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FIRST REPRINT

A.B. 54

ASSEMBLY BILL NO. 54—ASSEMBLYMAN ANDERSON

PREFILED JANUARY 29, 2001

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to time within which prosecution for certain felonies must be commenced and certain provisions concerning genetic marker testing. (BDR 14-296)

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 procedure; revising the provisions relating to the time within which a prosecution for kidnapping, attempted murder or certain aggravated stalking offenses must be commenced; revising certain provisions concerning genetic marker testing to refer to obtaining a “biological specimen”; providing for genetic marker testing of certain persons who reside in this state and who are convicted of certain crimes in other states; 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.** Chapter 171 of NRS is hereby amended by adding thereto a  
2     new section to read as follows:  
3     1. *If, at any time during the period of limitation prescribed in NRS*  
4     *171.085 and 171.095, a victim of kidnapping, attempted murder or felony*  
5     *aggravated stalking, or a person authorized to act on behalf of such a*  
6     *victim, files with a law enforcement officer a written report concerning*  
7     *the offense, the period of limitation prescribed in NRS 171.085 and*  
8     *171.095 is extended for 12 years.*  
9     2. *If a written report is filed with a law enforcement officer pursuant*  
10    *to subsection 1, the law enforcement officer shall provide a copy of the*  
11    *written report to the victim or the person authorized to act on behalf of*  
12    *the victim.*  
13    3. *As used in this section:*  
14    (a) *“Felony aggravated stalking” means the crime of aggravated*  
15    *stalking for which the penalty prescribed is a felony.*  
16    (b) *“Law enforcement officer” has the meaning ascribed to it in NRS*  
17    *171.083.*



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1     **Sec. 2.** NRS 171.085 is hereby amended to read as follows:  
2     171.085 Except as otherwise provided in NRS 171.083 and 171.095,  
3     ~~and section 1 of this act~~, an indictment for:

4     1. Theft, robbery, burglary, forgery, arson or sexual assault must be  
5     found, or an information or complaint filed, within 4 years after the  
6     commission of the offense.

7     2. Any felony other than murder, theft, robbery, burglary, forgery,  
8     arson or sexual assault must be found, or an information or complaint filed,  
9     within 3 years after the commission of the offense.

10    **Sec. 3.** NRS 171.095 is hereby amended to read as follows:

11    171.095 1. Except as otherwise provided in subsection 2 and NRS  
12    171.083 ~~+~~ ~~and section 1 of this act~~:

13    (a) If a felony, gross misdemeanor or misdemeanor is committed in a  
14    secret manner, an indictment for the offense must be found, or an  
15    information or complaint filed, within the periods of limitation prescribed  
16    in NRS 171.085 and 171.090 after the discovery of the offense, unless a  
17    longer period is allowed by paragraph (b) or the provisions of NRS  
18    202.885.

19    (b) An indictment must be found, or an information or complaint filed,  
20    for any offense constituting sexual abuse of a child, as defined in NRS  
21    432B.100, before the victim of the sexual abuse is:

22    (1) Twenty-one years old if he discovers or reasonably should have  
23    discovered that he was a victim of the sexual abuse by the date on which he  
24    reaches that age; or

25    (2) Twenty-eight years old if he does not discover and reasonably  
26    should not have discovered that he was a victim of the sexual abuse by the  
27    date on which he reaches 21 years of age.

28    2. If any indictment found, or an information or complaint filed, within  
29    the time prescribed in subsection 1 is defective so that no judgment can be  
30    given thereon, another prosecution may be instituted for the same offense  
31    within 6 months after the first is abandoned.

32    **Sec. 4.** NRS 176.0913 is hereby amended to read as follows:

33    176.0913 1. If a defendant is convicted of an offense listed in  
34    subsection ~~4.~~ 6, the court, at sentencing, shall order that:

35    (a) The name, social security number, date of birth and any other  
36    information identifying the defendant be submitted to the central repository  
37    for Nevada records of criminal history; and

38    (b) ~~{Samples of blood}~~ *A biological specimen* be obtained from the  
39    defendant pursuant to the provisions of this section and that the ~~{samples}~~  
40    *specimen* be used for an analysis to determine the genetic markers of the  
41    ~~{blood.}~~ *specimen.*

42    2. If the defendant is committed to the custody of the department of  
43    prisons, the department of prisons shall arrange for the ~~{samples of blood}~~  
44    *biological specimen* to be obtained from the defendant. The department of  
45    prisons shall provide the ~~{samples of blood}~~ *specimen* to the forensic  
46    laboratory that has been designated by the county in which the defendant  
47    was convicted to conduct or oversee genetic marker testing for the county  
48    pursuant to NRS 176.0917.



