

SENATE BILL NO. 287—SENATOR WIENER

MARCH 24, 2005

Referred to Committee on Transportation and Homeland Security

SUMMARY—Prohibits person from leaving child who is 7 years of age or younger in motor vehicle without certain supervision. (BDR 15-14)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: No.

~

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

AN ACT relating to crimes; prohibiting a person from leaving a child who is 7 years of age or younger in a motor vehicle without certain supervision; authorizing a prosecuting attorney to inquire into and inspect sealed records concerning such an offense under certain circumstances; 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:

Section 1. Chapter 202 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A parent, legal guardian or other person responsible for a child who is 7 years of age or younger shall not leave that child in a motor vehicle unless the child is being supervised in the motor vehicle by a person who is at least 12 years of age.

2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor. The court may suspend the proceedings against a person who is charged with violating subsection 1 and dismiss the proceedings against the person if the person presents proof to the court, within the time specified by the court, that he has successfully completed an educational program satisfactory to



1 *the court. The educational program must include, without*
2 *limitation, information concerning the dangers of leaving a child*
3 *unattended or inadequately attended in a motor vehicle.*

4 *3. A law enforcement officer or other person rendering*
5 *emergency services who reasonably believes that a violation of this*
6 *section has occurred may, without incurring civil liability, use any*
7 *reasonable means necessary to protect the child and to remove the*
8 *child from the motor vehicle.*

9 *4. No person may be prosecuted under this section if the*
10 *conduct would give rise to prosecution under any other provision*
11 *of law.*

12 *5. As used in this section, "motor vehicle" means every*
13 *vehicle which is self-propelled but not operated upon rails.*

14 **Sec. 2.** NRS 179.301 is hereby amended to read as follows:

15 179.301 1. The State Gaming Control Board and the Nevada
16 Gaming Commission and their employees, agents and
17 representatives may inquire into and inspect any records sealed
18 pursuant to NRS 179.245 or 179.255, if the event or conviction was
19 related to gaming, to determine the suitability or qualifications of
20 any person to hold a state gaming license, manufacturer's, seller's or
21 distributor's license or registration as a gaming employee pursuant
22 to chapter 463 of NRS. Events and convictions, if any, which are the
23 subject of an order sealing records:

24 (a) May form the basis for recommendation, denial or
25 revocation of those licenses.

26 (b) Must not form the basis for denial or rejection of a gaming
27 work permit unless the event or conviction relates to the applicant's
28 suitability or qualifications to hold the work permit.

29 2. *A prosecuting attorney may inquire into and inspect any*
30 *records sealed pursuant to NRS 179.245 or 179.255 if:*

31 *(a) The records relate to a violation or alleged violation of*
32 *section 1 of this act; and*

33 *(b) The person who is the subject of the records has been*
34 *arrested or issued a citation for violating section 1 of this act.*

35 3. The Central Repository for Nevada Records of Criminal
36 History and its employees may inquire into and inspect any records
37 sealed pursuant to NRS 179.245 or 179.255 that constitute
38 information relating to sexual offenses, and may notify employers of
39 the information in accordance with NRS 179A.180 to 179A.240,
40 inclusive.

41 ~~3.1~~ 4. Records which have been sealed pursuant to NRS
42 179.245 or 179.255 and which are retained in the statewide registry
43 established pursuant to NRS 179B.200 may be inspected pursuant to
44 chapter 179B of NRS by an officer or employee of the Central



1 Repository for Nevada Records of Criminal History or a law
2 enforcement officer in the regular course of his duties.

3 ~~4.1~~ 5. As used in this section:

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

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



