

## Amendment No. 1107

Senate Amendment to Senate Bill No. 123 First Reprint

(BDR 19-462)

**Proposed by:** Senator Care**Amendment Box:** Replaces Amendment No. 1088  
Consistent with Amendment No. 1049**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

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.

**Section 6 of S.B. No. 123 is hereby amended as follows:**

**Sec. 6. 1. Except as otherwise provided in this subsection and subsection 3, notwithstanding any provision of law that has declared a public book or record, or a part thereof, to be confidential, if a public book or record has been in the legal custody or control of one or more governmental entities for at least 30 years, a person may apply to the district court of the county in which the governmental entity that currently has legal custody or control of the public book or record is located for an order directing that governmental entity to allow the person to inspect or copy the public book or record, or a part thereof. If the public book or record pertains to a natural person, a person may not apply for an order pursuant to**

EGO



Date: 6/1/2007

S.B. No. 123—Makes various changes to provisions relating to public records. (BDR 19-462)



*this subsection until the public book or record has been in the legal custody or control of one or more governmental entities for at least 30 years or until the death of the person to whom the public book or record pertains, whichever is later.*

*2. There is a rebuttable presumption that a person who applies for an order as described in subsection 1 is entitled to inspect or copy the public book or record, or a part thereof, that he seeks to inspect or copy.*

*3. The provisions of subsection 1 do not apply to any ~~[public]~~ book or record ~~[pertaining to an applicant that has been declared]~~ :*

*(a) Declared confidential pursuant to subsection 4 of NRS 463.120. ~~[As used in this subsection, "applicant" has the meaning ascribed to it in NRS 463.0135.]~~*

*(b) Containing personal information pertaining to a victim of crime that has been declared by law to be confidential.*

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**Section 16 of S.B. No. 123 is hereby amended as follows:**

**Sec. 16.** ~~[NRS 62D.440 is hereby amended to read as follows:~~

~~62D.440 1. The prosecuting attorney shall disclose to the victim of an act committed by a child the disposition of the child's case regarding that act if:~~

~~(a) The victim requests such a disclosure; or~~

~~(b) If the victim is less than 18 years of age, the parent or guardian of the victim requests such a disclosure.~~

~~2. [All] Except as otherwise provided in section 6 of this act, all personal information pertaining to the victim or the parent or guardian of the victim, including, but not limited to, a current or former address, which is obtained by the prosecuting attorney pursuant to this section,~~

~~is confidential and must not be used for a purpose other than that provided for in this section.]~~

**(Deleted by amendment.)**

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**Section 32 of S.B. No. 123 is hereby amended as follows:**

**Sec. 32.** ~~[NRS 176.156 is hereby amended to read as follows:~~

~~176.156 1. The Division shall disclose to the prosecuting attorney, the counsel for the defendant and the defendant the factual content of the report of:~~

~~(a) Any presentence investigation made pursuant to NRS 176.135 and the recommendations of the Division.~~

~~(b) Any general investigation made pursuant to NRS 176.151.~~

~~➔ The Division shall afford an opportunity to each party to object to factual errors in any such report and to comment on any recommendations.~~

~~2. Unless otherwise ordered by a court, upon request, the Division shall disclose the content of a report of a presentence investigation or general investigation to a law enforcement agency of this State or a political subdivision thereof and to a law enforcement agency of the Federal Government for the limited purpose of performing their duties, including, without limitation, conducting hearings that are public in nature.~~

~~3. Unless otherwise ordered by a court, upon request, the Division shall disclose the content of a report of a presentence investigation or general investigation to the Division of Mental Health and Developmental Services of the Department of Health and Human Services for the limited purpose of performing its duties, including, without limitation, evaluating and providing any report or information to the Division concerning the mental health of:~~

~~(a) A sex offender as defined in NRS 213.107; or~~

~~1 (b) An offender who has been determined to be mentally ill.~~

~~2 4. Unless otherwise ordered by a court, upon request, the Division shall disclose the content  
3 of a report of a presentence investigation or general investigation to the State Gaming Control  
4 Board for the limited purpose of performing its duties in the administration of the provisions of  
5 chapters 462 to 467, inclusive, of NRS.~~

