

(REPRINTED WITH ADOPTED AMENDMENTS)
FIRST REPRINT A.B. 331

ASSEMBLY BILL No. 331—ASSEMBLYMAN NOLAN

MARCH 13, 2001

Referred to Committee on Judiciary

SUMMARY—Makes various changes concerning dissemination of records of criminal history by central repository for Nevada records of criminal history. (BDR 14-304)

FISCAL NOTE: Effect on Local Government: Yes.
 Effect on the State: 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 criminal records; authorizing the central repository for Nevada records of criminal history to conduct investigations and to disseminate certain information concerning applicants and employees of private schools; expanding the offenses about which certain employers may obtain information concerning employees; authorizing such employers to obtain the same information about volunteers and prospective volunteers; 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 179.301 is hereby amended to read as follows:
2 179.301 1. The state gaming control board and Nevada gaming
3 commission and their employees, agents and representatives may inquire
4 into and inspect any records sealed pursuant to NRS 179.245 or 179.255, if
5 the event or conviction was related to gaming, ~~for purposes of~~
6 ~~determining~~ *to determine* the suitability or qualifications of any person to
7 hold a state gaming license, manufacturer's, seller's or distributor's license
8 or gaming work permit pursuant to chapter 463 of NRS. Events and
9 convictions, if any, which are the subject of an order sealing records may
10 form the basis for recommendation, denial or revocation of those licenses
11 or work permits.
12 2. The central repository *for Nevada records of criminal history* and
13 its employees may inquire into and inspect any records sealed pursuant to
14 NRS 179.245 or 179.255 that constitute information relating to sexual
15 offenses, and may notify employers of the information in accordance with
16 NRS 179A.190 to 179A.240, inclusive.
17 3. Records which have been sealed pursuant to NRS 179.245 or
18 179.255 and which are retained in the statewide registry established



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1 pursuant to NRS 179B.200 may be inspected pursuant to chapter 179B of
2 NRS by an officer or employee of the central repository *for Nevada*
3 *records of criminal history* or a law enforcement officer in the regular
4 course of his duties.

5 *4. As used in this section:*

6 *(a) "Information relating to sexual offenses" means information*
7 *contained in or concerning a record of criminal history, or the records of*
8 *criminal history of the United States or another state, relating in any way*
9 *to a sexual offense.*

10 *(b) "Sexual offense" has the meaning ascribed to it in NRS 179A.073.*

11 **Sec. 2.** NRS 179A.075 is hereby amended to read as follows:

12 179A.075 1. The central repository for Nevada records of criminal
13 history is hereby created within the Nevada highway patrol division of the
14 department.

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

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

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

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

29 (a) Through an electronic network;

30 (b) On a medium of magnetic storage; or

31 (c) In the manner prescribed by the director of the
32 department,

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

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

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

43 (1) ~~Sexual offenses and other records~~ **Records** of criminal history;
44 and

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



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

4 (c) Upon request, provide the information that is contained in the central
5 repository to the state disaster identification team of the division of
6 emergency management of the department . ~~of motor vehicles and public~~
7 ~~safety.~~

8 5. The division may:

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

11 (b) Enter into cooperative agreements with federal and state repositories
12 to facilitate exchanges of information that may be disseminated pursuant to
13 paragraph (a); and

14 (c) Request of and receive from the Federal Bureau of Investigation
15 information on the background and personal history of any person whose
16 record of fingerprints the central repository submits to the Federal Bureau
17 of Investigation and:

18 (1) Who has applied to any agency of the State of Nevada or any
19 political subdivision thereof for a license which it has the power to grant or
20 deny;

21 (2) With whom any agency of the State of Nevada or any political
22 subdivision thereof intends to enter into a relationship of employment or a
23 contract for personal services;

24 (3) About whom any agency of the State of Nevada or any political
25 subdivision thereof has a legitimate need to have accurate personal
26 information for the protection of the agency or the persons within its
27 jurisdiction; or

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

30 6. The central repository shall:

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

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

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

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

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

41 (2) Has applied to a county school district *or a private school* for
42 employment; or

43 (3) Is employed by a county school district ~~or~~ *or a private*
44 *school,*

45 and notify the superintendent of each county school district , *the*
46 *administrator of each private school* and the superintendent of public
47 instruction if the investigation of the central repository indicates that the
48 person has been convicted of a violation of NRS 200.508, 201.230,



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1 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense
2 involving moral turpitude.

