

Amendment No. 534

Assembly Amendment to Assembly Bill No. 352

(BDR 10-708)

Proposed by: Assembly Committee on Commerce and Labor**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) ***green bold italic underlining*** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) ~~orange double underlining~~ is deleted language in the original bill that is proposed to be retained in this amendment; and (6) ***green bold*** is newly added transitory language.

RBL



Date: 4/19/2007

A.B. No. 352—Prohibits the issuance of certain work cards to persons who have been convicted of certain crimes. (BDR 10-708)



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, OCEGUERA, OHRENSCHALL, PARNELL, PIERCE, SEGERBLOM, SMITH, STEWART AND WOMACK

MARCH 15, 2007

Referred to Committee on Commerce and Labor

SUMMARY—Prohibits the issuance of certain work cards to persons who have been convicted of certain crimes. (BDR 10-708)

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 work cards; prohibiting the issuance of work cards for employment at certain kinds of dwelling units to persons who have been convicted of certain crimes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, a landlord of dwelling units intended and operated exclusively for
2 persons 55 years of age and older is prohibited from employing persons to perform certain
3 work on the premises unless the person has obtained a work card from the county sheriff.
4 (NRS 118A.335) This bill prohibits the sheriff from issuing such a work card to a person who
5 has been convicted of certain crimes, including a **category A, B or C felony** ~~or~~ **or a similar**
6 **crime in another state**, a sexual offense, certain crimes against the elderly or other vulnerable
7 persons, certain batteries, certain thefts or certain violations of state or federal drug laws. **This**
8 **bill further provides that a person who is denied a work card who believes the**
9 **information provided to the sheriff by the Central Repository for Nevada Records of**
10 **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:

1 **Section 1.** NRS 118A.335 is hereby amended to read as follows:
2 118A.335 1. Except as otherwise provided in subsection ~~4~~ **5**, a landlord of
3 dwelling units intended and operated exclusively for persons 55 years of age and
4 older may not employ any person who will work 36 hours or more per week and
5 who will have access to all dwelling units to perform work on the premises unless
6 the person has obtained a work card issued pursuant to subsection 2 by the sheriff

1 of the county in which the dwelling units are located and renewed that work card as
2 necessary.

3 2. The sheriff of a county shall issue a work card to each person who is
4 required by this section to obtain a work card and who complies with the
5 requirements established by the sheriff for the issuance of such a card. A work card
6 issued pursuant to this section must be renewed:

7 (a) Every 5 years; and

8 (b) Whenever the person changes his employment to perform work for an
9 employer other than the employer for which his current work card was issued.

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

12 (a) The applicant must submit with his application a complete set of his
13 fingerprints and written permission authorizing the sheriff to forward the
14 fingerprints to the Central Repository for Nevada Records of Criminal History for
15 submission to the Federal Bureau of Investigation for its report.

16 (b) The sheriff ~~may~~ **shall** submit the fingerprints to the Central Repository for
17 Nevada Records of Criminal History for submission to the Federal Bureau of
18 Investigation to determine the criminal history of the applicant.

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

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

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

25 (b) ***Has been convicted of a sexual offense;***

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

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

31 (e) ***Within the immediately preceding 5 years:***

32 (1) ***Has been convicted of a theft; or***

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

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

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

39 (b) An independent contractor. As used in this paragraph, "independent
40 contractor" means a person who performs services for a fixed price according to his
41 own methods and without subjection to the supervision or control of the landlord,
42 except as to the results of the work, and not as to the means by which the services
43 are accomplished.

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

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

49 6. ***If the sheriff does not issue a work card to a person because the***
50 ***information received from the Central Repository for Nevada Records of***
51 ***Criminal History indicates that the person has been convicted of a crime listed in***
52 ***subsection 4 and the person believes that the information provided by the Central***
53 ***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.