1 3. If the defendant is not committed to the custody of the department  
2 of prisons, the division shall arrange for the ~~{samples of blood}~~ *biological*  
3 *specimen* to be obtained from the defendant. The division shall provide the  
4 ~~{samples of blood}~~ *specimen* to the forensic laboratory that has been  
5 designated by the county in which the defendant was convicted to conduct  
6 or oversee genetic marker testing for the county pursuant to NRS  
7 176.0917.

8 4. *If a defendant who resides in this state is or has been convicted in*  
9 *another jurisdiction of violating a law that prohibits the same or similar*  
10 *conduct as an offense listed in subsection 6 and the defendant is subject*  
11 *to the provisions of The Interstate Compact for the Supervision of*  
12 *Parolees and Probationers, the division shall arrange for the biological*  
13 *specimen to be obtained from the defendant. The division shall provide*  
14 *the specimen to the forensic laboratory that has been designated by the*  
15 *county in which the defendant is residing to conduct or oversee genetic*  
16 *marker testing for the county pursuant to NRS 176.0917.*

17 5. Any cost that is incurred to obtain ~~{the samples of blood from the}~~ *a*  
18 *biological specimen from a* defendant pursuant to ~~{this subsection}~~ :

19 (a) *Subsection 3* is a charge against the county *in this state* in which the  
20 defendant was convicted ; *or*

21 (b) *Subsection 4* is a charge against the county of residence of the  
22 defendant,

23 and must be paid as provided in NRS 176.0915.

24 ~~{4}~~ 6. The provisions of subsection 1 apply to a defendant who is  
25 convicted of : ~~{any of the following offenses:}~~

26 (a) A crime against a child as defined in NRS 179D.210 ; ~~{}~~

27 (b) A sexual offense as defined in NRS 179D.410 ; ~~{}~~

28 (c) Murder, manslaughter or any other unlawful killing pursuant to NRS  
29 200.010 to 200.260, inclusive ; ~~{}~~

30 (d) Mayhem pursuant to NRS 200.280 ; ~~{}~~

31 (e) Administering poison or another noxious or destructive substance or  
32 liquid with intent to cause death pursuant to NRS 200.390 ; ~~{}~~

33 (f) Battery with intent to commit a crime pursuant to NRS 200.400 ; ~~{}~~

34 (g) Battery which is committed with the use of a deadly weapon or  
35 which results in substantial bodily harm pursuant to NRS 200.481 ; ~~{}~~

36 (h) Abuse or neglect of an older person pursuant to NRS 200.5099 ; ~~{}~~

37 (i) A second or subsequent offense for stalking pursuant to NRS  
38 200.575 ; ~~{}~~

39 (j) Burglary pursuant to NRS 205.060 ; ~~{}~~

40 (k) Invasion of the home pursuant to NRS 205.067 ; ~~{}~~

41 (l) *Kidnapping pursuant to NRS 200.310 to 200.340, inclusive; or*

42 (m) An attempt *or conspiracy* to commit an offense listed in this  
43 subsection.

44 **Sec. 5.** NRS 176.0915 is hereby amended to read as follows:

45 176.0915 1. If the court orders that ~~{samples of blood}~~ *a biological*  
46 *specimen* be obtained from a defendant pursuant to NRS 176.0913, the  
47 court, in addition to any other penalty, shall order the defendant, to the  
48 extent of his financial ability, to pay the sum of ~~{\\$250}~~ *\\$150* as a fee for



