

SENATE BILL NO. 548—COMMITTEE ON JUDICIARY

(ON BEHALF OF DEPARTMENT OF MOTOR VEHICLES AND
PUBLIC SAFETY—DIRECTORS OFFICE)

MARCH 26, 2001

Referred to Committee on Judiciary

SUMMARY—Makes various changes concerning sex offenders and other persons convicted of crimes. (BDR 14-512)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§§ 1, 3)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 justice; expanding the types of specimens that may be used for genetic marker testing of certain offenders; expanding genetic marker testing to offenders who are convicted of conspiring to commit certain offenses; expanding genetic marker testing to certain probationers and parolees who are subject to supervision pursuant to an interstate compact; revising provisions relating to psychosexual evaluations and the process of certifying whether certain sex offenders may be granted probation; revising provisions relating to the restoration of civil rights of certain offenders who are honorably discharged from probation; revising provisions relating to the collection and maintenance of genetic marker information by the central repository for Nevada records of criminal history; 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 176 of NRS is hereby amended by adding thereto a
2 new section to read as follows:
3 1. *If the division is supervising a probationer or parolee pursuant to*
4 *an interstate compact and the probationer or parolee is or has been*
5 *convicted in another jurisdiction of violating a law that prohibits the*
6 *same or similar conduct as an offense listed in subsection 4 of NRS*
7 *176.0911, the division shall arrange for a biological specimen to be*
8 *obtained from the probationer or parolee.*
9 2. *After a biological specimen is obtained from a probationer or*
10 *parolee pursuant to this section, the division shall:*



1 (a) Provide the biological specimen to the forensic laboratory that has
2 been designated by the county in which the probationer or parolee is
3 residing to conduct or oversee genetic marker testing for the county
4 pursuant to NRS 176.0917; and

5 (b) Submit the name, social security number, date of birth and any
6 other information identifying the probationer or parolee to the central
7 repository for Nevada records of criminal history.

8 3. Any cost that is incurred to obtain a biological specimen from a
9 probationer or parolee pursuant to this section is a charge against the
10 county in which the probationer or parolee is residing.

11 Sec. 2. NRS 176.0911 is hereby amended to read as follows:

12 176.0911 As used in NRS 176.0911 to 176.0917, inclusive, *and*
13 *section 1 of this act*, unless the context otherwise requires, "CODIS"
14 means the Combined DNA Indexing System operated by the Federal
15 Bureau of Investigation.

16 Sec. 3. NRS 176.0913 is hereby amended to read as follows:

17 176.0913 1. If a defendant is convicted of an offense listed in
18 subsection 4, the court, at sentencing, shall order that:

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

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

26 2. If the defendant is committed to the custody of the department of
27 prisons, the department of prisons shall arrange for the ~~{samples of blood}~~
28 *biological specimen* to be obtained from the defendant. The department of
29 prisons shall provide the ~~{samples of blood}~~ *biological specimen* to the
30 forensic laboratory that has been designated by the county in which the
31 defendant was convicted to conduct or oversee genetic marker testing for
32 the county pursuant to NRS 176.0917.

33 3. If the defendant is not committed to the custody of the department
34 of prisons, the division shall arrange for the ~~{samples of blood}~~ *biological*
35 *specimen* to be obtained from the defendant. The division shall provide the
36 ~~{samples of blood}~~ *biological specimen* to the forensic laboratory that has
37 been designated by the county in which the defendant was convicted to
38 conduct or oversee genetic marker testing for the county pursuant to NRS
39 176.0917. Any cost that is incurred to obtain the ~~{samples of blood}~~
40 *biological specimen* from the defendant pursuant to this subsection is a
41 charge against the county in which the defendant was convicted and must
42 be paid as provided in NRS 176.0915.

43 4. The provisions of subsection 1 apply to a defendant who is
44 convicted of any of the following offenses:

45 (a) A crime against a child as defined in NRS 179D.210.

46 (b) A sexual offense as defined in NRS 179D.410.

47 (c) Murder, manslaughter or any other unlawful killing pursuant to NRS
48 200.010 to 200.260, inclusive.

49 (d) Mayhem pursuant to NRS 200.280.



