be imposed is not more than 20 years, as provided by specific statute.

(c) A category C felony is a felony for which a court shall sentence a convicted person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years. In addition to any other penalty, the court may impose a fine of not more than \$10,000, unless a greater fine is authorized or required by statute.

(d) A category D felony is a felony for which a court shall sentence a convicted person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 4 years. In addition to any other penalty, the court may impose a fine of not more than \$5,000, unless a greater fine is authorized or required by statute.

(e) A category E felony is a felony for which a court shall sentence a convicted person to imprisonment in the state prison for a minimum term of **not less than** 1 year and a maximum term of **not more than** 4 years. Except as otherwise provided in paragraph (b) of subsection 1 of NRS 176A.100, upon sentencing a person who is found guilty of a category E felony, the court shall suspend the execution of the sentence and grant probation to the

person upon such conditions as the court deems appropriate. *Such conditions of probation may include, but are not limited to, requiring the person to serve a term of confinement of not more than 1 year in the county jail.* In addition to any other penalty, the court may impose a fine of not more than \$5,000, unless a greater penalty is authorized or required by statute.

Sec. 2. NRS 62.360 is hereby amended to read as follows:

62.360 1. The court shall make and keep records of all cases brought before it.

2. The records may be opened to inspection only by order of the court to persons having a legitimate interest therein except that a release without a court order may be made of any:

(a) Records of traffic violations which are being forwarded to the department of motor vehicles and public safety;

(b) Records which have not been sealed and *which* are required by the division of parole and probation of the department of motor vehicles and public safety for preparation of presentence *investigations and* reports pursuant to NRS 176.135 ~~or~~ *or general investigations and reports pursuant to section 3 of this act;*

(c) Information maintained in the standardized system established pursuant to NRS 62.910;

(d) Records which have not been sealed and which are to be used, pursuant to chapter 179D of NRS, by:

(1) The central repository for Nevada records of criminal history;

(2) The division of parole and probation of the department of motor vehicles and public safety; or

(3) A person who is conducting an assessment of the risk of recidivism of an adult or juvenile sex offender; and

(e) Information that must be collected by the division of child and family services of the department of human resources pursuant to NRS 62.920.

3. The clerk of the court shall prepare and cause to be printed forms for social and legal records and other papers as may be required.

4. Whenever the conduct of a child with respect to whom the jurisdiction of the juvenile court has been invoked may be the basis of a civil action, any party to the civil action may petition the court for release of the child's name, and upon satisfactory showing to the court that the purpose in obtaining the information is for use in a civil action brought or to be brought in good faith, the court shall order the release of the child's name and authorize its use in the civil action.

Sec. 3. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a defendant pleads guilty, guilty but mentally ill or nolo contendere to or is found guilty of one or more category E felonies, but no other felonies, the division shall not make a presentence investigation and report on the defendant pursuant to NRS 176.135, unless the

division has not made a presentence investigation and report on the defendant pursuant to NRS 176.135 within the 5 years immediately preceding the date initially set for sentencing on the category E felony or felonies and:

- (a) The court requests a presentence investigation and report; or*
- (b) The prosecuting attorney possesses evidence that would support a decision by the court to deny probation to the defendant pursuant to paragraph (b) of subsection 1 of NRS 176A.100.*

2. If the division does not make a presentence investigation and report on a defendant pursuant to subsection 1, the division shall, not later than 45 days after the date on which the defendant is sentenced, make a general investigation and report on the defendant that contains:

- (a) Any prior criminal record of the defendant;*
- (b) Information concerning the characteristics of the defendant, the circumstances affecting his behavior and the circumstances of his offense that may be helpful to persons responsible for the supervision or correctional treatment of the defendant;*
- (c) Information concerning the effect that the offense committed by the defendant has had upon the victim, including, without limitation, any physical or psychological harm or financial loss suffered by the victim, to the extent that such information is available from the victim or other sources, but the provisions of this paragraph do not require any particular examination or testing of the victim, and the extent of any investigation or examination and the extent of the information included in the report is solely at the discretion of the division;*
- (d) Data or information concerning reports and investigations thereof made pursuant to chapter 432B of NRS that relate to the defendant and are made available pursuant to NRS 432B.290; and*
- (e) Any other information that the division believes may be helpful to persons responsible for the supervision or correctional treatment of the defendant.*