3 (e) Upon discovery, notify the superintendent of each county school
4 district *or the administrator of each private school, as appropriate*, by
5 providing ~~him~~ *the superintendent or administrator* with a list of all
6 persons:

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

8 (2) Employed by a county school district *or a private school* whose
9 fingerprints were sent previously to the central repository for
10 investigation,

11 who the central repository's records indicate have been convicted of a
12 violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or
13 convicted of a felony or any offense involving moral turpitude since the
14 central repository's initial investigation. The superintendent of each county
15 school district *or the administrator of each private school, as applicable*,
16 shall determine whether further investigation or action by the district *or*
17 *private school, as applicable*, is appropriate.

18 (f) Investigate the criminal history of each person who submits
19 fingerprints or has his fingerprints submitted pursuant to NRS 449.176 or
20 449.179.

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

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

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

36 7. The central repository may:

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

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



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

5 8. As used in this 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 designed,
9 commonly used or capable of being used, alone or in conjunction with any
10 other information, to identify a person, including, without limitation:

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

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

15 (c) *“Private school” has the meaning ascribed to it in NRS 394.103.*

16 **Sec. 3.** 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
24 agencies of criminal justice in positions of responsibility for maintenance
25 and dissemination of information relating to ~~sexual offenses and other~~
26 records of criminal history ~~and~~ *and information disseminated pursuant to*
27 *NRS 179A.180 to 179A.240, inclusive.*

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

30 **Sec. 4.** NRS 179A.100 is hereby amended to read as follows:

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

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

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

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

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

41 (b) Furnished by one agency to another to administer the system of
42 criminal justice, including the furnishing of information by a police
43 department to a district attorney.

44 (c) Reported to the central repository.

45 3. An agency of criminal justice shall disseminate to a prospective
46 employer, upon request, records of criminal history concerning a
47 prospective employee or volunteer which:

48 (a) Reflect convictions only; or



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- 1 (b) Pertain to an incident for which the prospective employee or
2 volunteer is currently within the system of criminal justice, including
3 parole 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 the information.~~
8 —5.1 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.
- 42 (m) Prospective *or current* employers *of prospective or current*
43 *employees or volunteers* if the person who is the subject of the information
44 has given written consent to the release of that information by the agency
45 which maintains it.
- 46 (n) For the express purpose of research, evaluative or statistical
47 programs pursuant to an agreement with an agency of criminal justice.
- 48 (o) The division of child and family services of the department of
49 human resources and any county agency that is operated pursuant to NRS



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1 432B.325 or authorized by a court of competent jurisdiction to receive and
2 investigate reports of abuse or neglect of children and which provides or
3 arranges for protective services for such children.

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

6 (q) An agency of this or any other state or the Federal Government that
7 is conducting activities pursuant to Part D of ~~{Title}~~ *Subchapter* IV of
8 *Chapter 7 of Title 42 of* the Social Security Act, ~~{4}~~ 42 U.S.C. §§ 651 et
9 seq. ~~{D}~~

10 (r) The state disaster identification team of the division of emergency
11 management of the department. ~~{of motor vehicles and public safety.}~~

12 ~~—6.~~ *5.* Agencies of criminal justice in this state which receive
13 information from sources outside this state concerning transactions
14 involving criminal justice which occur outside Nevada shall treat the
15 information as confidentially as is required by the provisions of this
16 chapter.

17 **Sec. 5.** NRS 179A.110 is hereby amended to read as follows:

18 179A.110 No person who receives information relating to ~~{sexual~~
19 ~~offenses or other}~~ records of criminal history pursuant to this chapter *or*
20 *who receives information pursuant to NRS 179A.180 to 179A.240,*
21 *inclusive,* may disseminate it further without express authority of law or in
22 accordance with a court order. This section does not prohibit the
23 dissemination of material by an employee of the electronic or printed
24 media in his professional capacity for communication to the public.