- 1 (e) Administering poison or another noxious or destructive substance or
2 liquid with intent to cause death pursuant to NRS 200.390.
3 (f) Battery with intent to commit a crime pursuant to NRS 200.400.
4 (g) Battery which is committed with the use of a deadly weapon or
5 which results in substantial bodily harm pursuant to NRS 200.481.
6 (h) Abuse or neglect of an older person pursuant to NRS 200.5099.
7 (i) A second or subsequent offense for stalking pursuant to NRS
8 200.575.
9 (j) Burglary pursuant to NRS 205.060.
10 (k) Invasion of the home pursuant to NRS 205.067.
11 (l) An attempt *or a conspiracy* to commit an offense listed in this
12 subsection.
13 **Sec. 4.** NRS 176.0915 is hereby amended to read as follows:
14 176.0915 1. If the court orders that ~~{samples of blood}~~ *a biological*
15 *specimen* be obtained from a defendant pursuant to NRS 176.0913, the
16 court, in addition to any other penalty, shall order the defendant, to the
17 extent of his financial ability, to pay the sum of \$250 as a fee for obtaining
18 the ~~{samples of blood}~~ *biological specimen* and for conducting the analysis
19 to determine the genetic markers of the ~~{blood}~~ *biological specimen*. The
20 fee:
21 (a) Must be stated separately in the judgment of the court or on the
22 docket of the court;
23 (b) Must be collected from the defendant before or at the same time that
24 any fine imposed by the court is collected from the defendant; and
25 (c) Must not be deducted from any fine imposed by the court.
26 2. All money that is collected pursuant to subsection 1 must be paid by
27 the clerk of the court to the county treasurer on or before the fifth day of
28 each month for the preceding month.
29 3. The board of county commissioners of each county shall by
30 ordinance create in the county treasury a fund to be designated as the fund
31 for genetic marker testing. The county treasurer shall deposit money that is
32 collected pursuant to subsection 2 in the fund for genetic marker testing.
33 The money must be accounted for separately within the fund.
34 4. Each month, the county treasurer shall use the money deposited in
35 the fund for genetic marker testing to pay for the actual amount charged to
36 the county for obtaining ~~{samples of blood}~~ *biological specimens* from
37 defendants pursuant to NRS 176.0913 ~~{+}~~ *and from probationers and*
38 *parolees pursuant to section 1 of this act.*
39 5. If money remains in the fund after the county treasurer makes the
40 payments required by subsection 4, the county treasurer shall pay the
41 remaining money each month to the forensic laboratory that is designated
42 by the county pursuant to NRS 176.0917 to conduct or oversee genetic
43 marker testing for the county. A forensic laboratory that receives money
44 pursuant to this subsection shall use the money to:
45 (a) Maintain and purchase equipment and supplies relating to genetic
46 marker testing, including, but not limited to, equipment and supplies
47 required by the Federal Bureau of Investigation for participation in CODIS;
48 and



1 (b) Pay for the training and continuing education, including, but not
2 limited to, the reasonable travel expenses, of employees of the forensic
3 laboratory who conduct or oversee genetic marker testing.

4 **Sec. 5.** NRS 176.0917 is hereby amended to read as follows:

5 176.0917 1. The board of county commissioners of each county shall
6 designate a forensic laboratory to conduct or oversee for the county any
7 genetic marker testing that is ordered *or arranged* pursuant to NRS
8 176.0913 ~~or~~ *or section 1 of this act.*

9 2. The forensic laboratory designated by the board of county
10 commissioners pursuant to subsection 1:

11 (a) Must be operated by this state or one of its political subdivisions;
12 and

13 (b) Must satisfy or exceed the standards for quality assurance that are
14 established by the Federal Bureau of Investigation for participation in
15 CODIS.

16 **Sec. 6.** NRS 176.139 is hereby amended to read as follows:

17 176.139 1. If a defendant is convicted of a sexual offense for which
18 the suspension of sentence or the granting of probation is permitted, the
19 division shall arrange for a psychosexual evaluation of the defendant as
20 part of the division's presentence investigation and report to the court.

21 2. The psychosexual evaluation of the defendant must be conducted by
22 a person professionally qualified to conduct psychosexual evaluations.

23 3. The person who conducts the psychosexual evaluation of the
24 defendant must use diagnostic tools that are generally accepted as being
25 within the standard of care for the evaluation of sex offenders, and the
26 psychosexual evaluation of the defendant must include:

27 (a) A comprehensive clinical interview with the defendant; and

28 (b) A review of all investigative reports relating to the defendant's
29 sexual offense and all statements made by victims of that offense.

30 4. The psychosexual evaluation of the defendant may include:

31 (a) A review of records relating to previous criminal offenses
32 committed by the defendant;

33 (b) A review of records relating to previous evaluations and treatment
34 of the defendant;

35 (c) A review of the defendant's records from school;

36 (d) Interviews with the defendant's parents, the defendant's spouse or
37 other persons who may be significantly involved with the defendant or who
38 may have relevant information relating to the defendant's background; and

39 (e) The use of psychological testing, polygraphic examinations and
40 arousal assessment.