~~6 5. Except for the disclosures required by subsections 1 to 4, inclusive, and except as  
7 otherwise provided in section 6 of this act, a report of a presentence investigation or general  
8 investigation and the sources of information for such a report are confidential and must not be  
9 made a part of any public record.] (Deleted by amendment.)~~

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**Section 33 of S.B. No. 123 is hereby amended as follows:**

**Sec. 33.** ~~[NRS 176A.630 is hereby amended to read as follows:~~

~~12 176A.630 If the probationer is arrested, by or without warrant, in another judicial district of  
13 this state, the court which granted the probation may assign the case to the district court of that  
14 district, with the consent of that court. The court retaining or thus acquiring jurisdiction shall  
15 cause the defendant to be brought before it, consider the standards adopted pursuant to NRS  
16 213.10988 and the recommendation, if any, of the Chief Parole and Probation Officer. Upon  
17 determining that the probationer has violated a condition of his probation, the court shall, if  
18 practicable, order the probationer to make restitution for any necessary expenses incurred by a  
19 governmental entity in returning him to the court for violation of his probation. The court may:~~

~~20 1. Continue or revoke the probation or suspension of sentence;~~

~~21 2. Order the probationer to a term of residential confinement pursuant to NRS 176A.660;~~

~~3. Order the probationer to undergo a program of regimental discipline pursuant to NRS~~

~~176A.780;~~

~~4. Cause the sentence imposed to be executed; or~~

~~5. Modify the original sentence imposed by reducing the term of imprisonment and cause~~

~~the modified sentence to be executed. The court shall not make the term of imprisonment less~~

~~than the minimum term of imprisonment prescribed by the applicable penal statute. If the Chief~~

~~Parole and Probation Officer recommends that the sentence of a probationer be modified and the~~

~~modified sentence be executed, he shall provide notice of the recommendation to any victim of~~

~~the crime for which the probationer was convicted who has requested in writing to be notified~~

~~and who has provided his current address to the Division. The notice must inform the victim that~~

~~he has the right to submit documents to the court and to be present and heard at the hearing to~~

~~determine whether the sentence of a probationer who has violated a condition of his probation~~

~~should be modified. The court shall not modify the sentence of a probationer and cause the~~

~~sentence to be executed until it has confirmed that the Chief Parole and Probation Officer has~~

~~complied with the provisions of this subsection. The Chief Parole and Probation Officer must not~~

~~be held responsible when such notification is not received by the victim if the victim has not~~

~~provided a current address. [All] *Except as otherwise provided in section 6 of this act, all*~~

~~personal information, including, but not limited to, a current or former address, which pertains to~~

~~a victim and which is received by the Division pursuant to this subsection is confidential.]~~

**(Deleted by amendment.)**

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**Section 34 of S.B. No. 123 is hereby amended as follows:**

**Sec. 34.** ~~[NRS 178.5691 is hereby amended to read as follows:~~

~~178.5691 [All] Except as otherwise provided in section 6 of this act, all personal information, including, but not limited to, a current or former address, which pertains to a victim, relative, witness or other person and which is received pursuant to the provisions of NRS 178.569 to 178.5698, inclusive, is confidential.]~~ (Deleted by amendment.)

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**Section 36 of S.B. No. 123 is hereby amended as follows:**

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**Sec. 36.** ~~[NRS 179A.290 is hereby amended to read as follows:~~

~~179A.290 1. The Director of the Department shall establish within the Central Repository a program to compile and analyze data concerning offenders who commit sexual offenses. The program must be designed to:~~

~~(a) Provide statistical data relating to the recidivism of offenders who commit sexual offenses; and~~

~~(b) Use the data provided by the Division of Child and Family Services of the Department of Health and Human Services pursuant to NRS 62H.220 to:~~

~~(1) Provide statistical data relating to the recidivism of juvenile sex offenders after they become adults; and~~

~~(2) Assess the effectiveness of programs for the treatment of juvenile sex offenders.~~

~~2. The Division of Parole and Probation and the Department of Corrections shall assist the Director of the Department in obtaining data and in carrying out the program.~~

~~3. The Director of the Department shall report the statistical data and findings from the program to:~~

~~(a) The Legislature at the beginning of each regular session.~~

~~1 (b) The Advisory Commission on Sentencing on or before January 31 of each even-~~  
~~2 numbered year.~~