25 **Sec. 6.** NRS 179A.130 is hereby amended to read as follows:

26 179A.130 Each agency of criminal justice which maintains and
27 disseminates information relating to ~~{sexual offenses or other}~~ records of
28 criminal history must maintain a log of each dissemination of that
29 information other than a dissemination of the fact that the agency has no
30 record relating to a certain person. The log must be maintained for at least
31 1 year after the information is disseminated, and must contain:

32 1. An entry showing to what agency or person the information relating
33 to ~~{sexual offenses or other}~~ records of criminal history were provided;

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

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

36 4. A brief description of the information provided.

37 **Sec. 7.** NRS 179A.140 is hereby amended to read as follows:

38 179A.140 1. ~~{An}~~ *Except as otherwise provided in this subsection,*
39 *an* agency of criminal justice may charge a reasonable fee for information
40 relating to ~~{sexual offenses or other}~~ records of criminal history ~~{furnished}~~
41 *provided* to any person or governmental entity. ~~{except}~~ *An agency of*
42 *criminal justice shall not charge a fee for providing such information to*
43 *another agency of criminal justice* ~~{and}~~ *if the information is provided for*
44 *purposes of the administration of criminal justice, or for providing such*
45 *information to* the state disaster identification team of the division of
46 emergency management of the department. ~~{of motor vehicles and public~~
47 ~~safety.}~~ The central repository shall not charge such a fee for information
48 relating to a person regarding whom the central repository ~~{furnished}~~



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1 *provided* a similar report within the immediately preceding 6 months in
2 conjunction with the application by that person for professional licensure.

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

5 **Sec. 8.** NRS 179A.150 is hereby amended to read as follows:

6 179A.150 1. The central repository and each state, municipal, county
7 or metropolitan police agency shall permit a person, who is or believes he
8 may be the subject of information relating to ~~{sexual offenses or other}~~
9 records of criminal history maintained by that agency, to appear in person
10 during normal business hours of the agency and inspect any recorded
11 information held by that agency pertaining to him. This right of access
12 does not extend to data contained in intelligence, investigative or other
13 related files, and does not include any information other than ~~{that defined~~
14 ~~as information relating to sexual offenses or}~~ *information contained in* a
15 record of criminal history.

16 2. Each such agency shall adopt regulations and make available
17 necessary forms to permit inspection and review of information relating to
18 ~~{sexual offenses or other}~~ records of criminal history by those persons who
19 are the subjects thereof. The regulations must specify:

20 (a) The reasonable periods during which the records are available for
21 inspection;

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

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

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

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

30 (a) All challenges to the accuracy or sufficiency of information relating
31 to ~~{sexual offenses or other}~~ records of criminal history by the person who
32 is the subject of the allegedly inaccurate or insufficient record;

33 (b) The correction of any information relating to ~~{sexual offenses or~~
34 ~~other record}~~ *records* of criminal history found by the director to be
35 inaccurate, insufficient or incomplete in any material respect;

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

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

47 **Sec. 9.** NRS 179A.180 is hereby amended to read as follows:

48 179A.180 As used in NRS 179A.180 to 179A.240, inclusive, unless
49 the context otherwise requires:



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1 1. "Employee" means a person who renders time and services to an
2 employer, *with or without compensation*, and whose regular course of
3 duties places that person in a position to:

- 4 (a) Exercise supervisory or disciplinary control over children;
5 (b) Have direct access to or contact with children served by the
6 employer; or
7 (c) Have access to information or records maintained by the employer
8 relating to identifiable children served by the employer,
9 and includes a prospective employee, ~~but does not include a~~ volunteer or
10 prospective volunteer.

11 2. "Employer" means a person, or a governmental agency or political
12 subdivision of this state that is not an agency of criminal justice, whose
13 employees *or volunteers* regularly render services to children, including ,
14 without limitation , care, treatment, transportation, instruction,
15 companionship, entertainment and custody.

16 **Sec. 10.** NRS 179A.190 is hereby amended to read as follows:

17 179A.190 1. Notice of information relating to ~~sexual~~ *the* offenses
18 *listed in subsection 4* may be disseminated to employers pursuant to NRS
19 179A.190 to 179A.240, inclusive.

20 2. An employer may consider such a notice of information concerning
21 an employee when making a decision to hire, retain, suspend or discharge
22 the employee, and is not liable in an action alleging discrimination based
23 upon consideration of information obtained pursuant to NRS 179A.190 to
24 179A.240, inclusive.