Sec. 4. NRS 176.133 is hereby amended to read as follows:

176.133 As used in NRS 176.133 to 176.159, inclusive, **and section 3 of this act**, unless the context otherwise requires:

1. "Person professionally qualified to conduct psychosexual evaluations" means a person who has received training in conducting psychosexual evaluations and is:
 - (a) A psychiatrist licensed to practice medicine in this state and certified by the American Board of Psychiatry and Neurology;
 - (b) A psychologist licensed to practice in this state;
 - (c) A social worker holding a master's degree in social work and licensed in this state as a clinical social worker;
 - (d) A registered nurse holding a master's degree in the field of psychiatric nursing and licensed to practice professional nursing in this state; or

(e) A marriage and family therapist licensed in this state pursuant to chapter 641A of NRS.

2. "Psychosexual evaluation" means an evaluation conducted pursuant to NRS 176.139.

3. "Sexual offense" means:

(a) Sexual assault pursuant to NRS 200.366;

(b) Statutory sexual seduction pursuant to NRS 200.368, if punished as a felony;

(c) Battery with intent to commit sexual assault pursuant to NRS 200.400;

(d) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation and is punished as a felony;

(e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;

(f) Incest pursuant to NRS 201.180;

(g) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195, if punished as a felony;

(h) Open or gross lewdness pursuant to NRS 201.210, if punished as a felony;

(i) Indecent or obscene exposure pursuant to NRS 201.220, if punished as a felony;

(j) Lewdness with a child pursuant to NRS 201.230;

(k) Sexual penetration of a dead human body pursuant to NRS 201.450;

(l) Annoyance or molestation of a minor pursuant to NRS 207.260, if punished as a felony;

(m) An attempt to commit an offense listed in paragraphs (a) to (l), inclusive, if punished as a felony; or

(n) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

Sec. 5. NRS 176.135 is hereby amended to read as follows:

176.135 1. Except as otherwise provided in this section ~~§~~ **and section 3 of this act**, the division shall make a presentence investigation and report to the court on each defendant who pleads guilty, guilty but mentally ill or nolo contendere to or is found guilty of a felony.

2. If a defendant is convicted of a felony that is a sexual offense, the presentence investigation and report must be made before the imposition of sentence or the granting of probation and must include a psychosexual evaluation of the defendant.

3. If a defendant is convicted of a felony other than a sexual offense, the presentence investigation and report must be made before the imposition of sentence or the granting of probation unless:

(a) A sentence is fixed by a jury; or

(b) Such an investigation and report on the defendant has been made by the division within the 5 years immediately preceding the date initially set for sentencing on the most recent offense.

4. Upon request of the court, the division shall make presentence investigations and reports on defendants who plead guilty, guilty but mentally ill or nolo contendere to or are found guilty of gross misdemeanors.

Sec. 6. NRS 176.145 is hereby amended to read as follows:

176.145 1. The report of ~~the~~ **any** presentence investigation must contain:

(a) Any prior criminal record of the defendant;

(b) ~~Such information about his characteristics,~~ **Information concerning the characteristics of the defendant**, his financial condition, the circumstances affecting his behavior and the circumstances of ~~the offense, as~~ **his offense that** may be helpful in imposing sentence, in granting probation or in the correctional treatment of the defendant;

(c) Information concerning the effect that the ~~crime~~ **offense** committed by the defendant has had upon the victim, including, ~~but not limited to,~~ **without limitation**, any physical or psychological harm or financial loss suffered by the victim, to the extent that such information is available from the victim or other sources, but the provisions of this ~~subsection~~ **paragraph** do not require any particular examination or testing of the victim, and the extent of any investigation or examination is solely at the discretion of the court or **the** division and the extent of the information to be included in the report is solely at the discretion of the division;