~~3 4. [The] Except as otherwise provided in section 6 of this act, the data acquired pursuant to~~  
~~4 this section is confidential and must be used only for the purpose of research. The data and~~  
~~5 findings generated pursuant to this section must not contain information that may reveal the~~  
~~6 identity of a juvenile sex offender or the identity of an individual victim of a crime.] (Deleted by~~  
~~7 amendment.)~~

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**Section 37 of S.B. No. 123 is hereby amended as follows:**

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**Sec. 37.** ~~[NRS 200.3771 is hereby amended to read as follows:~~

~~10 200.3771 1. Except as otherwise provided in this section [,] and section 6 of this act, any~~  
~~11 information which is contained in:~~

~~12 (a) Court records, including testimony from witnesses;~~

~~13 (b) Intelligence or investigative data, reports of crime or incidents of criminal activity or~~  
~~14 other information;~~

~~15 (c) Records of criminal history, as that term is defined in NRS 179A.070; and~~

~~16 (d) Records in the Central Repository for Nevada Records of Criminal History,~~

~~17 that reveals the identity of a victim of sexual assault is confidential, including but not limited~~  
~~18 to the victim's photograph, likeness, name, address or telephone number.~~

~~19 2. A defendant charged with a sexual assault and his attorney are entitled to all identifying~~  
~~20 information concerning the victim in order to prepare the defense of the defendant. The~~  
~~21 defendant and his attorney shall not disclose this information except, as necessary, to those~~  
~~22 persons directly involved in the preparation of the defense.~~

~~3. A court of competent jurisdiction may authorize the release of the identifying information, upon application, if the court determines that:~~

~~(a) The person making the application has demonstrated to the satisfaction of the court that good cause exists for the disclosure;~~

~~(b) The disclosure will not place the victim at risk of personal harm; and~~

~~(c) Reasonable notice of the application and an opportunity to be heard have been given to the victim.~~

~~4. Nothing in this section prohibits:~~

~~(a) Any publication or broadcast by the media concerning a sexual assault.~~

~~(b) The disclosure of identifying information to any nonprofit organization or public agency whose purpose is to provide counseling, services for the management of crises or other assistance to the victims of crimes if:~~

~~(1) The organization or agency needs identifying information of victims to offer such services; and~~

~~(2) The court or a law enforcement agency approves the organization or agency for the receipt of the identifying information.~~

~~5. The willful violation of any provision of this section or the willful neglect or refusal to obey any court order made pursuant thereto is punishable as criminal contempt.] (Deleted by amendment.)~~

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**Section 38 of S.B. No. 123 is hereby amended as follows:**

**Sec. 38.** ~~[NRS 200.3772 is hereby amended to read as follows:~~



~~200.3772 1. A victim of a sexual assault may choose a pseudonym to be used instead of the victim's name on all files, records and documents pertaining to the sexual assault, including, without limitation, criminal intelligence and investigative reports, court records and media releases.~~

~~2. A victim who chooses to use a pseudonym shall file a form to choose a pseudonym with the law enforcement agency investigating the offense. The form must be provided by the law enforcement agency.~~

~~3. If the victim files a form to use a pseudonym, as soon as practicable the law enforcement agency shall make a good faith effort to:~~

~~(a) Substitute the pseudonym for the name of the victim on all reports, files and records in the agency's possession; and~~

~~(b) Notify the prosecuting attorney of the pseudonym.~~

~~The law enforcement agency shall maintain the form in a manner that protects the confidentiality of the information contained therein.~~

~~4. Upon notification that a victim has elected to be designated by a pseudonym, the court shall ensure that the victim is designated by the pseudonym in all legal proceedings concerning the sexual assault.~~

~~5. [The] Except as otherwise provided in section 6 of this act, the information contained on the form to choose a pseudonym concerning the actual identity of the victim is confidential and must not be disclosed to any person other than the defendant or his attorney unless a court of competent jurisdiction orders the disclosure of the information. The disclosure of information to~~

~~a defendant or his attorney is subject to the conditions and restrictions specified in subsection 2 of NRS 200.3771. A person who violates this subsection is guilty of a misdemeanor.~~