25 3. The provisions of NRS 179A.190 to 179A.240, inclusive, do not
26 limit or restrict any other statute specifically permitting the dissemination
27 or release of information relating to ~~sexual offenses~~ *the offenses listed in*
28 *subsection 4.*

29 4. *The offenses for which a notice of information may be*
30 *disseminated pursuant to subsection 1 includes information contained in*
31 *or concerning a record of criminal history, or the records of criminal*
32 *history of the United States or another state, relating in any way to:*

- 33 (a) *A sexual offense;*
34 (b) *Murder, voluntary manslaughter or mayhem;*
35 (c) *Assault with intent to kill or to commit mayhem;*
36 (d) *Abuse or neglect of a child or contributory delinquency;*
37 (e) *A violation of any provision of chapter 453 of NRS;*
38 (f) *A violation committed within the immediately preceding 7 years of*
39 *any federal or state law regulating the possession, distribution or use of*
40 *any controlled substance or any dangerous drug as defined in chapter*
41 *454 of NRS;*
42 (g) *A violation of any provision of NRS 200.5099;*
43 (h) *A violation of any provision of NRS 484.379 or 484.3795;*
44 (i) *Any offense committed within the immediately preceding 7 years*
45 *involving fraud, theft, embezzlement, burglary, robbery, fraudulent*
46 *conversion or misappropriation of property; or*
47 (j) *Any other felony committed within the immediately preceding 7*
48 *years involving the use of a firearm or other deadly weapon.*



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1 **5. The information described in subsection 4 includes acts committed**
2 **outside this state that would constitute any of the offenses listed in that**
3 **subsection if committed in this state, and the aiding, abetting, attempting**
4 **or conspiring to engage in any of the offenses listed in that subsection.**

5 **Sec. 11.** NRS 179A.200 is hereby amended to read as follows:

6 179A.200 1. An employer may request from the central repository
7 notice of information relating to ~~sexual~~ **the offenses listed in subsection 4**
8 **of NRS 179A.190** concerning an employee.

9 2. A request for notice of information relating to ~~sexual~~ **the offenses**
10 **listed in subsection 4 of NRS 179A.190** from an employer must conform
11 to the requirements of the central repository. The request must include:

12 (a) The name and address of the employer, and the name and signature
13 of the person requesting the notice on behalf of the employer;

14 (b) The name and address of the employer's facility in which the
15 employee is employed or seeking to become employed;

16 (c) The name, fingerprints and other identifying information of the
17 employee;

18 (d) Signed consent by the employee to a search of information relating
19 to ~~sexual~~ **the offenses listed in subsection 4 of NRS 179A.190**
20 concerning him, and for the release of a notice concerning that information;

21 (e) The mailing address of the employee or a signed waiver of the right
22 of the employee to be sent a copy of the information disseminated to the
23 employer as a result of the search of the records of criminal history; and

24 (f) The signature of the employee indicating that he has been notified
25 of:

26 (1) The types of information for which notice is subject to
27 dissemination pursuant to NRS 179A.210, or a description of the
28 information;

29 (2) The employer's right to require a check of the records of criminal
30 history as a condition of employment; and

31 (3) The employee's right, pursuant to NRS 179A.150, to challenge
32 the accuracy or sufficiency of any information disseminated to the
33 employer.

34 **Sec. 12.** NRS 179A.210 is hereby amended to read as follows:

35 179A.210 1. Upon receipt of a request from an employer for notice
36 of information relating to ~~sexual offenses,~~ **the offenses listed in**
37 **subsection 4 of NRS 179A.190**, the central repository shall undertake a
38 search for the information, unless the request does not conform to the
39 requirements of the repository. The search must be based on the
40 ~~employee's fingerprints,~~ **fingerprints of the employee**, or on a number
41 furnished to the employee for identification pursuant to a previous search,
42 as provided by the employer, and must include:

43 (a) Identifying any information relating to ~~sexual~~ **the offenses listed in**
44 **subsection 4 of NRS 179A.190** concerning the employee in the central
45 repository;

46 (b) Requesting information relating to ~~sexual~~ **the offenses listed in**
47 **subsection 4 of NRS 179A.190** concerning the employee from federal
48 repositories and repositories of other states, if authorized by federal law or
49 an agreement entered into pursuant to NRS 179A.075;



1 (c) If the information pertains to an arrest for which no disposition has
2 been reported, contacting appropriate officers in the local jurisdiction
3 where the arrest or prosecution occurred to verify and update the
4 information; and

5 (d) Determining whether the information relating to ~~{sexual}~~ *the*
6 offenses *listed in subsection 4 of NRS 179A.190* is the type of information
7 for which notice is subject to dissemination pursuant to this section.