41 5. The person who conducts the psychosexual evaluation of the
42 defendant must be given access to all records of the defendant that are
43 necessary to conduct the evaluation, and the defendant shall be deemed to
44 have waived all rights of confidentiality and all privileges relating to those
45 records for the limited purpose of the evaluation.

46 6. The person who conducts the psychosexual evaluation of the
47 defendant shall ~~prepare~~ :

48 (a) *Prepare* a comprehensive written report of the results of the
49 evaluation ~~and shall provide~~ ;



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1 *(b) Include in the report all information that is necessary to carry out*
2 *the provisions of NRS 176A.110; and*

3 *(c) Provide a copy of ~~that~~ the report to the division.*

4 7. If a psychosexual evaluation is conducted pursuant to this section,
5 the court shall:

6 (a) Order the defendant, to the extent of his financial ability, to pay for
7 the cost of the psychosexual evaluation; or

8 (b) If the defendant was less than 18 years of age when the sexual
9 offense was committed and the defendant was certified and convicted as an
10 adult, order the parents or guardians of the defendant, to the extent of their
11 financial ability, to pay for the cost of the psychosexual evaluation. For the
12 purposes of this paragraph, the court has jurisdiction over the parents or
13 guardians of the defendant to the extent that is necessary to carry out the
14 provisions of this paragraph.

15 **Sec. 7.** NRS 176.145 is hereby amended to read as follows:

16 176.145 1. The report of any presentence investigation must contain:

17 (a) Any prior criminal record of the defendant;

18 (b) Information concerning the characteristics of the defendant, his
19 financial condition, the circumstances affecting his behavior and the
20 circumstances of his offense that may be helpful in imposing sentence, in
21 granting probation or in the correctional treatment of the defendant;

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

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

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

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

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

42 (h) A recommendation, if the division deems it appropriate, that the
43 defendant undergo a program of regimental discipline pursuant to NRS
44 176A.780;

45 (i) ~~that~~ *If a psychosexual evaluation of the defendant is required*
46 *pursuant to NRS 176.139, a written report of the results of ~~that~~ the*
47 *psychosexual evaluation of the defendant ~~;~~ if such an evaluation is*
48 *required pursuant to NRS ~~176.139;~~ and all information that is necessary*
49 *to carry out the provisions of NRS 176A.110; and*



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1 (j) Such other information as may be required by the court.
2 2. The division may include in the report any additional information
3 that it believes may be helpful in imposing a sentence, in granting
4 probation or in correctional treatment.

5 **Sec. 8.** NRS 176A.110 is hereby amended to read as follows:

6 176A.110 1. The court shall not grant probation to or suspend the
7 sentence of a person convicted of an offense listed in subsection 3 unless
8 ~~that~~ :

9 (a) *If a psychosexual evaluation of the person is required pursuant to*
10 *NRS 176.139, the person who conducts the psychosexual evaluation*
11 *certifies in the report prepared pursuant to NRS 176.139 that the person*
12 *convicted of the offense is not a menace to the health, safety or morals of*
13 *others; or*

14 (b) *If a psychosexual evaluation of the person is not required*
15 *pursuant to NRS 176.139, a* psychologist licensed to practice in this state
16 or a psychiatrist licensed to practice medicine in this state certifies that the
17 person *convicted of the offense* is not a menace to the health, safety or
18 morals of others.

19 2. This section does not create a right in any person to be certified or *to*
20 continue to be certified. ~~and no~~ No person may bring a cause of action
21 against the state, its political subdivisions, *or the* agencies, boards,
22 commissions, departments, officers or employees *of the state or its*
23 *political subdivisions* for not certifying *a person pursuant to this section*
24 or *for* refusing to consider a person for certification pursuant to this
25 section.

26 3. The provisions of this section apply to a person convicted of any of
27 the following offenses:

28 (a) Attempted sexual assault of a person who is 16 years of age or older
29 pursuant to NRS 200.366.

30 (b) Statutory sexual seduction pursuant to NRS 200.368.

31 (c) Battery with intent to commit sexual assault pursuant to NRS
32 200.400.

33 (d) Abuse or neglect of a child pursuant to NRS 200.508.

34 (e) An offense involving pornography and a minor pursuant to NRS
35 200.710 to 200.730, inclusive.