~~6. A court of competent jurisdiction may order the disclosure of the information contained on the form only if it finds that the information is essential in the trial of the defendant accused of the sexual assault or the identity of the victim is at issue.~~

~~7. A law enforcement agency that complies with the requirements of this section is immune from civil liability for unknowingly or unintentionally:~~

~~(a) Disclosing any information contained on the form filed by a victim of sexual assault pursuant to this section that reveals the identity of the victim; or~~

~~(b) Failing to substitute the pseudonym of the victim for the name of the victim on all reports, files and records in the agency's possession.] (Deleted by amendment.)~~

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**Section 39 of S.B. No. 123 is hereby amended as follows:**

**Sec. 39.** ~~[NRS 200.5095 is hereby amended to read as follows:~~

~~200.5095 1. [Reports] Except as otherwise provided in section 6 of this act, reports made pursuant to NRS 200.5093, 200.50935 and 200.5094, and records and investigations relating to those reports, are confidential.~~

~~2. A person, law enforcement agency or public or private agency, institution or facility who willfully releases data or information concerning the reports and investigation of the abuse, neglect, exploitation or isolation of older persons or vulnerable persons, except:~~

~~(a) Pursuant to a criminal prosecution;~~

~~(b) Pursuant to NRS 200.50982; or~~

~~(c) To persons or agencies enumerated in subsection 3,~~

~~→ is guilty of a misdemeanor.~~

~~3. Except as otherwise provided in subsection 2 and NRS 200.50982 [.] and section 6 of this act, data or information concerning the reports and investigations of the abuse, neglect, exploitation or isolation of an older person or a vulnerable person is available only to:~~

~~(a) A physician who is providing care to an older person or a vulnerable person who may have been abused, neglected, exploited or isolated;~~

~~(b) An agency responsible for or authorized to undertake the care, treatment and supervision of the older person or vulnerable person;~~

~~(c) A district attorney or other law enforcement official who requires the information in connection with an investigation of the abuse, neglect, exploitation or isolation of the older person or vulnerable person;~~

~~(d) A court which has determined, in camera, that public disclosure of such information is necessary for the determination of an issue before it;~~

~~(e) A person engaged in bona fide research, but, **except as otherwise provided in section 6 of this act**, the identity of the subjects of the report must remain confidential;~~

~~(f) A grand jury upon its determination that access to such records is necessary in the conduct of its official business;~~

~~(g) Any comparable authorized person or agency in another jurisdiction;~~

~~(h) A legal guardian of the older person or vulnerable person, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation or isolation of the older person or vulnerable person to the public agency is protected, and the legal guardian of the~~

~~older person or vulnerable person is not the person suspected of such abuse, neglect, exploitation or isolation;~~

~~—(i) If the older person or vulnerable person is deceased, the executor or administrator of his estate, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation or isolation of the older person or vulnerable person to the public agency is protected, and the executor or administrator is not the person suspected of such abuse, neglect, exploitation or isolation; or~~

~~—(j) The older person or vulnerable person named in the report as allegedly being abused, neglected, exploited or isolated, if that person is not legally incompetent.~~

~~—4. If the person who is reported to have abused, neglected, exploited or isolated an older person or a vulnerable person is the holder of a license or certificate issued pursuant to chapters 449, 630 to 641B, inclusive, or 654 of NRS, information contained in the report must be submitted to the board that issued the license.]~~ (Deleted by amendment.)

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**Section 41 of S.B. No. 123 is hereby amended as follows:**

**Sec. 41.** ~~[NRS 209.392 is hereby amended to read as follows:~~

~~—209.392 1. Except as otherwise provided in NRS 209.3925 and 209.429, the Director may, at the request of an offender who is eligible for residential confinement pursuant to the standards adopted by the Director pursuant to subsection 3 and who has:~~

~~—(a) Established a position of employment in the community;~~

~~—(b) Enrolled in a program for education or rehabilitation; or~~

~~—(c) Demonstrated an ability to pay for all or part of the costs of his confinement and to meet any existing obligation for restitution to any victim of his crime;~~

~~→ assign the offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of his sentence.~~