(d) Information concerning whether the defendant has an obligation for the support of a child, and if so, whether he is in arrears in payment on that obligation;

(e) Data or information concerning reports and investigations thereof made pursuant to chapter 432B of NRS that relate to the defendant and are made available pursuant to NRS 432B.290;

(f) The results of the evaluation of the defendant conducted pursuant to NRS 484.3796, if **such** an evaluation is required pursuant to that section;

(g) A recommendation of a minimum term and a maximum term of imprisonment or other term of imprisonment authorized by statute, or a fine, or both;

(h) A recommendation, if the division deems it appropriate, that the defendant undergo a program of regimental discipline pursuant to NRS 176A.780;

(i) A written report of the results of a psychosexual evaluation of the defendant, if the defendant is convicted of a sexual offense; and

(j) Such other information as may be required by the court.

2. The division may include in the report ~~such~~ **any** additional information ~~as~~ **that** it believes ~~will~~ **may** be helpful in imposing a sentence, in granting probation or in correctional treatment.

Sec. 7. NRS 176.156 is hereby amended to read as follows:

176.156 1. The division shall disclose to the ~~district~~ **prosecuting** attorney, the counsel for the defendant and the defendant the factual content of the report of ~~the~~ **:**

(a) Any presentence investigation *made pursuant to NRS 176.135* and the recommendations of the division. ~~and~~

(b) Any *general investigation made pursuant to section 3 of this act.*

The division shall afford an opportunity to each party to object to factual errors *in any such report* and *to* comment on ~~the~~ *any* recommendations.

2. Unless otherwise ordered by a court, upon request, the division shall disclose the content of a report of a presentence investigation *or general investigation* to a law enforcement agency of this state or a political subdivision thereof and to a law enforcement agency of the Federal Government for the limited purpose of performing their duties, including, ~~but not limited to,~~ *without limitation*, conducting hearings that are public in nature.

3. Unless otherwise ordered by a court, upon request, the division shall disclose the content of a report of a presentence investigation *or general investigation* to the division of mental health and developmental services of the department of human resources for the limited purpose of performing its duties, including, without limitation, evaluating *and providing any report or information to the division concerning* the mental health of:

(a) A sex offender as defined in NRS 213.107; or

(b) An offender who has been determined to be mentally ill. ~~to provide any report or information to the division.~~

4. Unless otherwise ordered by a court, upon request, the division shall disclose the content of a report of a presentence investigation *or general investigation* to the state gaming control board for the limited purpose of performing its duties in the administration of the provisions of chapters 462 to 467, inclusive, of NRS.

5. Except for the disclosures required by subsections 1 to 4, inclusive, ~~the~~ *a* report *of a presentence investigation or general investigation* and ~~its~~ *the* sources of information *for such a report* are confidential and must not be made a part of any public record.

Sec. 8. NRS 176.159 is hereby amended to read as follows:

176.159 1. Except as otherwise provided in subsection 2, when a court imposes a sentence of imprisonment in the state prison or revokes a program of probation and orders a sentence of imprisonment to the state prison to be executed, the court shall cause a copy of the report of the presentence investigation to be delivered to the director of the department of prisons, if such a report was made. The report must be delivered when the judgment of imprisonment is delivered pursuant to NRS 176.335.

2. If a ~~report of the~~ presentence investigation ~~was~~ *and report were* not required ~~because of the exception provided in~~ *pursuant to* paragraph (b) of subsection 3 of NRS 176.135 ~~or pursuant to subsection 1 of section 3 of this act,~~ the court shall cause a copy of the previous report of the presentence investigation *or a copy of the report of the general investigation, as appropriate,* to be delivered to the director of the department of prisons in the manner provided pursuant to subsection 1.

