

SENATE BILL NO. 389—SENATOR NOLAN

MARCH 19, 2007

Referred to Committee on Legislative Operations and Elections

SUMMARY—Makes various changes to provisions relating to public safety. (BDR 14-1348)

FISCAL NOTE: Effect on Local Government: No.
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; revising the provisions relating to fees that may be charged by the Central Repository for Nevada Records of Criminal History for providing certain information; directing the Legislative Commission to conduct an interim study concerning background investigations of persons and records of criminal history; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law provides that the Central Repository for Nevada Records of
2 Criminal History shall not charge a fee for certain information. (NRS 179A.140)
3 **Section 1** of this bill allows the Central Repository to charge a fee for information
4 contained in a record of registration concerning an employee or prospective
5 employee who is a sex offender or an offender convicted of a crime against a child
6 requested by and provided to a nonprofit organization, but continues to prohibit the
7 Central Repository from charging a fee for such information concerning a volunteer
8 or prospective volunteer who will work directly with children and who is a sex
9 offender or an offender convicted of a crime against a child.
10 **Section 2** of this bill requires the Legislative Commission to conduct an interim
11 study of background investigations of persons and records of criminal history.

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

- 1 **Section 1.** NRS 179A.140 is hereby amended to read as
2 follows:
3 179A.140 1. Except as otherwise provided in this section, an
4 agency of criminal justice may charge a reasonable fee for



1 information relating to records of criminal history provided to any
2 person or governmental entity.

3 2. An agency of criminal justice shall not charge a fee for
4 providing such information to another agency of criminal justice if
5 the information is provided for purposes of the administration of
6 criminal justice, or for providing such information to the State
7 Disaster Identification Team of the Division of Emergency
8 Management of the Department.

9 3. The Central Repository shall not charge such a fee:

10 (a) For information relating to a person regarding whom the
11 Central Repository provided a similar report within the immediately
12 preceding 6 months in conjunction with the application by that
13 person for professional licensure; or

14 (b) For information contained in a record of registration
15 concerning ~~an employee, prospective employee,~~ a volunteer or
16 prospective volunteer *who will work directly with children and* who
17 is a sex offender or an offender convicted of a crime against a child
18 or records of criminal history requested by and provided to a
19 nonprofit organization that is recognized as exempt from taxation
20 pursuant to 26 U.S.C. § 501(c)(3).

21 4. The Director may request an allocation from the
22 Contingency Fund pursuant to NRS 353.266, 353.268 and 353.269
23 to cover the costs incurred by the Department to carry out the
24 provisions of paragraph (b) of subsection 3.

25 5. All money received or collected by the Department pursuant
26 to this section must be used to defray the cost of operating the
27 Central Repository.

28 **Sec. 2.** 1. The Legislative Commission shall appoint a
29 subcommittee of six legislators to conduct an interim study of
30 background investigations of persons and records of criminal
31 history, including, without limitation, the Central Repository for
32 Nevada Records of Criminal History and the statewide registry of
33 sex offenders and offenders convicted of a crime against a child
34 established within the Central Repository pursuant to NRS
35 179B.200. The subcommittee must consist of:

36 (a) The Chair of the Senate Standing Committee on Judiciary;

37 (b) The Chair of the Assembly Standing Committee on
38 Judiciary;

39 (c) Two members of the Senate appointed by the Majority
40 Leader of the Senate; and

41 (d) Two members of the Assembly appointed by the Speaker of
42 the Assembly.

43 2. The subcommittee shall appoint an advisory committee to
44 assist the subcommittee in carrying out its duties. The advisory
45 committee must consist of:



1 (a) The Director of the Department of Corrections or his
2 designee;

3 (b) The Director of the Department of Public Safety or his
4 designee;

5 (c) The chief officer, other than the Director of the Department
6 of Public Safety, who administers the Central Repository for
7 Nevada Records of Criminal History;

8 (d) The Chief Parole and Probation Officer;

9 (e) One district attorney from Clark County, one district attorney
10 from Washoe County and one district attorney from a county other
11 than Clark County or Washoe County; and

12 (f) One public defender from Clark County, one public defender
13 from Washoe County and one public defender from a county other
14 than Clark County or Washoe County.

15 **Sec. 3.** This act becomes effective on July 1, 2007.