1 obtaining the ~~[samples of blood]~~ *specimen* and for conducting the analysis  
2 to determine the genetic markers of the ~~[blood]~~ *specimen*. The fee:  
3 (a) Must be stated separately in the judgment of the court or on the  
4 docket of the court;  
5 (b) Must be collected from the defendant before or at the same time that  
6 any fine imposed by the court is collected from the defendant; and  
7 (c) Must not be deducted from any fine imposed by the court.  
8 2. All money that is collected pursuant to subsection 1 must be paid by  
9 the clerk of the court to the county treasurer on or before the fifth day of  
10 each month for the preceding month.  
11 3. The board of county commissioners of each county shall by  
12 ordinance create in the county treasury a fund to be designated as the fund  
13 for genetic marker testing. The county treasurer shall deposit money that is  
14 collected pursuant to subsection 2 in the fund for genetic marker testing.  
15 The money must be accounted for separately within the fund.  
16 4. Each month, the county treasurer shall use the money deposited in  
17 the fund for genetic marker testing to pay for the actual amount charged to  
18 the county for obtaining ~~[samples of blood from defendants]~~ *a biological*  
19 *specimen from a defendant* pursuant to NRS 176.0913.  
20 5. If money remains in the fund after the county treasurer makes the  
21 payments required by subsection 4, the county treasurer shall pay the  
22 remaining money each month to the forensic laboratory that is designated  
23 by the county pursuant to NRS 176.0917 to conduct or oversee genetic  
24 marker testing for the county. A forensic laboratory that receives money  
25 pursuant to this subsection shall use the money to:  
26 (a) Maintain and purchase equipment and supplies relating to genetic  
27 marker testing, including, but not limited to, equipment and supplies  
28 required by the Federal Bureau of Investigation for participation in CODIS;  
29 and  
30 (b) Pay for the training and continuing education, including, but not  
31 limited to, the reasonable travel expenses, of employees of the forensic  
32 laboratory who conduct or oversee genetic marker testing.  
33 **Sec. 6.** NRS 179A.075 is hereby amended to read as follows:  
34 179A.075 1. The central repository for Nevada records of criminal  
35 history is hereby created within the Nevada highway patrol division of the  
36 department.  
37 2. Each agency of criminal justice and any other agency dealing with  
38 crime or delinquency of children shall:  
39 (a) Collect and maintain records, reports and compilations of statistical  
40 data required by the department; and  
41 (b) Submit the information collected to the central repository in the  
42 manner recommended by the advisory committee and approved by the  
43 director of the department.  
44 3. Each agency of criminal justice shall submit the information relating  
45 to sexual offenses and other records of criminal history that it creates or  
46 issues, and any information in its possession relating to the genetic markers  
47 of ~~[the blood and the secretor status of the saliva]~~ *a biological specimen* of  
48 a person who is convicted of ~~[sexual assault or any other sexual offense]~~  
49 *an offense listed in subsection 6 of NRS 176.0913*, to the division in the



1 manner prescribed by the director of the department. The information must  
2 be submitted to the division:  
3 (a) Through an electronic network;  
4 (b) On a medium of magnetic storage; or  
5 (c) In the manner prescribed by the director of the  
6 department,  
7 within the period prescribed by the director of the department. If an agency  
8 has submitted a record regarding the arrest of a person who is later  
9 determined by the agency not to be the person who committed the  
10 particular crime, the agency shall, immediately upon making that  
11 determination, so notify the division. The division shall delete all  
12 references in the central repository relating to that particular arrest.  
13 4. The division shall, in the manner prescribed by the director of the  
14 department:  
15 (a) Collect, maintain and arrange all information submitted to it relating  
16 to:  
17 (1) Sexual offenses and other records of criminal history; and  
18 (2) The genetic markers of ~~the blood and the secretor status of the~~  
19 ~~saliva~~ *a biological specimen* of a person who is convicted of ~~sexual~~  
20 ~~assault or any other sexual offense.~~ *an offense listed in subsection 6 of*  
21 *NRS 176.0913.*  
22 (b) When practicable, use a record of the personal identifying  
23 information of a subject as the basis for any records maintained regarding  
24 him.  
25 (c) Upon request, provide the information that is contained in the central  
26 repository to the state disaster identification team of the division of  
27 emergency management of the department. ~~of motor vehicles and public~~  
28 ~~safety.~~  
29 5. The division may:  
30 (a) Disseminate any information which is contained in the central  
31 repository to any other agency of criminal justice;  
32 (b) Enter into cooperative agreements with federal and state repositories  
33 to facilitate exchanges of information that may be disseminated pursuant to  
34 paragraph (a); and  
35 (c) Request of and receive from the Federal Bureau of Investigation  
36 information on the background and personal history of any person whose  
37 record of fingerprints the central repository submits to the Federal Bureau  
38 of Investigation and:  
39 (1) Who has applied to any agency of the State of Nevada or any  
40 political subdivision thereof for a license which it has the power to grant or  
41 deny;  
42 (2) With whom any agency of the State of Nevada or any political  
43 subdivision thereof intends to enter into a relationship of employment or a  
44 contract for personal services;  
45 (3) About whom any agency of the State of Nevada or any political  
46 subdivision thereof has a legitimate need to have accurate personal  
47 information for the protection of the agency or the persons within its  
48 jurisdiction; or