36 (f) Incest pursuant to NRS 201.180.

37 (g) Solicitation of a minor to engage in acts constituting the infamous
38 crime against nature pursuant to NRS 201.195.

39 (h) Open or gross lewdness pursuant to NRS 201.210.

40 (i) Indecent or obscene exposure pursuant to NRS 201.220.

41 (j) Lewdness with a child pursuant to NRS 201.230.

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

43 (l) A violation of NRS 207.180.

44 (m) An attempt to commit an offense listed in paragraphs (b) to (l),
45 inclusive.

46 (n) Coercion or attempted coercion that is determined to be sexually
47 motivated pursuant to NRS 207.193.

48 **Sec. 9.** NRS 176A.850 is hereby amended to read as follows:

49 176A.850 1. A person who:



1 (a) Has fulfilled the conditions of his probation for the entire period
2 thereof;
3 (b) Is recommended for earlier discharge by the division; or
4 (c) Has demonstrated his fitness for honorable discharge but because of
5 economic hardship, verified by a parole and probation officer, has been
6 unable to make restitution as ordered by the court,
7 may be granted an honorable discharge from probation by order of the
8 court.
9 2. Any amount of restitution remaining unpaid constitutes a civil
10 liability arising upon the date of discharge.
11 3. A person honorably discharged from probation ~~is~~ :
12 (a) *Is* free from the terms and conditions of his probation ; and
13 (b) *If he meets the requirements of NRS 176A.860*, may apply to the
14 ~~court, in person or by attorney, pursuant to NRS 176A.860, for the~~
15 *division to request a* restoration of his civil rights. ~~He~~ *The person* must
16 be informed of ~~this privilege~~ *the provisions of this section and NRS*
17 *176A.860* in his probation papers.
18 4. A person honorably discharged from probation who has had his civil
19 rights restored by the court:
20 (a) Is exempt from the requirements of chapter 179C of NRS, but is not
21 exempt from the requirements of chapter 179D of NRS.
22 (b) May vote, hold office or serve as a juror.
23 (c) Shall disclose the conviction to a gaming establishment and *to* the
24 state ~~and~~ *and* its agencies, departments, boards, commissions and political
25 subdivisions, if required in an application for employment, license or other
26 permit. As used in this paragraph, "establishment" has the meaning
27 ascribed to it in NRS 463.0148.
28 (d) Except as otherwise provided in paragraph (c), need not disclose the
29 conviction to an employer or prospective employer.
30 5. The prior conviction of a person whose civil rights have been
31 restored or who has been honorably discharged from probation may be
32 used for purposes of impeachment. In any subsequent prosecution of the
33 person who has had his civil rights restored or who has been honorably
34 discharged from probation, the prior conviction may be pleaded and proved
35 if otherwise admissible.
36 **Sec. 10.** NRS 176A.860 is hereby amended to read as follows:
37 176A.860 ~~A convicted person who~~
38 1. *If a person* is granted an honorable discharge from probation, ~~who~~
39 ~~has~~ *not sooner than 6 months after his honorable discharge, the person*
40 *may apply to the division to request a restoration of his civil rights if the*
41 *person:*
42 (a) *Has* not previously been restored to his civil rights ~~and who is~~ ;
43 *and*
44 (b) *Has* not *been* convicted of any offense greater than a traffic
45 violation ~~within 6 months after the discharge, may apply~~ *after his*
46 *honorable discharge.*
47 2. *If a person applies* to the division to request a restoration of his
48 civil rights ~~The application must be accompanied by~~ , *the person must*
49 *submit with his application* a current, certified record of ~~the applicant's~~



1 ~~his~~ criminal history received from the central repository for Nevada
2 records of criminal history. If the division determines after an investigation
3 that the ~~{applicant} person~~ meets the requirements of this section, ~~{the}~~ *the*
4 *division* shall petition the court in which the ~~{applicant} person~~ was
5 convicted for an order granting the restoration ~~{of his civil rights}~~. If the
6 division refuses to submit such a petition, the ~~{applicant} person~~ may, after
7 notice to the division, directly petition the court for *an order granting the*
8 restoration of his civil rights.

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

10 179A.075 1. The central repository for Nevada records of criminal
11 history is hereby created within the Nevada highway patrol division of the
12 department.

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

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

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

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

27 (a) Through an electronic network;

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

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

36 4. The division shall, in the manner prescribed by the director of the
37 department:

38 (a) Collect, maintain and arrange all information submitted to it relating
39 to:

40 (1) Sexual offenses and other records of criminal history; and

41 (2) The genetic markers of ~~{the blood and the secretor status of the~~
42 ~~saliva of}~~ a person who is convicted of ~~{sexual assault or any other sexual}~~
43 *a criminal* offense.