8 2. Notice of information relating to ~~{sexual}~~ *the* offenses *listed in*
9 *subsection 4 of NRS 179A.190* may be disseminated to an employer who
10 has requested it only if a check of the pertinent records indicates:

11 (a) A conviction for ~~{a sexual}~~ *any such* offense, or a conviction based
12 on an arrest or on an initial charge for ~~{a sexual}~~ *any such* offense;

13 (b) An arrest or an initial charge for ~~{a sexual}~~ *any such* offense *that is*
14 pending at the time of the request; or

15 (c) Two or more incidents resulting in arrest or initial charge for ~~{a~~
16 ~~sexual}~~ *any such* offense that have not resulted in a conviction.

17 3. If a search of the records of the central repository reveals no
18 information for which notice is subject to release, the central repository
19 shall submit the fingerprints of the employee to the Federal Bureau of
20 Investigation for a search of its records of criminal history. The central
21 repository shall review all information received from the Federal Bureau of
22 Investigation. Notice of any information received from the Federal Bureau of
23 Investigation may be disseminated only if the information is of a kind
24 for which notice is subject to release pursuant to this section.

25 4. Within 30 days after receipt of a request by an employer for notice
26 of information relating to ~~{sexual—offenses,}~~ *the offenses listed in*
27 *subsection 4 of NRS 179A.190*, the central repository shall send a written
28 report of the results of the search to the employer and to the employee,
29 except that if the employee has waived his right to receive the results of the
30 search, the report must be sent only to the employer. If the search revealed:

31 (a) No information for which notice is subject to release, the report must
32 include a statement to that effect; or

33 (b) Information about the employee for which notice is subject to
34 release, the report must include a notice of the type of information, limited
35 to the descriptions set forth in subsection 2, revealed by the search. The
36 notice must not include any further facts or details concerning the
37 information. A statement of the purpose for which the notice is being
38 disseminated, and the procedures by which the employee might challenge
39 the accuracy and sufficiency of the information, must also be included with
40 the report.

41 5. Upon receipt of corrected information relating to ~~{sexual}~~ *the*
42 offenses *listed in subsection 4 of NRS 179A.190* for which notice was
43 disseminated under this section, the central repository shall send written
44 notice of the correction to:

45 (a) The employee who was the subject of the search, unless the
46 employee has waived his right to receive such a notice;



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(b) All employers to whom notice of the results of the search were disseminated within 3 months before the correction; and

(c) Upon request of the employee, any other employers who previously received the information.

6. Upon receipt of new information relating to ~~sexual~~ the offenses listed in subsection 4 of NRS 179A.190 concerning an employee who was the subject of a search within the previous 3 months, for which notice is subject to dissemination under this section, the central repository shall send written notice of the information to:

(a) The employee who was the subject of the search, unless the employee has waived his right to receive such a notice;

(b) All employers to whom a report of the results of the search were disseminated within 3 months before the correction; and

(c) Upon request of the employee, any other employers who previously received a report of the results of the search.

Sec. 13. NRS 179A.230 is hereby amended to read as follows:

179A.230 1. A person who is the subject of a request for notice of information ~~relating to sexual offenses~~ pursuant to NRS 179A.190 to 179A.240, inclusive, may recover his actual damages in a civil action against:

(a) The central repository for an intentional or grossly negligent:

(1) Dissemination of information relating to ~~sexual~~ the offenses listed in subsection 4 of NRS 179A.190 not authorized for dissemination; or

(2) Release of information relating to ~~sexual~~ the offenses listed in subsection 4 of NRS 179A.190 to a person not authorized to receive the information;

(b) The central repository for an intentional or grossly negligent failure to correct any notice of information relating to ~~sexual~~ the offenses listed in subsection 4 of NRS 179A.190 which was disseminated pursuant to NRS 179A.190 to 179A.240, inclusive; or

(c) An employer, representative of an employer or employee for an intentional or grossly negligent violation of NRS 179A.110. Punitive damages may be awarded against an employer, representative of an employer or employee whose violation of NRS 179A.110 is malicious.