~~2. Upon receiving a request to serve a term of residential confinement from an eligible offender, the Director shall notify the Division of Parole and Probation. If any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.130, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the Division of Parole and Probation shall notify the victim of the offender's request and advise the victim that he may submit documents regarding the request to the Division of Parole and Probation. If a current address has not been provided as required by subsection 4 of NRS 213.130, the Division of Parole and Probation must not be held responsible if such notification is not received by the victim. [All] *Except as otherwise provided in section 6 of this act, all* personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division of Parole and Probation pursuant to this subsection is confidential.~~

~~3. The Director, after consulting with the Division of Parole and Probation, shall adopt, by regulation, standards providing which offenders are eligible for residential confinement. The standards adopted by the Director must provide that an offender who:~~

~~(a) Is not eligible for parole or release from prison within a reasonable period;~~

~~(b) Has recently committed a serious infraction of the rules of an institution or facility of the Department;~~

~~(c) Has not performed the duties assigned to him in a faithful and orderly manner;~~

~~—(d) Has ever been convicted of:~~

~~—(1) Any crime involving the use or threatened use of force or violence against the victim;~~

~~or~~

~~—(2) A sexual offense;~~

~~—(e) Has more than one prior conviction for any felony in this State or any offense in another state that would be a felony if committed in this State, not including a violation of NRS 484.379, 484.3795 or 484.37955;~~

~~—(f) Has escaped or attempted to escape from any jail or correctional institution for adults; or~~

~~—(g) Has not made an effort in good faith to participate in or to complete any educational or vocational program or any program of treatment, as ordered by the Director;~~

~~→ is not eligible for assignment to the custody of the Division of Parole and Probation to serve a term of residential confinement pursuant to this section.~~

~~—4. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of his residential confinement:~~

~~—(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.~~

~~—(b) The offender forfeits all or part of the credits for good behavior earned by him before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as he considers proper. The decision of the Director regarding such a forfeiture is final.~~

~~5. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:~~

~~(a) A continuation of his imprisonment and not a release on parole; and~~

~~(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,~~

~~except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.~~

~~6. An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.] (Deleted by amendment.)~~

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**Section 42 of S.B. No. 123 is hereby amended as follows:**

**Sec. 42.** ~~[NRS 209.3925 is hereby amended to read as follows:~~

~~209.3925 1. Except as otherwise provided in subsection 6, the Director may assign an offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement pursuant to NRS 213.380 or other appropriate supervision as determined by the Division of Parole and Probation, for not longer than the remainder of his sentence, if:~~

~~(a) The Director has reason to believe that the offender is:~~

~~(1) Physically incapacitated or in ill health to such a degree that he does not presently, and likely will not in the future, pose a threat to the safety of the public; or~~

~~— (2) In ill health and expected to die within 12 months, and does not presently, and likely will not in the future, pose a threat to the safety of the public; and~~

~~— (b) At least two physicians licensed pursuant to chapter 630 or 633 of NRS, one of whom is not employed by the Department, verify, in writing, that the offender is:~~

~~— (1) Physically incapacitated or in ill health; or~~

~~— (2) In ill health and expected to die within 12 months.~~

~~2. If the Director intends to assign an offender to the custody of the Division of Parole and Probation pursuant to this section, at least 45 days before the date the offender is expected to be released from the custody of the Department, the Director shall notify:~~

~~— (a) If the offender will reside within this State after he is released from the custody of the Department, the board of county commissioners of the county in which the offender will reside; and~~

~~— (b) The Division of Parole and Probation.~~

~~3. If any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.130, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the Division of Parole and Probation shall notify the victim that:~~

~~— (a) The Director intends to assign the offender to the custody of the Division of Parole and Probation pursuant to this section; and~~

~~— (b) The victim may submit documents to the Division of Parole and Probation regarding such an assignment.~~

~~➤ If a current address has not been provided by a victim as required by subsection 4 of NRS 213.130, the Division of Parole and Probation must not be held responsible if notification is not~~



1 ~~received by the victim. [All] Except as otherwise provided in section 6 of this act, all personal~~  
2 ~~information, including, but not limited to, a current or former address, which pertains to a victim~~  
3 ~~and which is received by the Division of Parole and Probation pursuant to this subsection is~~  
4 ~~confidential.~~

5 ~~4. If an offender assigned to the custody of the Division of Parole and Probation pursuant to~~  
6 ~~this section escapes or violates any of the terms or conditions of his residential confinement or~~  
7 ~~other appropriate supervision as determined by the Division of Parole and Probation:~~

