

SENATE BILL NO. 31—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE AGING SERVICES DIVISION)

PREFILED JANUARY 26, 2007

Referred to Committee on Judiciary

SUMMARY—Makes various changes to provisions governing records of criminal history. (BDR 14-595)

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 records of criminal history; requiring an agency of criminal justice to disseminate records of criminal history to the Aging Services Division of the Department of Health and Human Services; requiring a law enforcement agency to provide to the Aging Services Division information relating to persons suspected of a crime against an older person; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill expands the list of persons and governmental entities entitled to receive records of criminal history from an agency of criminal justice to include the Aging Services Division of the Department of Health and Human Services. (NRS 179A.100)

Section 2 of this bill provides that when the Aging Services Division is investigating a report of a crime against an older person, a law enforcement agency must, upon request, provide certain information relating to a person suspected of the crime. (NRS 200.50982)



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

Section 1. NRS 179A.100 is hereby amended to read as follows:

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

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

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

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

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

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

(c) Reported to the Central Repository.

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

(a) Reflect convictions only; or

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

4. In addition to any other information to which an employer is entitled or authorized to receive, the Central Repository shall disseminate to a prospective or current employer the information contained in a record of registration concerning an employee, prospective employee, volunteer or prospective volunteer who is a sex offender or an offender convicted of a crime against a child, regardless of whether the employee, prospective employee, volunteer or prospective volunteer gives his written consent to the release of that information. The Central Repository shall disseminate such information in a manner that does not reveal the name of an individual victim of an offense. A request for information pursuant to this subsection must conform to the requirements of the Central Repository and must include:

(a) The name and address of the employer, and the name and signature of the person requesting the notice on behalf of the employer;

(b) The name and address of the employer's facility in which the employee, prospective employee, volunteer or prospective volunteer



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1 is employed or volunteers or is seeking to become employed or
2 volunteer; and

3 (c) The name and other identifying information of the employee,
4 prospective employee, volunteer or prospective volunteer.

5 5. In addition to any other information to which an employer is
6 entitled or authorized to receive, the Central Repository shall
7 disseminate to a prospective or current employer the information
8 described in subsection 4 of NRS 179A.190 concerning an
9 employee, prospective employee, volunteer or prospective volunteer
10 who gives his written consent to the release of that information if
11 the employer submits a request in the manner set forth in NRS
12 179A.200 for obtaining a notice of information. The Central
13 Repository shall search for and disseminate such information in the
14 manner set forth in NRS 179A.210 for the dissemination of a notice
15 of information.

16 6. Except as otherwise provided in subsection 5, the provisions
17 of NRS 179A.180 to 179A.240, inclusive, do not apply to an
18 employer who requests information and to whom information is
19 disseminated pursuant to subsections 4 and 5.

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

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

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

29 (c) The State Gaming Control Board.

30 (d) The State Board of Nursing.

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

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

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

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

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



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

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

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

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

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

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

(p) The Division of Welfare and Supportive Services of the Department of Health and Human Services or its designated representative.

(q) *The Aging Services Division of the Department of Health and Human Services or its designated representative.*

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

~~(s)~~ (s) The State Disaster Identification Team of the Division of Emergency Management of the Department.

~~(t)~~ (t) The Commissioner of Insurance.

~~(u)~~ (u) The Board of Medical Examiners.

~~(v)~~ (v) The State Board of Osteopathic Medicine.

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

Sec. 2. NRS 200.50982 is hereby amended to read as follows:

200.50982 **1.** The provisions of NRS 200.5091 to 200.50995, inclusive, do not prohibit an agency which is investigating a report of abuse, neglect, exploitation or isolation, or which provides protective services, from disclosing data or information concerning the reports and investigations of the abuse, neglect, exploitation or isolation of an older person or a vulnerable person to other federal,



1 state or local agencies or the legal representatives of the older
2 person or vulnerable person on whose behalf the investigation is
3 being conducted if:

4 ~~1-1~~ (a) The agency making the disclosure determines that the
5 disclosure is in the best interest of the older person or vulnerable
6 person; and

7 ~~1-2~~ (b) Proper safeguards are taken to ensure the confidentiality
8 of the information.

9 ***2. If the Aging Services Division of the Department of Health
10 and Human Services is investigating a report of abuse, neglect,
11 exploitation or isolation of an older person, a law enforcement
12 agency shall, upon request of the Aging Services Division, provide
13 information relating to any suspect in the investigation as soon as
14 possible. The information must include, when possible:***

15 ***(a) The records of criminal history of the suspect;***

16 ***(b) Whether or not the suspect resides with or near the older
17 person; and***

18 ***(c) A summary of any events, incidents or arrests which have
19 occurred at the residence of the suspect or the older person within
20 the past 90 days and which involve physical violence or concerns
21 related to public safety or the health or safety of the older person.***

22 **Sec. 3.** This act becomes effective upon passage and approval.