2. An employer is liable to a child served by the employer for damages suffered by the child as a result of ~~a sexual~~ an offense listed in subsection 4 of NRS 179A.190 committed against the child by an employee ~~hired on or after January 1, 1988,~~ if, at the time the employer hired the employee, the employee was the subject of information relating to ~~sexual~~ the offenses for which notice was available for dissemination to the employer and the employer:

(a) Failed, without good cause, to request notice of the information pursuant to NRS 179A.190 to 179A.240, inclusive; or

(b) Was unable to obtain the information because the employee refused to consent to the search and release of the information, and the employer hired or retained the employee despite this refusal.

The amount of damages for which an employer is liable pursuant to this subsection must be reduced by the amount of damages recovered by the



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1 child in an action against the employee for damages sustained as a result of
2 ~~{the sexual offense.}~~ *an offense listed in subsection 4 of NRS 179A.190.*

3 3. An action pursuant to this section must be brought within 3 years
4 after:

5 (a) The occurrence upon which the action is based; or

6 (b) The date upon which the party bringing the action became aware or
7 reasonably should have become aware of the occurrence, whichever was
8 earlier, if he was not aware of the occurrence at the time of the occurrence.

9 4. This section does not limit or affect any other rights, claims or
10 causes of action arising by statute or common law.

11 **Sec. 14.** NRS 179A.240 is hereby amended to read as follows:

12 179A.240 A person who knowingly and willfully:

13 1. Uses NRS 179A.190 to 179A.240, inclusive, to obtain or seek to
14 obtain information relating to ~~{sexual}~~ *the offenses listed in subsection 4*
15 *of NRS 179A.190* under false pretenses;

16 2. Disseminates or attempts to disseminate information relating to
17 ~~{sexual}~~ *the offenses listed in subsection 4 of NRS 179A.190* that he
18 knows was not received in accordance with the provisions of this chapter;
19 or

20 3. Disseminates or attempts to disseminate information relating to
21 ~~{sexual}~~ *the offenses listed in subsection 4 of NRS 179A.190* that he
22 knows is false, inaccurate or incomplete,
23 is guilty of a misdemeanor.

24 **Sec. 15.** NRS 179A.310 is hereby amended to read as follows:

25 179A.310 1. The revolving account to investigate the background of
26 volunteers who work with children is hereby created in the state general
27 fund.

28 2. The director of the department shall administer the account to
29 investigate the background of volunteers who work with children. The
30 money in the account must be expended only to pay the costs of the central
31 repository to process requests from nonprofit agencies to determine
32 whether a volunteer of a nonprofit agency who works directly with
33 children or a prospective volunteer of the nonprofit agency who will work
34 directly with children has committed ~~{a sexual offense.}~~ *an offense listed*
35 *in subsection 4 of NRS 179A.190.* The existence of the account to
36 investigate the background of volunteers who work with children does not
37 create a right in any person to receive money from the account.

38 3. The director of the department may apply for and accept any gift,
39 donation, bequest, grant or other source of money. Any money so received
40 must be deposited in the account to investigate the background of
41 volunteers who work with children.

42 4. The interest and income earned on money in the account from any
43 gift, donation ~~{}~~ or bequest, after deducting any applicable charges, must
44 be credited to the account. Money from any gift, donation ~~{}~~ or bequest
45 that remains in the account at the end of the fiscal year does not revert to
46 the state general fund, and the balance in the account must be carried
47 forward to the next fiscal year.



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1 5. The director of the department shall adopt regulations to carry out
2 the provisions of this section. The regulations must include, without
3 limitation:

4 (a) The procedure by which a person may apply for a grant of money
5 from the account to investigate the background of volunteers who work
6 with children;

7 (b) The criteria that the department will consider in determining
8 whether to award such a grant of money from the account; and

9 (c) Procedures to distribute the money in the account in a fair and
10 equitable manner.