8 ~~(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS~~  
9 ~~213.410, return the offender to the custody of the Department.~~

10 ~~(b) The offender forfeits all or part of the credits for good behavior earned by him before the~~  
11 ~~escape or violation, as determined by the Director. The Director may provide for a forfeiture of~~  
12 ~~credits pursuant to this paragraph only after proof of the offense and notice to the offender and~~  
13 ~~may restore credits forfeited for such reasons as he considers proper. The decision of the Director~~  
14 ~~regarding such a forfeiture is final.~~

15 ~~5. The assignment of an offender to the custody of the Division of Parole and Probation~~  
16 ~~pursuant to this section shall be deemed:~~

17 ~~(a) A continuation of his imprisonment and not a release on parole; and~~

18 ~~(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,~~

19 ~~except that the offender is not entitled to obtain any benefits or to participate in any programs~~  
20 ~~provided to offenders in the custody of the Department.~~

~~6. The Director may not assign an offender to the custody of the Division of Parole and Probation pursuant to this section if the offender is sentenced to death or imprisonment for life without the possibility of parole.~~

~~7. An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.] (Deleted by amendment.)~~

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**Section 44 of S.B. No. 123 is hereby amended as follows:**

**Sec. 44.** ~~[NRS 209.521 is hereby amended to read as follows:~~

~~209.521 1. If a victim of an offender provides his current address to the Director and makes a written request for notification of the offender's release or escape, the Director shall notify the victim if the offender:~~

~~(a) Will be released into the community for the purpose of employment, training or education, or for any other purpose for which release is authorized; or~~

~~(b) Has escaped from the custody of the Department.~~

~~2. An offender must not be temporarily released into the community for any purpose unless notification of the release has been given to every victim of the offender who has requested notification and has provided his current address.~~

~~3. The Director may not be held responsible for any injury proximately caused by his failure to give any notice required pursuant to subsection 1 or 2 if no address was provided to the Director or the address provided is inaccurate or not current.~~

~~4. [All] Except as otherwise provided in section 6 of this act, all personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Director pursuant to this section is confidential.~~

~~5. As used in this section, "victim" has the meaning ascribed to it in NRS 213.005.]~~

**(Deleted by amendment.)**

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**Section 46 of S.B. No. 123 is hereby amended as follows:**

**Sec. 46.** ~~[NRS 213.010 is hereby amended to read as follows:~~

~~213.010 1. The State Board of Pardons Commissioners consists of the Governor, the justices of the Supreme Court and the Attorney General.~~

~~2. Meetings of the Board for the purpose of considering applications for clemency may be held semiannually or oftener, on such dates as may be fixed by the Board.~~

~~3. The Board shall give written notice at least 15 days before a meeting to each victim of the crimes committed by each person whose application for clemency will be considered at the meeting, if the victim so requests in writing and provides his current address. If a current address is not provided, the Board may not be held responsible if the notice is not received by the victim.~~

~~The victim may submit a written response to the Board at any time before the meeting. [All]~~

~~Except as otherwise provided in section 6 of this act, all personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Board pursuant to this subsection is confidential.]~~ **(Deleted by amendment.)**

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**Section 47 of S.B. No. 123 is hereby amended as follows:**

**Sec. 47.** ~~[NRS 213.040 is hereby amended to read as follows:~~

~~213.040 All district attorneys receiving notice of an application for a pardon, or  
commutation of punishment, or remission of fine or forfeiture, shall transmit forthwith to:~~

~~1. The Board a statement in writing of facts surrounding the commission of the offense for  
which the applicant is incarcerated or subject to penalty and any information affecting the merits  
of the application.~~

~~2. Each victim of the person applying for clemency a copy of the notice of the application, if  
the victim so requests in writing and provides his current address. If a current address is not  
provided, the district attorney may not be held responsible if a copy of the notice is not received  
by the victim. [All] Except as otherwise provided in section 6 of this act, all personal  
information, including, but not limited to, a current or former address, which pertains to a victim  
and which is received by the district attorney pursuant to this subsection is confidential.]~~

**(Deleted by amendment.)**

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**Section 48 of S.B. No. 123 is hereby amended as follows:**