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

47 (c) Upon request, provide the information that is contained in the central
48 repository to the state disaster identification team of the division of



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1 emergency management of the department . ~~of motor vehicles and public~~
2 ~~safety.~~

3 5. The division may:

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

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

9 (c) Request of and receive from the Federal Bureau of Investigation
10 information on the background and personal history of any person whose
11 record of fingerprints the central repository submits to the Federal Bureau
12 of Investigation and:

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

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

19 (3) About whom any agency of the State of Nevada or any political
20 subdivision thereof has a legitimate need to have accurate personal
21 information for the protection of the agency or the persons within its
22 jurisdiction; or

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

25 6. The central repository shall:

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

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

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

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

34 (1) Has applied to the superintendent of public instruction for a
35 license;

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

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

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

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

46 (2) Employed by a county school district whose fingerprints were
47 sent previously to the central repository for investigation,

48 who the central repository's records indicate have been convicted of a
49 violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or



1 convicted of a felony or any offense involving moral turpitude since the
2 central repository's initial investigation. The superintendent of each county
3 school district shall determine whether further investigation or action by
4 the district is appropriate.

5 (f) Investigate the criminal history of each person who submits
6 fingerprints or has his fingerprints submitted pursuant to NRS 449.176 or
7 449.179.

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

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

18 (i) Identify and review the collection and processing of statistical data
19 relating to criminal justice and the delinquency of children by any agency
20 identified in subsection 2, and make recommendations for any necessary
21 changes in the manner of collecting and processing statistical data by any
22 such agency.

23 7. The central repository may:

24 (a) At the recommendation of the advisory committee and in the manner
25 prescribed by the director of the department, disseminate compilations of
26 statistical data and publish statistical reports relating to crime or the
27 delinquency of children.

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

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

41 8. As used in this section:

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

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

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



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

3 **Sec. 12.** NRS 56.020 is hereby amended to read as follows:

4 56.020 1. Whenever it is relevant in a civil or criminal action to
5 determine the parentage or identity of any person or corpse, the court, by
6 order, may direct any party to the action and the person involved in the
7 controversy to submit to one or more ~~{blood or saliva tests, to}~~ *tests to*
8 *obtain biological specimens from the party or person and to determine*
9 *the genetic markers of the biological specimens. Such tests must* be made
10 by qualified persons, under such restrictions and directions as the court
11 deems proper. ~~{The tests may include analysis of a person's blood to~~
12 ~~determine its genetic markers and of a person's saliva to determine its~~
13 ~~secretor status.}~~

14 2. Whenever a test is ordered and made, the results of the test may be
15 received in evidence. The order for the tests also may direct that the
16 testimony of the experts and of the persons so examined may be taken by
17 deposition. The opinion of any expert concerning results of blood tests may
18 be weighted in accordance with evidence, if available, of the statistical
19 probability of the alleged blood relationship. The court shall determine
20 how and by whom the costs of the examination must be paid.

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

24 **Sec. 14.** 1. The amendatory provisions of sections 1 to 5, inclusive,
25 of this act apply to:

26 (a) Any person who is sentenced in this state on or after October 1,
27 2001, whether or not the person was convicted in this state before, on or
28 after October 1, 2001; and

29 (b) Any probationer or parolee who is being supervised in this state by
30 the division of parole and probation pursuant to an interstate compact,
31 whether or not the division began such supervision before, on or after
32 October 1, 2001.

33 2. The amendatory provisions of sections 6, 7 and 8 of this act apply to
34 any person who is given a psychosexual evaluation pursuant to NRS
35 176.139 on or after October 1, 2001, whether or not the person was
36 convicted before, on or after October 1, 2001.

37 3. The amendatory provisions of sections 9 and 10 of this act apply to
38 any person who applies to the division of parole and probation of the
39 department of motor vehicles and public safety to request a restoration of
40 his civil rights pursuant to NRS 176A.860 on or after October 1, 2001,
41 whether or not the person was convicted before, on or after October 1,
42 2001.

43 4. The amendatory provisions of section 11 of this act apply to any
44 information relating to the genetic markers of a person convicted of a
45 criminal offense before, on or after October 1, 2001.

46 5. The amendatory provisions of section 12 of this act apply to any
47 action pending on or after the effective date of this act, whether or not the
48 action was commenced before, on or after October 1, 2001.