Sec. 9. NRS 176.335 is hereby amended to read as follows:

176.335 1. If the judgment is for imprisonment in the state prison, the sheriff of the county shall, on receipt of the triplicate certified copies thereof, immediately notify the director of the department of prisons and the director shall, without delay, send some authorized person to the county where the prisoner is held for commitment to receive the prisoner.

2. When such an authorized person presents to the sheriff holding the prisoner his order for the delivery of the prisoner, the sheriff shall deliver to the authorized person two of the certified copies of the judgment and a copy of the report of the presentence investigation *or general investigation, as appropriate*, if required pursuant to NRS 176.159, and take from the person a receipt for the prisoner, and the sheriff shall make return upon his certified copy of the judgment, showing his proceedings thereunder, and both that copy with the return affixed thereto and the receipt from the authorized person must be filed with the county clerk.

3. The term of imprisonment designated in the judgment must begin on the date of sentence of the prisoner by the court.

4. Upon the expiration of the term of imprisonment of the prisoner, or the termination thereof for any legal reason, the director of the department of prisons shall return one of his certified copies of the judgment to the county clerk of the county from whence it was issued, with a brief report of his proceedings thereunder endorsed thereon, and the endorsed copy must be filed with the county clerk. The return must show the cause of the termination of such imprisonment, whether by death, legal discharge or otherwise.

Sec. 10. NRS 176A.100 is hereby amended to read as follows:

176A.100 1. Except as otherwise provided in this section and NRS 176A.110 and 176A.120, if a person is found guilty in a district court upon verdict or plea of:

(a) Murder of the first or second degree, kidnaping in the first degree, sexual assault, attempted sexual assault of a child who is less than 16 years of age, an offense for which the suspension of sentence or the granting of probation is expressly forbidden, or if the person is found to be a habitual criminal pursuant to NRS 207.010, a habitually fraudulent felon pursuant to NRS 207.014 or a habitual felon pursuant to NRS 207.012, the court shall not suspend the execution of the sentence imposed or grant probation to the person.

(b) A category E felony, except as otherwise provided in this paragraph, the court shall suspend the execution of the sentence imposed and grant probation to the person. The court may, as it deems advisable, decide not to suspend the execution of the sentence imposed and grant probation to the person if, at the time the crime was committed, the person:

(1) Was serving a term of probation, whether in this state or elsewhere, for a felony conviction;

(2) Had previously had his probation revoked, whether in this state or elsewhere, for a felony conviction; or

(3) Had previously been two times convicted, whether in this state or elsewhere, of a crime that under the laws of the situs of the crime or of this state would amount to a felony.

If the person denies the existence of a previous conviction, the court shall determine the issue of the previous conviction after hearing all relevant evidence presented on the issue by the prosecution and the person. At such a hearing, the person may not challenge the validity of a previous conviction. For the purposes of this paragraph, a certified copy of a felony conviction is prima facie evidence of conviction of a prior felony.

(c) Another felony, a gross misdemeanor or a misdemeanor, the court may suspend the execution of the sentence imposed and grant probation as the court deems advisable.

2. In determining whether to ~~{place}~~ **grant probation to** a person, ~~{on probation,}~~ the court shall not consider whether the person has the financial ability to participate in a program of probation secured by a surety bond established pursuant to NRS 176A.300 to 176A.370, inclusive.

3. The court shall consider the standards adopted pursuant to NRS 213.10988 and the recommendation of the chief parole and probation officer, if any, in determining whether to grant probation ~~{}~~ **to a person.**

4. If the court determines that a ~~{defendant}~~ **person** is otherwise eligible for probation but requires more supervision than would normally be provided to a person granted probation, the court may, in lieu of sentencing him to a term of imprisonment, grant him probation pursuant to the program of intensive supervision established pursuant to NRS 176A.440.

