

SENATE BILL NO. 308—SENATOR NOLAN

MARCH 24, 2005

Referred to Committee on Judiciary

SUMMARY—Authorizes release and use of certain information pertaining to persons and motor vehicles that may pose threat to public safety. (BDR 14-285)

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: Yes.

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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 public safety; authorizing certain persons involved in the security of authorized businesses to receive certain information pertaining to persons and motor vehicles that may pose a threat to public safety; prohibiting persons who receive such information from disseminating the information received or using the information received for an unlawful purpose; 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 179A of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *“Authorized business” means a business that maintains a formally trained security staff which provides security and security supervision on the premises of the business 24 hours per day.*

Sec. 3. 1. *“Authorized person” means a person who:*

(a) Works for an authorized business as a shift security supervisor or manager;



- (b) Has completed the required training;*
- (c) Has been approved by the authorized business for which he works to receive information pursuant to section 4 of this act, following a complete investigation of his background; and*
- (d) Has been listed with a local law enforcement agency as a person approved by the authorized business to request and receive information pursuant to section 4 of this act.*

2. As used in this section, "required training" means training that:

- (a) Is provided at the expense of the authorized business; and*
- (b) Must include, without limitation, classes certified by the Nevada Sheriffs and Chiefs Association or, if the Nevada Sheriffs and Chiefs Association ceases to exist, its legal successor, regarding records of criminal history, the dissemination of records of criminal history and criminal intelligence information, as that term is defined in Part 23 of Title 28 of the Code of Federal Regulations.*

Sec. 4. 1. *To protect public safety, an authorized business that wishes to obtain information pursuant to this section may submit to a local law enforcement agency the names of authorized persons who may request and receive such information.*

2. If an authorized person has reasonable suspicion to believe that a motor vehicle located on the property of the authorized business for which he works, the registered owner of a motor vehicle located on the property or a person located on the property may pose a threat to the safety of the public, the authorized person may request the disclosure of the following information concerning the motor vehicle, registered owner or person:

(a) Whether the motor vehicle located on the property is stolen or wanted.

(b) Whether the registered owner of the motor vehicle located on the property is wanted for questioning by any law enforcement agency.

(c) Whether the person located on the property is wanted for questioning by any law enforcement agency.

(d) Any information that may be disseminated pursuant to subsection 1 of NRS 179A.100, if it is determined by the local law enforcement agency that the information is relevant to the authorized business under the circumstances.

3. A local law enforcement agency may charge a reasonable fee to an authorized business for providing information pursuant to this section.

4. A local law enforcement agency shall not disseminate any information concerning a motor vehicle located on the property, the registered owner of a motor vehicle located on the property or



1 *a person located on the property other than the information*
2 *specifically identified in subsection 2.*

3 *5. An authorized person who obtains information pursuant to*
4 *this section shall not:*

5 *(a) Disseminate that information further without express*
6 *authority of law or in accordance with a court order, except that*
7 *the authorized person may disseminate that information to an*
8 *appropriate law enforcement agency; or*

9 *(b) Use that information for any unlawful purpose, including,*
10 *without limitation, the commission of any criminal act or the*
11 *denial of the full and equal enjoyment of the goods, services,*
12 *facilities, privileges, advantages and accommodations of any place*
13 *of public accommodation without discrimination or segregation*
14 *on the ground of race, color, religion, national origin or disability*
15 *in violation of NRS 651.070.*

16 *6. A person who violates any provision of subsection 5 is*
17 *guilty of a gross misdemeanor.*

18 *7. For the purposes of the Driver's Privacy Protection Act of*
19 *1994, 18 U.S.C. § 2721, the Legislature hereby declares that any*
20 *disclosure of personal information pursuant to this section is*
21 *necessary to protect public safety.*

22 *8. As used in this section, "registered owner" has the*
23 *meaning ascribed to it in NRS 482.102.*

24 **Sec. 5.** NRS 179A.010 is hereby amended to read as follows:

25 179A.010 As used in this chapter, unless the context otherwise
26 requires, the words and terms defined in NRS 179A.020 to
27 179A.073, inclusive, *and sections 2 and 3 of this act* have the
28 meanings ascribed to them in those sections.

29 **Sec. 6.** NRS 179A.100 is hereby amended to read as follows:

30 179A.100 1. The following records of criminal history may
31 be disseminated by an agency of criminal justice without any
32 restriction pursuant to this chapter:

33 (a) Any which reflect records of conviction only; and

34 (b) Any which pertain to an incident for which a person is
35 currently within the system of criminal justice, including parole or
36 probation.

