
ASSEMBLY BILL NO. 23—COMMITTEE ON JUDICIARY

PREFILED FEBRUARY 3, 2005

Referred to Committee on Government Affairs

SUMMARY—Authorizes state agencies and political subdivisions to request and receive certain information concerning person applying to attend academy for training peace officers. (BDR 19-302)

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 governmental administration; authorizing state agencies and political subdivisions to request and receive certain information concerning a person applying to attend an academy for training peace officers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes an agency of the State or a political subdivision to request of or receive from the Federal Bureau of Investigation information on the background and personal history of certain persons. (NRS 239B.010) Except where federal law sets forth specific procedures for the request and receipt of such information, the information must be requested and received through the Central Repository for Nevada Records of Criminal History. (NRS 239B.010) Existing law authorizes the Nevada Highway Patrol Division of the Department of Public Safety to request of or receive from the Bureau information on the background and personal history of certain persons. (NRS 179A.075)

This bill expands the list of persons regarding whom an agency of the State, a political subdivision and the Nevada Highway Patrol Division may request of or receive from the Federal Bureau of Investigation information on the person's background and personal history to include persons who are applying to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 239B.010 is hereby amended to read as follows:

239B.010 1. Any agency of the State or any political subdivision may request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person:

(a) Who has applied to it for a license as required by any statute or local ordinance which it has the power to grant or deny;

(b) With whom it intends to enter into a relationship of employment or a contract for personal services; ~~for~~

(c) *Who has applied to it to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission; or*

(d) About whom it has a legitimate need to have accurate personal information for the protection of the agency or the people within its jurisdiction.

2. Except as otherwise provided in subsection 3:

(a) To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to subsection 1, the agency or political subdivision must:

(1) Require the person to submit a complete set of his fingerprints; and

(2) Forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(b) Only the Central Repository may:

(1) Receive fingerprints from an agency of the State or any political subdivision for submission to the Federal Bureau of Investigation pursuant to this section;

(2) Submit those fingerprints to the Federal Bureau of Investigation; and

(3) Receive a report from the Federal Bureau of Investigation based on the submission of those fingerprints.

3. If an agency or political subdivision that wishes to request and receive information from the Federal Bureau of Investigation concerning a person pursuant to subsection 1 is required by federal law to comply with specific procedures to request and receive such information from the Federal Bureau of Investigation:

(a) The provisions of subsection 2 do not apply to the agency or political subdivision; and

(b) The agency or political subdivision must comply with the specific procedures required by federal law.



1 **Sec. 2.** NRS 179A.075 is hereby amended to read as follows:
2 179A.075 1. The Central Repository for Nevada Records of
3 Criminal History is hereby created within the Nevada Highway
4 Patrol Division of the Department.

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

7 (a) Collect and maintain records, reports and compilations of
8 statistical data required by the Department; and

9 (b) Submit the information collected to the Central Repository
10 in the manner recommended by the Advisory Committee and
11 approved by the Director of the Department.

12 3. Each agency of criminal justice shall submit the information
13 relating to records of criminal history that it creates or issues, and
14 any information in its possession relating to the genetic markers of a
15 biological specimen of a person who is convicted of an offense
16 listed in subsection 4 of NRS 176.0913, to the Division in the
17 manner prescribed by the Director of the Department. The
18 information must be submitted to the Division:

19 (a) Through an electronic network;

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

21 (c) In the manner prescribed by the Director of the Department,
22 ➡ within the period prescribed by the Director of the Department. If
23 an agency has submitted a record regarding the arrest of a person
24 who is later determined by the agency not to be the person who
25 committed the particular crime, the agency shall, immediately upon
26 making that determination, so notify the Division. The Division
27 shall delete all references in the Central Repository relating to that
28 particular arrest.

29 4. The Division shall, in the manner prescribed by the Director
30 of the Department:

31 (a) Collect, maintain and arrange all information submitted to it
32 relating to:

33 (1) Records of criminal history; and

34 (2) The genetic markers of a biological specimen of a
35 person who is convicted of an offense listed in subsection 4 of
36 NRS 176.0913.

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

40 (c) Upon request, provide the information that is contained in
41 the Central Repository to the State Disaster Identification Team of
42 the Division of Emergency Management of the Department.