11 6. The following facts must not be considered as evidence of
12 negligence or causation in any civil action brought against a nonprofit
13 agency:

14 (a) The fact that the nonprofit agency did not apply for a grant of money
15 from the account.

16 (b) The fact that the nonprofit agency did not request that the central
17 repository, through the use of the account, determine whether a volunteer
18 or prospective volunteer of the nonprofit agency has committed ~~the sexual~~
19 ~~offense~~ *an offense listed in subsection 4 of NRS 179A.190.*

20 **Sec. 16.** NRS 179B.250 is hereby amended to read as follows:

21 179B.250 1. The department shall, in a manner prescribed by the
22 director, establish within the central repository a program to provide the
23 public with access to certain information contained in the statewide
24 registry. The program may include, but is not limited to, the use of a secure
25 website on the Internet or other electronic means of communication to
26 provide the public with access to certain information contained in the
27 statewide registry if such information is made available and disclosed in
28 accordance with the procedures set forth in this section.

29 2. Before a search of the statewide registry is conducted on behalf of a
30 requester seeking information from the program, the requester must
31 provide his name, address and telephone number and the following
32 information concerning the identity of the subject of the search:

33 (a) The name of the subject of the search and at least one of the
34 following items:

35 (1) The social security number of the subject of the search;

36 (2) The identification number from a driver's license or an
37 identification card issued to the subject of the search by this state; or

38 (3) The date of birth of the subject of the search; or

39 (b) The name and address of the subject of the search and all of the
40 following items:

41 (1) The race or ethnicity of the subject of the search;

42 (2) The hair color and eye color of the subject of the search;

43 (3) The approximate height and weight of the subject of the search;

44 and

45 (4) The approximate age of the subject of the search.

46 After conducting a search based upon information provided pursuant to
47 paragraph (a) or (b), the central repository may require the requester to
48 provide additional information to confirm the identity of the subject of the
49 search. The additional information may include, but is not limited to, the



1 license number from a motor vehicle frequently driven by the subject of the
2 search, the employer of the subject of the search or any information listed
3 in paragraph (a) or (b) that was not provided for the initial search.

4 3. After conducting a search of the statewide registry on behalf of a
5 requester, the central repository shall inform the requester that:

6 (a) No person listed in the statewide registry matches the information
7 provided by the requester concerning the identity of the subject of the
8 search;

9 (b) The requester needs to provide additional information concerning
10 the identity of the subject of the search before the central repository may
11 disclose the results of the search; or

12 (c) A person listed in the statewide registry matches the information
13 provided by the requester concerning the identity of the subject of the
14 search. If a search of the statewide registry results in a match pursuant to
15 this paragraph, the central repository:

16 (1) Shall inform the requester of each offense for which the subject of
17 the search was convicted and the date and location of each conviction.

18 (2) May, through the use of a secure website on the Internet or other
19 electronic means of communication, provide the requester with a
20 photographic image of the subject of the search if such an image is
21 available.

22 (3) Shall not provide the requester with any other information that is
23 included in the record of registration for the subject of the search.

24 4. For each inquiry to the program, the central repository shall:

25 (a) Charge a fee to the requester;

26 (b) Maintain a log of the information provided by the requester to the
27 central repository and the information provided by the central repository to
28 the requester; and

29 (c) Inform the requester that information obtained through the program
30 may not be used to violate the law or the individual rights of another
31 person and that such misuse of information obtained through the program
32 may subject the requester to criminal prosecution or civil liability for
33 damages.

34 5. A person may not use information obtained through the program as
35 a substitute for information relating to ~~sexual~~ the offenses listed in
36 subsection 4 of NRS 179A.190 that must be provided by the central
37 repository pursuant to NRS 179A.190 to 179A.240, inclusive, or another
38 provision of law.

39 **Sec. 17.** NRS 179A.065 is hereby repealed.

40 **Sec. 18.** The amendatory provisions of section 14 of this act do not
41 apply to offenses committed before July 1, 2001.

42 **Sec. 19.** This act becomes effective on July 1, 2001.



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TEXT OF REPEALED SECTION

179A.065 “Information relating to sexual offenses” defined.
“Information relating to sexual offenses” means information contained in or concerning a record of criminal history, or the records of criminal history of the United States or another state, relating in any way to a sexual offense.

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