5. ~~{The court shall not, except}~~ **Except** as otherwise provided in this subsection, ~~{grant probation to}~~ **if** a person **is** convicted of a felony **and the division is required to make a presentence investigation and report to the court pursuant to NRS 176.135, the court shall not grant probation to the person** until the court receives ~~{a written}~~ **the** report **of the presentence investigation** from the chief parole and probation officer. The chief parole and probation officer shall submit ~~{a written}~~ **the** report **of the presentence investigation to the court** not later than 45 days ~~{following}~~ **after receiving** a request for a ~~{probation}~~ **presentence** investigation from the county clerk. ~~{, but if a}~~ **If the** report **of the presentence investigation** is not submitted by the chief parole and probation officer within 45 days, the ~~{district judge}~~ **court** may grant probation without the ~~{written}~~ report.

6. If the court determines that a ~~{defendant}~~ **person** is otherwise eligible for probation, the court shall, when determining the conditions of that probation, consider the imposition of such conditions as would facilitate timely payments by the ~~{defendant}~~ **person** of his obligation, if any, for the support of a child and the payment of any such obligation which is in arrears.

Sec. 11. NRS 432B.290 is hereby amended to read as follows:

432B.290 1. Except as otherwise provided in subsection 2 or 5, data or information concerning reports and investigations thereof made pursuant to this chapter may be made available only to:

(a) A physician who has before him a child who he reasonably believes may have been abused or neglected;

(b) A person authorized to place a child in protective custody, if he has before him a child who he reasonably believes may have been abused or neglected and he requires the information to determine whether to place the child in protective custody;

(c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:

(1) The child; or

(2) The person responsible for the welfare of the child;

(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of abuse or neglect of a child;

(e) A court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

(f) A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to him;

(g) The guardian ad litem of the child;

(h) A grand jury upon its determination that access to these records is necessary in the conduct of its official business;

(i) An agency which provides protective services or which is authorized to receive, investigate and evaluate reports of abuse or neglect of a child;

(j) A person who or an organization that has entered into a written agreement with an agency which provides protective services to provide assessments or services and that has been trained to make such assessments or provide such services;

(k) A team organized for the protection of a child pursuant to NRS 432B.350;

(l) A team organized pursuant to NRS 432B.405 to review the death of a child;

(m) A parent or legal guardian of the child, if the identity of the person responsible for reporting the alleged abuse or neglect of the child to a public agency is kept confidential;

(n) The person named in the report as allegedly being abused or neglected, if he is not a minor or otherwise legally incompetent;

(o) An agency that is authorized by law to license foster homes or facilities for children or to investigate persons applying for approval to adopt a child, if the agency has before it an application for that license or is investigating an applicant to adopt a child;

(p) Upon written consent of the parent, any officer of this state or a city or county thereof or legislator authorized by the agency or department having jurisdiction or by the legislature, acting within its jurisdiction, to investigate the activities or programs of an agency that provides protective services if:

(1) The identity of the person making the report is kept confidential; and

(2) The officer, legislator or a member of his family is not the person alleged to have committed the abuse or neglect;

(q) The division of parole and probation of the department of motor vehicles and public safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court ~~§~~ or *pursuant to section 3 of this act in making a general investigation and report; or*

(r) Any person who is required pursuant to NRS 432B.220 to make a report to an agency which provides protective services or to a law enforcement agency.

2. Except as otherwise provided in subsection 3, data or information concerning reports and investigations thereof made pursuant to this chapter may be made available to any member of the general public if the child who is the subject of the report dies or is critically injured as a result of alleged abuse or neglect, except that the data or information which may be disclosed is limited to:

(a) The fact that a report of abuse or neglect has been made and, if appropriate, a factual description of the contents of the report;

(b) Whether an investigation has been initiated pursuant to NRS 432B.260, and the result of a completed investigation; and

(c) Such other information authorized for disclosure by a court pursuant to subsection 4.

3. An agency which provides protective services shall not disclose data or information pursuant to subsection 2 if the agency determines that the disclosure is not in the best interests of the child or if disclosure of the information would adversely affect any pending investigation concerning the report.

4. Upon petition, a court of competent jurisdiction may authorize the disclosure of additional information to the public pursuant to subsection 2 if good cause is shown by the petitioner for the disclosure of the additional information.

