

SENATE BILL NO. 287—SENATOR WIENER

MARCH 24, 2005

JOINT SPONSOR: ASSEMBLYMAN HORNE

Referred to Committee on Transportation and Homeland Security

SUMMARY—Prohibits person from knowingly and intentionally leaving child who is 7 years of age or younger in motor vehicle without certain supervision in certain circumstances. (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.

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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 crimes; prohibiting a person from knowingly and intentionally leaving a child who is 7 years of age or younger in a motor vehicle without certain supervision in certain circumstances; 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.

Legislative Counsel's Digest:

- 1 Existing law provides criminal penalties for the abuse, neglect or endangerment
2 of a child. Such penalties include punishment for a category A felony with the
3 possibility of imprisonment for life if the child suffers substantial bodily harm or
4 punishment for a category B felony or a category C felony depending on the
5 circumstances. (NRS 200.508-200.5085) In addition, existing law authorizes the
6 district attorney to refer a person who is suspected of committing an act that may
7 constitute abuse and neglect of a child for treatment and counseling.
8 (NRS 200.5081)
9 This bill prohibits a parent, legal guardian or other person who is responsible
10 for a child who is 7 years of age or younger from knowingly and intentionally
11 leaving the child in a motor vehicle without the supervision of a person who is at



least 12 years of age if: (1) the conditions present a significant risk to the health and safety of the child; or (2) the engine of the motor vehicle is running or the keys to the vehicle are in the ignition. A person who violates this provision is guilty of a misdemeanor. However, this bill allows a court to suspend the proceedings and dismiss the proceedings if the person completes an educational program satisfactory to the court. This bill further provides that the penalties of this provision do not apply if the person may be prosecuted under another provision of law. Thus, if the conduct of the parent, legal guardian or other person rises to the level of abuse or neglect of the child, this provision would not apply.

Existing law provides for the sealing of records related to the arrest and prosecution of a person for a crime, including the sealing of records after charges are dismissed or a person is acquitted of the charges. (NRS 179.255) After the records are sealed, all proceedings related to the record are deemed never to have occurred. (NRS 179.285) Nevertheless, in limited circumstances, certain persons may inspect sealed records. (NRS 179.301)

This bill amends the provision which authorizes certain persons to inspect sealed records to authorize a prosecuting attorney to inquire into and inspect such records if: (1) the records relate to a violation or alleged violation of the prohibition on leaving a child who is 7 years of age or younger in a motor vehicle without the required supervision; and (2) the person who is the subject of the records has been arrested or issued a citation for a violation of that provision.

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 knowingly and intentionally leave that child in a motor vehicle if:

(a) The conditions present a significant risk to the health and safety of the child; or

(b) The engine of the motor vehicle is running or the keys to the vehicle are in the ignition,

↳ unless the child is being supervised by and within the sight of 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 the court. The educational program must include, without limitation, information concerning the dangers of leaving a child unattended or inadequately attended in a motor vehicle.

3. A law enforcement officer or other person rendering emergency services who reasonably believes that a violation of this section has occurred may, without incurring civil liability, use any



1 *reasonable means necessary to protect the child and to remove the*
2 *child from the motor vehicle.*

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

6 *5. The provisions of this section do not apply to a person who*
7 *unintentionally locks a motor vehicle with a child in the vehicle.*

8 *6. As used in this section, "motor vehicle" means every*
9 *vehicle which is self-propelled but not operated upon rails.*

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

11 179.301 1. The State Gaming Control Board and the Nevada
12 Gaming Commission and their employees, agents and
13 representatives may inquire into and inspect any records sealed
14 pursuant to NRS 179.245 or 179.255, if the event or conviction was
15 related to gaming, to determine the suitability or qualifications of
16 any person to hold a state gaming license, manufacturer's, seller's or
17 distributor's license or registration as a gaming employee pursuant
18 to chapter 463 of NRS. Events and convictions, if any, which are the
19 subject of an order sealing records:

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

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

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

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

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

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

37 ~~[3-]~~ 4. Records which have been sealed pursuant to NRS
38 179.245 or 179.255 and which are retained in the statewide registry
39 established pursuant to NRS 179B.200 may be inspected pursuant to
40 chapter 179B of NRS by an officer or employee of the Central
41 Repository for Nevada Records of Criminal History or a law
42 enforcement officer in the regular course of his duties.

43 ~~[4-]~~ 5. As used in this section:



- 1 (a) “Information relating to sexual offenses” means information
2 contained in or concerning a record of criminal history, or the
3 records of criminal history of the United States or another state,
4 relating in any way to a sexual offense.
5 (b) “Sexual offense” has the meaning ascribed to it in
6 NRS 179A.073.