**Sec. 48.** ~~[NRS 213.095 is hereby amended to read as follows:~~

~~213.095 If the Board remits a fine or forfeiture, commutes a sentence or grants a pardon, it  
shall give written notice of its action to the victim of the person granted clemency, if the victim  
so requests in writing and provides his current address. If a current address is not provided, the  
Board may not be held responsible if the notice is not received by the victim. [All] Except as  
otherwise provided in section 6 of this act, all personal information, including, but not limited~~

~~to, a current or former address, which pertains to a victim and which is received by the Board pursuant to this section is confidential.] (Deleted by amendment.)~~

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**Section 49 of S.B. No. 123 is hereby amended as follows:**

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**Sec. 49.** ~~[NRS 213.130 is hereby amended to read as follows:~~

~~213.130 1. The Department of Corrections shall:~~

~~(a) Determine when a prisoner sentenced to imprisonment in the state prison is eligible to be considered for parole;~~

~~(b) Notify the State Board of Parole Commissioners of the eligibility of the prisoner to be considered for parole; and~~

~~(c) Before a meeting to consider the prisoner for parole, compile and provide to the Board data that will assist the Board in determining whether parole should be granted.~~

~~2. If a prisoner is being considered for parole from a sentence imposed for conviction of a crime which involved the use of force or violence against a victim and which resulted in bodily harm to a victim and if original or duplicate photographs that depict the injuries of the victim or the scene of the crime were admitted at the trial of the prisoner or were part of the report of the presentence investigation and are reasonably available, a representative sample of such photographs must be included with the information submitted to the Board at the meeting. A prisoner may not bring a cause of action against the State of Nevada, its political subdivisions, agencies, boards, commissions, departments, officers or employees for any action that is taken pursuant to this subsection or for failing to take any action pursuant to this subsection, including, without limitation, failing to include photographs or including only certain photographs. As used in this subsection, "photograph" includes any video, digital or other photographic image.~~

~~3. Meetings to consider prisoners for parole may be held semiannually or more often, on such dates as may be fixed by the Board. All meetings must be open to the public.~~

~~4. Not later than 5 days after the date on which the Board fixes the date of the meeting to consider a prisoner for parole, the Board shall notify the victim of the prisoner who is being considered for parole of the date of the meeting and of his rights pursuant to this subsection, if the victim has requested notification in writing and has provided his current address or if the victim's current address is otherwise known by the Board. The victim of a prisoner being considered for parole may submit documents to the Board and may testify at the meeting held to consider the prisoner for parole. A prisoner must not be considered for parole until the Board has notified any victim of his rights pursuant to this subsection and he is given the opportunity to exercise those rights. If a current address is not provided to or otherwise known by the Board, the Board must not be held responsible if such notification is not received by the victim.~~

~~5. The Board may deliberate in private after a public meeting held to consider a prisoner for parole.~~

~~6. The Board of State Prison Commissioners shall provide suitable and convenient rooms or space for use of the Board.~~

~~7. If a victim is notified of a meeting to consider a prisoner for parole pursuant to subsection 4, the Board shall, upon making a final decision concerning the parole of the prisoner, notify the victim of its final decision.~~

~~8. [All] Except as otherwise provided in section 6 of this act, all personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Board pursuant to this section is confidential.~~

~~9. For the purposes of this section, "victim" has the meaning ascribed to it in NRS 213.005.]~~

**(Deleted by amendment.)**

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**Section 50 of S.B. No. 123 is hereby amended as follows:**

**Sec. 50.** ~~[NRS 217.105 is hereby amended to read as follows:~~

~~217.105 [Any] Except as otherwise provided in section 6 of this act, any information which a compensation officer obtains in the investigation of a claim for compensation pursuant to NRS 217.090 or which is submitted pursuant to NRS 217.100 is confidential and must not be disclosed except:~~

~~1. Upon the request of the applicant or his attorney;~~

~~2. In the necessary administration of this chapter; or~~

~~3. Upon the lawful order of a court of competent jurisdiction;~~

~~unless the disclosure is otherwise prohibited by law.] (Deleted by amendment.)~~

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**Section 51 of S.B. No. 123 is hereby amended as follows:**