5. An agency investigating a report of the abuse or neglect of a child shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of the child:

(a) A copy of:

(1) Any statement made in writing to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(b) A written summary of the allegations made against the person who is named in the report as allegedly causing the abuse or neglect of the child. The summary must not identify the person responsible for reporting the alleged abuse or neglect.

6. Any person, except for:

(a) The subject of a report;

(b) A district attorney or other law enforcement officer initiating legal proceedings; or

(c) An employee of the division of parole and probation of the department of motor vehicles and public safety making a presentence investigation and report to the district court pursuant to NRS 176.135 ~~or~~ *making a general investigation and report pursuant to section 3 of this act,*

who is given access, pursuant to subsection 1 or 2, to information identifying the subjects of a report *and* who makes this information public is guilty of a misdemeanor.

7. The division of child and family services shall adopt regulations to carry out the provisions of this section.

Sec. 12. NRS 432B.290 is hereby amended to read as follows:

432B.290 1. Except as otherwise provided in subsection 2, data or information concerning reports and investigations thereof made pursuant to this chapter may be made available only to:

(a) A physician who has before him a child who he reasonably believes may have been abused or neglected;

(b) A person authorized to place a child in protective custody, if he has before him a child who he reasonably believes may have been abused or neglected and he requires the information to determine whether to place the child in protective custody;

(c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:

(1) The child; or

(2) The person responsible for the welfare of the child;

(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of abuse or neglect of a child;

(e) A court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

(f) A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to him;

(g) The guardian ad litem of the child

;

(h) A grand jury upon its determination that access to these records is necessary in the conduct of its official business;

(i) An agency which provides protective services or which is authorized to receive, investigate and evaluate reports of abuse or neglect of a child;

(j) A team organized for the protection of a child pursuant to NRS 432B.350;

(k) A parent or legal guardian of the child, if the identity of the person responsible for reporting the alleged abuse or neglect of the child to a public agency is kept confidential;

(l) The person named in the report as allegedly being abused or neglected, if he is not a minor or otherwise legally incompetent;

(m) An agency that is authorized by law to license foster homes or facilities for children or to investigate persons applying for approval to adopt a child, if the agency has before it an application for that license or is investigating an applicant to adopt a child;

(n) Upon written consent of the parent, any officer of this state or a city or county thereof or legislator authorized, by the agency or department having jurisdiction or by the legislature, acting within its jurisdiction, to investigate the activities or programs of an agency that provides protective services if:

(1) The identity of the person making the report is kept confidential; and

(2) The officer, legislator or a member of his family is not the person alleged to have committed the abuse or neglect; or

(o) The division of parole and probation of the department of motor vehicles and public safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court ~~or~~ **or pursuant to section 3 of this act in making a general investigation and report.**

2. An agency investigating a report of the abuse or neglect of a child shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of the child:

(a) A copy of:

(1) Any statement made in writing to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(b) A written summary of the allegations made against the person who is named in the report as allegedly causing the abuse or neglect of the child. The summary must not identify the person responsible for reporting the alleged abuse or neglect.

3. Any person, except for:

(a) The subject of a report;

(b) A district attorney or other law enforcement officer initiating legal proceedings; or

(c) An employee of the division of parole and probation of the department of motor vehicles and public safety making a presentence investigation and report to the district court pursuant to NRS 176.135 ~~H~~ **or making a general investigation and report pursuant to section 3 of this act,**

who is given access, pursuant to subsection 1, to information identifying the subjects of a report **and** who makes this information public is guilty of a misdemeanor.

4. The division of child and family services shall adopt regulations to carry out the provisions of this section.

Sec. 13. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 14. The amendatory provisions of this act do not apply to offenses committed before October 1, 1999.

Sec. 15. 1. This section and sections 1 to 11, inclusive, and 13 and 14 of this act become effective on October 1, 1999.

2. Section 11 of this act expires by limitation on June 30, 2001.

3. Section 12 of this act becomes effective on July 1, 2001.

~