

SENATE BILL NO. 327—COMMITTEE ON JUDICIARY

MARCH 5, 1999

Referred to Committee on Judiciary

SUMMARY—Authorizes release of certain records of criminal history to authorized agent of employer. (BDR 14-1244)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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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 criminal records; authorizing the release of certain records of criminal history to the authorized agent of an employer; 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 179A.100 is hereby amended to read as follows:
2 179A.100 1. The following records of criminal history may be
3 disseminated by an agency of criminal justice without any restriction
4 pursuant to this chapter:
5 (a) Any which reflect records of conviction only; and
6 (b) Any which pertain to an incident for which a person is currently
7 within the system of criminal justice, including parole or probation.
8 2. Without any restriction pursuant to this chapter, a record of criminal
9 history or the absence of such a record may be:
10 (a) Disclosed among agencies which maintain a system for the mutual
11 exchange of criminal records.
12 (b) Furnished by one agency to another to administer the system of
13 criminal justice, including the furnishing of information by a police
14 department to a district attorney.
15 (c) Reported to the central repository.
16 3. An agency of criminal justice shall disseminate to a prospective
17 employer, **or his authorized agent**, upon request, records of criminal
18 history concerning a prospective employee or volunteer which:
19 (a) Reflect convictions only; or

1 (b) Pertain to an incident for which the prospective employee or
2 volunteer is currently within the system of criminal justice, including parole
3 or probation.

4 4. The central repository shall disseminate to a prospective or current
5 employer, upon request, information relating to sexual offenses concerning
6 an employee, prospective employee, volunteer or prospective volunteer
7 who gives his written consent to the release of that information.

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

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

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

17 (c) The state gaming control board.

18 (d) The state board of nursing.

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

21 (f) A public administrator to carry out his duties as prescribed in chapter
22 253 of NRS.

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

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

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

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

34 (k) Any person or governmental entity which has entered into a contract
35 to provide services to an agency of criminal justice relating to the
36 administration of criminal justice, if authorized by the contract, and if the
37 contract also specifies that the information will be used only for stated
38 purposes and that it will be otherwise confidential in accordance with state
39 and federal law and regulation.

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

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

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

6 (o) The division of child and family services of the department of human
7 resources and any county agency that is operated pursuant to NRS
8 432B.325 or authorized by a court of competent jurisdiction to receive and
9 investigate reports of abuse or neglect of children and which provides or
10 arranges for protective services for such children.

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

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

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

19 6. Agencies of criminal justice in this state which receive information
20 from sources outside this state concerning transactions involving criminal
21 justice which occur outside Nevada shall treat the information as
22 confidentially as is required by the provisions of this chapter.

23 **Sec. 2.** This act becomes effective upon passage and approval.