

SENATE BILL NO. 106—COMMITTEE ON TRANSPORTATION
AND HOMELAND SECURITY

FEBRUARY 19, 2007

Referred to Committee on Transportation and Homeland Security

SUMMARY—Revises provisions concerning the release of certain confidential and restricted documents relating to potential acts of terrorism. (BDR 19-300)

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 homeland security; prescribing the persons authorized to inspect certain confidential or restricted documents relating to potential acts of terrorism; eliminating the prospective expiration of the provisions relating to such confidential and restricted documents; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 **Sections 3 and 4** of this bill prescribe the persons who may properly inspect
2 certain confidential documents that are prepared and maintained to prevent or
3 respond to an act of terrorism and certain restricted documents which include
4 blueprints or plans of certain places likely to be targeted for a terrorist attack to
5 include state, county and city emergency managers, members of Nevada terrorism
6 early warning centers or fusion intelligence centers and their staff and employees of
7 fire-fighting, law enforcement and public health agencies. (NRS 239C.210,
8 239C.220) **Section 5** of this bill eliminates the prospective expiration of the
9 provisions relating to such confidential and restricted documents.

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

- 1 **Section 1.** Chapter 239C of NRS is hereby amended by adding
2 thereto a new section to read as follows:
3 ***“Law enforcement agency” means:***
4 ***1. The sheriff’s office of a county;***
5 ***2. A metropolitan police department;***



1 **3. A police department of an incorporated city; or**
2 **4. The Department of Public Safety.**

3 **Sec. 2.** NRS 239C.020 is hereby amended to read as follows:

4 239C.020 As used in this chapter, unless the context otherwise
5 requires, the words and terms defined in NRS 239C.030 to
6 239C.110, inclusive, **and section 1 of this act** have the meanings
7 ascribed to them in those sections.

8 **Sec. 3.** NRS 239C.210 is hereby amended to read as follows:

9 239C.210 1. A document, record or other item of information
10 described in subsection 2 that is prepared and maintained for the
11 purpose of preventing or responding to an act of terrorism is
12 confidential, not subject to subpoena or discovery, ~~and~~ not subject
13 to inspection by the general public **and may only be inspected by or**
14 **released to public safety and public health personnel** if the
15 Governor determines, by executive order, that the disclosure or
16 release of the document, record or other item of information would
17 thereby create a substantial likelihood of compromising,
18 jeopardizing or otherwise threatening the public health, safety or
19 welfare.

20 2. The types of documents, records or other items of
21 information subject to executive order pursuant to subsection 1 are
22 as follows:

23 (a) Assessments, plans or records that evaluate or reveal the
24 susceptibility of fire stations, police stations and other law
25 enforcement stations to acts of terrorism or other related
26 emergencies.

27 (b) Drawings, maps, plans or records that reveal the critical
28 infrastructure of primary buildings, facilities and other structures
29 used for storing, transporting or transmitting water or electricity,
30 natural gas or other forms of energy.

31 (c) Documents, records or other items of information which may
32 reveal the details of a specific emergency response plan or other
33 tactical operations by a response agency and any training relating to
34 such emergency response plans or tactical operations.

35 (d) Handbooks, manuals or other forms of information detailing
36 procedures to be followed by response agencies in the event of an
37 act of terrorism or other related emergency.

38 (e) Documents, records or other items of information that reveal
39 information pertaining to specialized equipment used for covert,
40 emergency or tactical operations of a response agency, other than
41 records relating to expenditures for such equipment.

42 (f) Documents, records or other items of information regarding
43 the infrastructure and security of frequencies for radio transmissions
44 used by response agencies, including, without limitation:



(1) Access codes, passwords or programs used to ensure the security of frequencies for radio transmissions used by response agencies;

(2) Procedures and processes used to ensure the security of frequencies for radio transmissions used by response agencies; and

(3) Plans used to reestablish security and service with respect to frequencies for radio transmissions used by response agencies after security has been breached or service has been interrupted.

3. If a person knowingly and unlawfully discloses a document, record or other item of information subject to an executive order issued pursuant to subsection 1 or assists, solicits or conspires with another person to disclose such a document, record or other item of information, the person is guilty of:

(a) A gross misdemeanor; or

(b) A category C felony and shall be punished as provided in NRS 193.130 if the person acted with the intent to:

(1) Commit, cause, aid, further or conceal, or attempt to commit, cause, aid, further or conceal, any unlawful act involving terrorism or sabotage; or

(2) Assist, solicit or conspire with another person to commit, cause, aid, further or conceal any unlawful act involving terrorism or sabotage.

4. As used in this section, "public safety and public health personnel" includes:

(a) State, county and city emergency managers;

(b) Members and staff of terrorism early warning centers or fusion intelligence centers in this State;

(c) Employees of fire-fighting or law enforcement agencies; and

(d) Employees of a public health agency if the agency is one that would respond to a disaster. As used in this paragraph, "disaster" has the meaning ascribed to it in NRS 414.0335.

Sec. 4. NRS 239C.220 is hereby amended to read as follows:

239C.220 1. Unless made confidential by specific statute, a restricted document may be inspected only by a person who provides:

(a) His name;

(b) A copy of his driver's license or other photographic identification that is issued by a governmental entity;

(c) The name of his employer, if any;

(d) His citizenship; and

(e) Except as otherwise provided in this paragraph, a statement of the purpose for the inspection. A person is not required to indicate the purpose for inspecting a restricted document if the person is ~~an~~:



1 (1) *A state, county or city emergency manager;*
2 (2) *A member or staff person of a terrorism early warning*
3 *center or fusion intelligence center in this State;*
4 (3) *An employee of any fire-fighting or law enforcement*
5 *agency* ~~H~~; *or*
6 (4) *An employee of a public health agency if the agency is*
7 *one that would respond to a disaster. As used in this*
8 *subparagraph, "disaster" has the meaning ascribed to it in*
9 *NRS 414.0335.*

10 2. Except as otherwise provided in subsection 3, a public
11 officer or employee shall observe any person while the person
12 inspects a restricted document in a location and in a manner which
13 ensures that the person does not copy, duplicate or reproduce the
14 restricted document in any way.

15 3. A restricted document may be copied, duplicated or
16 reproduced:

17 (a) Upon the lawful order of a court of competent jurisdiction;
18 (b) As is reasonably necessary in the case of an act of terrorism
19 or other related emergency;

20 (c) To protect the rights and obligations of a governmental entity
21 or the public;

22 (d) Upon the request of a reporter or editorial employee who is
23 employed by or affiliated with a newspaper, press association or
24 commercially operated and federally licensed radio or television
25 station and who uses the restricted document in the course of such
26 employment or affiliation; or

27 (e) Upon the request of a registered architect, licensed contractor
28 or a designated employee of any such architect or contractor who
29 uses the restricted document in his professional capacity.

30 4. A public officer or employee shall inform any person who
31 inspects a restricted document of the provisions of this section.

32 **Sec. 5.** Section 40 of chapter 402, Statutes of Nevada 2003, at
33 page 2469, is hereby amended to read as follows:

34 Sec. 40. 1. This section and sections 1 to 33,
35 inclusive, 38, 38.5 and 39 of this act become effective on
36 July 1, 2003.

37 2. Sections 34 to 37, inclusive, of this act become
38 effective on January 1, 2004.

39 ~~[3. The provisions of sections 21 to 24, inclusive, and~~
40 ~~27.5 of this act expire by limitation on June 30, 2007.]~~

41 **Sec. 6.** This act becomes effective upon passage and approval.

