

ASSEMBLY BILL NO. 134—COMMITTEE ON
GOVERNMENT AFFAIRS

FEBRUARY 14, 2003

Referred to Committee on Government Affairs

SUMMARY—Provides civil penalty for failure of current or former employer of applicant for position as peace officer with law enforcement agency to provide certain information concerning applicant upon request of law enforcement agency. (BDR 19-164)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to employment; providing a civil penalty for the failure of a current or former employer of an applicant for a position as a peace officer with a law enforcement agency to provide certain information concerning the applicant upon the request of the law enforcement agency; 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 239B.020 is hereby amended to read as
2 follows:
3 239B.020 1. ~~Upon~~ *Except as otherwise provided in*
4 *subsection 3, upon* the request of a law enforcement agency, an
5 employer shall provide to the law enforcement agency information,
6 if available, regarding a current or former employee of the employer
7 who is an applicant for the position of peace officer with the law
8 enforcement agency. A request for information by a law
9 enforcement agency pursuant to this subsection must be:
10 (a) In writing;



1 (b) Accompanied by an authorization signed by the applicant
2 and notarized by a notary public or judicial officer in which the
3 applicant consents to the release of the information; and

4 (c) Presented to the employer by a sworn officer or other
5 authorized representative of the law enforcement agency.

6 2. The information that a law enforcement agency may request
7 pursuant to subsection 1 includes, without limitation:

8 (a) The date on which the applicant began his employment and,
9 if applicable, the date on which the employment of the applicant
10 was terminated;

11 (b) A list of the compensation that the employer provided to the
12 applicant during the course of the employment;

13 (c) An application for a position of employment that the
14 applicant submitted to the employer;

15 (d) A written evaluation of the performance of the applicant;

16 (e) A record of the attendance of the applicant;

17 (f) A record of disciplinary action taken against the applicant;

18 (g) A statement regarding whether the employer would rehire
19 the applicant and, if the employer would not rehire the applicant,
20 the reasons therefor; and

21 (h) If applicable, a record setting forth the reason that the
22 employment of the applicant was terminated and whether the
23 termination was voluntary or involuntary.

24 3. An employer shall not provide information pursuant to
25 subsection 1 if the disclosure of the information is prohibited
26 pursuant to a federal or state statute or regulation.

27 4. A law enforcement agency may use the information that it
28 receives pursuant to this section only to determine the suitability of
29 an applicant for employment as a peace officer.

30 5. Except as otherwise provided in this subsection, a law
31 enforcement agency shall maintain the confidentiality of
32 information that it receives pursuant to this section. A law
33 enforcement agency may share information regarding an applicant
34 that it receives pursuant to this section with another law
35 enforcement agency if:

36 (a) The applicant is also an applicant for a position as a peace
37 officer with the other law enforcement agency; and

38 (b) The confidentiality of the information is otherwise
39 maintained.

40 6. *If an employer fails to provide information to a law*
41 *enforcement agency within 30 days after the law enforcement*
42 *agency makes a request for such information pursuant to*
43 *subsection 1, the law enforcement agency may apply to the district*
44 *court in the county in which the employer is located for an order*
45 *requiring the employer to provide the information. The court shall*



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1 *give this matter priority over other civil matters to which priority is*
2 *not given by other statutes. If the law enforcement agency*
3 *prevails:*

4 *(a) The court shall order the employer to pay a civil penalty of*
5 *not more than \$5,000; and*

6 *(b) The law enforcement agency is entitled to recover its costs*
7 *and reasonable attorney's fees in the proceeding from the*
8 *employer.*

9 **7.** As used in this section:

10 (a) "Employer" includes a public employer and a private
11 employer.

12 (b) "Law enforcement agency" has the meaning ascribed to it in
13 NRS 277.035.

14 (c) "Peace officer" has the meaning ascribed to it in
15 NRS 289.010.