37 2. Without any restriction pursuant to this chapter, a record of
38 criminal history or the absence of such a record may be:

39 (a) Disclosed among agencies which maintain a system for the
40 mutual exchange of criminal records.

41 (b) Furnished by one agency to another to administer the system
42 of criminal justice, including the furnishing of information by a
43 police department to a district attorney.

44 (c) Reported to the Central Repository.



1 3. An agency of criminal justice shall disseminate to a
2 prospective employer, upon request, records of criminal history
3 concerning a prospective employee or volunteer which:

4 (a) Reflect convictions only; or

5 (b) Pertain to an incident for which the prospective employee or
6 volunteer is currently within the system of criminal justice,
7 including parole or probation.

8 4. In addition to any other information to which an employer is
9 entitled or authorized to receive, the Central Repository shall
10 disseminate to a prospective or current employer the information
11 described in subsection 4 of NRS 179A.190 concerning an
12 employee, prospective employee, volunteer or prospective volunteer
13 who gives his written consent to the release of that information if
14 the employer submits a request in the manner set forth in NRS
15 179A.200 for obtaining a notice of information. The Central
16 Repository shall search for and disseminate such information in the
17 manner set forth in NRS 179A.210 for the dissemination of a notice
18 of information. Except as otherwise provided in this subsection, the
19 provisions of NRS 179A.180 to 179A.240, inclusive, do not apply
20 to an employer who requests information and to whom information
21 is disseminated pursuant to this subsection.

22 5. Records of criminal history must be disseminated by an
23 agency of criminal justice upon request, to the following persons or
24 governmental entities:

25 (a) The person who is the subject of the record of criminal
26 history for the purposes of NRS 179A.150.

27 (b) The person who is the subject of the record of criminal
28 history or his attorney of record when the subject is a party in a
29 judicial, administrative, licensing, disciplinary or other proceeding
30 to which the information is relevant.

31 (c) The State Gaming Control Board.

32 (d) The State Board of Nursing.

33 (e) The Private Investigator's Licensing Board to investigate an
34 applicant for a license.

35 (f) A public administrator to carry out his duties as prescribed in
36 chapter 253 of NRS.

37 (g) A public guardian to investigate a ward or proposed ward or
38 persons who may have knowledge of assets belonging to a ward or
39 proposed ward.

40 (h) Any agency of criminal justice of the United States or of
41 another state or the District of Columbia.

42 (i) Any public utility subject to the jurisdiction of the Public
43 Utilities Commission of Nevada when the information is necessary
44 to conduct a security investigation of an employee or prospective
45 employee, or to protect the public health, safety or welfare.



1 (j) Persons and agencies authorized by statute, ordinance,
2 executive order, court rule, court decision or court order as
3 construed by appropriate state or local officers or agencies.

4 (k) Any person or governmental entity which has entered into a
5 contract to provide services to an agency of criminal justice relating
6 to the administration of criminal justice, if authorized by the
7 contract, and if the contract also specifies that the information will
8 be used only for stated purposes and that it will be otherwise
9 confidential in accordance with state and federal law and regulation.

10 (l) Any reporter for the electronic or printed media in his
11 professional capacity for communication to the public.

12 (m) Prospective employers if the person who is the subject of
13 the information has given written consent to the release of that
14 information by the agency which maintains it.

15 (n) For the express purpose of research, evaluative or statistical
16 programs pursuant to an agreement with an agency of criminal
17 justice.

18 (o) An agency which provides child welfare services, as defined
19 in NRS 432B.030.

20 (p) The Welfare Division of the Department of Human
21 Resources or its designated representative.

22 (q) An agency of this or any other state or the Federal
23 Government that is conducting activities pursuant to Part D of
24 Subchapter IV of Chapter 7 of Title 42 of the Social Security Act,
25 42 U.S.C. §§ 651 et seq.

26 (r) The State Disaster Identification Team of the Division of
27 Emergency Management of the Department.

28 (s) The Commissioner of Insurance.

29 ***(t) An authorized person as provided in section 4 of this act.***

30 6. Agencies of criminal justice in this State which receive
31 information from sources outside this State concerning transactions
32 involving criminal justice which occur outside Nevada shall treat the
33 information as confidentially as is required by the provisions of this
34 chapter.

35 **Sec. 7.** This act becomes effective upon passage and approval.