- 1 (4) For whom such information is required to be obtained pursuant to  
2 NRS 449.179.
- 3 6. The central repository shall:
- 4 (a) Collect and maintain records, reports and compilations of statistical  
5 data submitted by any agency pursuant to subsection 2.
- 6 (b) Tabulate and analyze all records, reports and compilations of  
7 statistical data received pursuant to this section.
- 8 (c) Disseminate to federal agencies engaged in the collection of  
9 statistical data relating to crime information which is contained in the  
10 central repository.
- 11 (d) Investigate the criminal history of any person who:
- 12 (1) Has applied to the superintendent of public instruction for a  
13 license;
- 14 (2) Has applied to a county school district for employment; or
- 15 (3) Is employed by a county school district,  
16 and notify the superintendent of each county school district and the  
17 superintendent of public instruction if the investigation of the central  
18 repository indicates that the person has been convicted of a violation of  
19 NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a  
20 felony or any offense involving moral turpitude.
- 21 (e) Upon discovery, notify the superintendent of each county school  
22 district by providing him with a list of all persons:
- 23 (1) Investigated pursuant to paragraph (d); or
- 24 (2) Employed by a county school district whose fingerprints were  
25 sent previously to the central repository for investigation,  
26 who the central repository's records indicate have been convicted of a  
27 violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or  
28 convicted of a felony or any offense involving moral turpitude since the  
29 central repository's initial investigation. The superintendent of each county  
30 school district shall determine whether further investigation or action by  
31 the district is appropriate.
- 32 (f) Investigate the criminal history of each person who submits  
33 fingerprints or has his fingerprints submitted pursuant to NRS 449.176 or  
34 449.179.
- 35 (g) On or before July 1 of each year, prepare and present to the  
36 governor a printed annual report containing the statistical data relating to  
37 crime received during the preceding calendar year. Additional reports may  
38 be presented to the governor throughout the year regarding specific areas  
39 of crime if they are recommended by the advisory committee and approved  
40 by the director of the department.
- 41 (h) On or before July 1 of each year, prepare and submit to the director  
42 of the legislative counsel bureau, for submission to the legislature, or the  
43 legislative commission when the legislature is not in regular session, a  
44 report containing statistical data about domestic violence in this state.
- 45 (i) Identify and review the collection and processing of statistical data  
46 relating to criminal justice and the delinquency of children by any agency  
47 identified in subsection 2, and make recommendations for any necessary  
48 changes in the manner of collecting and processing statistical data by any  
49 such agency.



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1 7. The central repository may:

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

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

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

19 8. As used in this section:

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

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

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

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

29 **Sec. 7.** NRS 56.020 is hereby amended to read as follows:

30 56.020 1. Whenever it is relevant in a civil or criminal action to  
31 determine the parentage or identity of any person or corpse, the court, by  
32 order, may direct any party to the action and the person involved in the  
33 controversy to submit to one or more ~~blood or saliva tests,~~ *tests to obtain*  
34 *a biological specimen to determine the genetic markers of the specimen,*  
35 to be made by qualified persons, under such restrictions and directions as  
36 the court deems proper. ~~The tests may include analysis of a person's blood~~  
37 ~~to determine its genetic markers and of a person's saliva to determine its~~  
38 ~~secretor status.~~

39 2. Whenever a test is ordered and made, the results of the test may be  
40 received in evidence. The order for the tests also may direct that the  
41 testimony of the experts and of the persons so examined may be taken by  
42 deposition. The opinion of any expert concerning results of ~~blood~~ *genetic*  
43 tests may be weighted in accordance with evidence, if available, of the  
44 statistical probability of the alleged ~~blood~~ *genetic* relationship. The court  
45 shall determine how and by whom the costs of the examination must be  
46 paid.

47 **Sec. 8.** The provisions of subsection 1 of NRS 354.599 do not apply  
48 to any additional expenses of a local government that are related to the  
49 provisions of this act.



1     **Sec. 9.** The amendatory provisions of sections 1, 2 and 3 of this act  
2 apply to a person who committed a kidnapping, attempted murder or felony  
3 aggravated stalking before the effective date of this act if the applicable  
4 statute of limitations has commenced but has not yet expired on the  
5 effective date of this act.

6     **Sec. 10.** The amendatory provisions of sections 4 to 7, inclusive, of  
7 this act do not apply to offenses committed before the effective date of this  
8 act.

9     **Sec. 11.** This act becomes effective upon passage and approval.