43 5. The Division may:

44 (a) Disseminate any information which is contained in the
45 Central Repository to any other agency of criminal justice;



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

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints the Central Repository submits to the Federal Bureau of Investigation and:

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

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

(3) *Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;*

(4) *For whom such information is required to be obtained pursuant to NRS 449.179; or*

(5) About whom any agency of the State of Nevada or any political subdivision thereof has a legitimate need to have accurate personal information for the protection of the agency or the persons within its jurisdiction. ~~§; or~~

~~—(4) For whom such information is required to be obtained pursuant to NRS 449.179.]~~

➔ To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to this subsection, the Central Repository must receive the person's complete set of fingerprints from the agency or political subdivision and submit the fingerprints to the Federal Bureau of Investigation for its report.

6. The Central Repository shall:

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

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

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

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

(1) Has applied to the Superintendent of Public Instruction for a license;

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

(3) Is employed by a county school district or a private school,



1 ➡ and notify the superintendent of each county school district and
2 the Superintendent of Public Instruction, or the administrator of
3 each private school, as appropriate, if the investigation of the
4 Central Repository indicates that the person has been convicted of a
5 violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395,
6 or convicted of a felony or any offense involving moral turpitude.

7 (e) Upon discovery, notify the superintendent of each county
8 school district or the administrator of each private school, as
9 appropriate, by providing the superintendent or administrator with a
10 list of all persons:

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

12 (2) Employed by a county school district or private school
13 whose fingerprints were sent previously to the Central Repository
14 for investigation,

15 ➡ who the Central Repository's records indicate have been
16 convicted of a violation of NRS 200.508, 201.230, 453.3385,
17 453.339 or 453.3395, or convicted of a felony or any offense
18 involving moral turpitude since the Central Repository's initial
19 investigation. The superintendent of each county school district or
20 the administrator of each private school, as applicable, shall
21 determine whether further investigation or action by the district or
22 private school, as applicable, is appropriate.

23 (f) Investigate the criminal history of each person who submits
24 fingerprints or has his fingerprints submitted pursuant to NRS
25 449.176 or 449.179.

26 (g) On or before July 1 of each year, prepare and present to the
27 Governor a printed annual report containing the statistical data
28 relating to crime received during the preceding calendar year.
29 Additional reports may be presented to the Governor throughout the
30 year regarding specific areas of crime if they are recommended by
31 the Advisory Committee and approved by the Director of the
32 Department.

33 (h) On or before July 1 of each year, prepare and submit to the
34 Director of the Legislative Counsel Bureau  for submission to the
35 Legislature, or  the Legislative Commission when the Legislature
36 is not in regular session, a report containing statistical data about
37 domestic violence in this State.

38 (i) Identify and review the collection and processing of
39 statistical data relating to criminal justice and the delinquency of
40 children by any agency identified in subsection 2, and make
41 recommendations for any necessary changes in the manner of
42 collecting and processing statistical data by any such agency.

43 7. The Central Repository may:

44 (a) At the recommendation of the Advisory Committee and in
45 the manner prescribed by the Director of the Department,



1 disseminate compilations of statistical data and publish statistical
2 reports relating to crime or the delinquency of children.

3 (b) Charge a reasonable fee for any publication or special report
4 it distributes relating to data collected pursuant to this section. The
5 Central Repository may not collect such a fee from an agency of
6 criminal justice, any other agency dealing with crime or the
7 delinquency of children which is required to submit information
8 pursuant to subsection 2 or the State Disaster Identification Team of
9 the Division of Emergency Management of the Department. All
10 money collected pursuant to this paragraph must be used to pay for
11 the cost of operating the Central Repository.

12 (c) In the manner prescribed by the Director of the Department,
13 use electronic means to receive and disseminate information
14 contained in the Central Repository that it is authorized to
15 disseminate pursuant to the provisions of this chapter.

16 8. As used in this section:

17 (a) “Advisory Committee” means the Committee established by
18 the Director of the Department pursuant to NRS 179A.078.

19 (b) “Personal identifying information” means any information
20 designed, commonly used or capable of being used, alone or in
21 conjunction with any other information, to identify a person,
22 including, without limitation:

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

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

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

30 **Sec. 3.** This act becomes effective on July 1, 2005.



