

Assembly Bill No. 352—Assemblymen Gerhardt, Leslie, Parks, Conklin, Anderson, Atkinson, Beers, Buckley, Claborn, Denis, Goedhart, Goicoechea, Grady, Hogan, Kihuen, Koivisto, Manendo, McClain, Mortenson, Munford, Ocegüera, Ohrenschall, Parnell, Pierce, Segerblom, Smith, Stewart and Womack

CHAPTER.....

AN ACT relating to work cards; making the issuance of a temporary work card for employment at certain kinds of dwelling units discretionary rather than mandatory; prohibiting the issuance of work cards for such employment to persons who have been convicted of certain crimes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a landlord of dwelling units intended and operated exclusively for persons 55 years of age and older is prohibited from employing persons to perform certain work on the premises unless the person has obtained a work card from the county sheriff. (NRS 118A.335) This bill: (1) makes the issuance of a temporary work card to an applicant who is being investigated discretionary rather than mandatory; and (2) prohibits the sheriff from issuing a work card to a person who has been convicted of certain crimes, including a category A, B or C felony or a similar crime in another state, a sexual offense, certain crimes against the elderly or other vulnerable persons, certain batteries, certain thefts or certain violations of state or federal drug laws. This bill further provides that a person who is denied a work card who believes the information provided to the sheriff by the Central Repository for Nevada Records of Criminal History is incorrect must be given an opportunity to correct the information.

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

Section 1. NRS 118A.335 is hereby amended to read as follows:

118A.335 1. Except as otherwise provided in subsection ~~4~~,
5, a landlord of dwelling units intended and operated exclusively for persons 55 years of age and older may not employ any person who will work 36 hours or more per week and who will have access to all dwelling units to perform work on the premises unless the person has obtained a work card issued pursuant to subsection 2 by the sheriff of the county in which the dwelling units are located and renewed that work card as necessary.

2. The sheriff of a county shall issue a work card to each person who is required by this section to obtain a work card and who complies with the requirements established by the sheriff for



the issuance of such a card. A work card issued pursuant to this section must be renewed:

- (a) Every 5 years; and
- (b) Whenever the person changes his employment to perform work for an employer other than the employer for which his current work card was issued.

3. If the sheriff of a county requires an applicant for a work card to be investigated:

(a) The applicant must submit with his application a complete set of his fingerprints and written permission authorizing the sheriff to 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) The sheriff ~~may~~ **shall** submit the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of the applicant.

(c) The sheriff ~~shall~~ **may** issue a temporary work card pending the determination of the criminal history of the applicant by the Federal Bureau of Investigation.

4. *The sheriff shall not issue a work card to any person who:*

(a) Has been convicted of a category A, B or C felony or of a crime in another state which would be a category A, B or C felony if committed in this State;

(b) Has been convicted of a sexual offense;

(c) Has been convicted of a crime against any person who is 60 years of age or older or against a vulnerable person for which an additional term of imprisonment may be imposed pursuant to NRS 193.167 or the laws of any other jurisdiction;

(d) Has been convicted of a battery punishable as a gross misdemeanor; or

(e) Within the immediately preceding 5 years:

(1) Has been convicted of a theft; or

(2) Has been convicted of a violation of any state or federal law regulating the possession, distribution or use of a controlled substance.

5. The following persons are not required to obtain a work card pursuant to this section:

(a) A person who holds a permit to engage in property management pursuant to chapter 645 of NRS.

(b) An independent contractor. As used in this paragraph, "independent contractor" means a person who performs services for a fixed price according to his own methods and without subjection



to the supervision or control of the landlord, except as to the results of the work, and not as to the means by which the services are accomplished.

(c) An offender in the course and scope of his employment in a work program directed by the warden, sheriff, administrator or other person responsible for administering a prison, jail or other detention facility.

(d) A person performing work through a court-assigned restitution or community-service program.

6. If the sheriff does not issue a work card to a person because the information received from the Central Repository for Nevada Records of Criminal History indicates that the person has been convicted of a crime listed in subsection 4 and the person believes that the information provided by the Central Repository is incorrect, the person may immediately inform the sheriff. If the sheriff is so informed, he shall give the person at least 30 days in which to correct the information before terminating the temporary work card issued pursuant to subsection 3.

7. As used in this section, unless the context otherwise requires:

(a) "Sexual offense" has the meaning ascribed to it in NRS 179D.410.

(b) "Vulnerable person" has the meaning ascribed to it in NRS 200.5092.