**Sec. 51.** ~~[NRS 217.110 is hereby amended to read as follows:~~

~~217.110 1. Upon receipt of an application for compensation, the compensation officer shall review the application to determine whether the applicant qualifies for compensation. The compensation officer shall deny the claim within 5 days after receipt of the application if the applicant's ineligibility is apparent from the facts stated in the application. The applicant may appeal the denial to a hearing officer within 15 days after the decision. If the hearing officer determines that the applicant may be entitled to compensation, the hearing officer shall order the compensation officer to complete an investigation and render a decision pursuant to subsection 2.~~

~~If the hearing officer denies the appeal, the applicant may appeal to an appeals officer pursuant to NRS 217.117.~~

~~2. If the compensation officer does not deny the application pursuant to subsection 1, or if he is ordered to proceed by the hearing officer, he shall conduct an investigation and, except as otherwise provided in subsection 4, render a decision within 60 days after his receipt of the application or order. If in conducting his investigation the compensation officer believes that:~~

~~(a) Reports on the previous medical history of the victim;~~

~~(b) An examination of the victim and a report of that examination;~~

~~(c) A report on the cause of death of the victim by an impartial medical expert; or~~

~~(d) Investigative or police reports;~~

~~→ would aid him in making his decision, the compensation officer may order the reports.~~

~~3. Upon the request of a compensation officer pursuant to subsection 2 for investigative or police reports which concern a minor who committed a crime against the victim, a juvenile court or a law enforcement agency shall provide the compensation officer with a copy of the requested investigative or police reports. [Any] Except as otherwise provided in section 6 of this act, any reports obtained by a compensation officer pursuant to this subsection are confidential and must not be disclosed except upon the lawful order of a court of competent jurisdiction.~~

~~4. When additional reports are requested pursuant to subsection 2, the compensation officer shall render a decision in the case, including an order directing the payment of compensation, if compensation is due, within 15 days after receipt of the reports.] (Deleted by amendment.)~~

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**Section 54 of S.B. No. 123 is hereby amended as follows:**

**Sec. 54.** ~~[NRS 228.450 is hereby amended to read as follows:~~



~~228.450 1. The Ombudsman for Victims of Domestic Violence shall:~~

~~(a) Prepare quarterly reports relating to victims of domestic violence from information collected from the Central Repository for Nevada Records of Criminal History, if any such information is available.~~

~~(b) Provide necessary assistance to victims of domestic violence.~~

~~(c) Provide education to the public concerning domestic violence, including, without limitation, the prevention of domestic violence, available assistance to victims of domestic violence and available treatment for persons who commit domestic violence.~~

~~(d) Perform such other tasks as are necessary to carry out his duties and the functions of his office.~~

~~2. Except as otherwise provided in this subsection [.] and section 6 of this act, information collected pursuant to paragraph (a) of subsection 1 is confidential and must not be disclosed to any person under any circumstances, including, without limitation, pursuant to a subpoena, search warrant or discovery proceeding. Such information may be used for statistical purposes if the identity of the person is not discernible from the information disclosed.~~

~~3. Any grant received by the Office of the Attorney General for assistance to victims of domestic violence may be used to compensate the Ombudsman for Victims of Domestic Violence.] (Deleted by amendment.)~~

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**If this amendment is adopted, the Legislative Counsel's Digest will be changed as follows:**

**Legislative Counsel's Digest:**

Under existing law, all public books and records of a governmental entity, the contents of which are not otherwise declared by law to be confidential or which the governmental entity

determines pursuant to a balancing test must not be disclosed, must be open at all times during office hours for inspection and copying. (NRS 239.010; *Donrey v. Bradshaw*, 106 Nev. 630 (1990))

**Section 4** of this bill provides that if a governmental entity receives a written request to inspect or copy a public book or record, the governmental entity must, within 5 business days after the date on which the person who has legal custody or control of the book or record has received the request: (1) allow the requester to inspect or copy the public book or record; (2) if the governmental entity does not have legal custody or control of the public book or record, notify the requester of that fact and where, if known, the public book or record is located; (3) if the governmental entity cannot make the public book or record available within 5 business days, notify the requester of the date and time when the book or record will be available; or (4) if the public book or record is confidential, notify the requester of that fact in writing, including a citation to the legal authority that makes the book or record confidential.

With ~~the exception of public books or records pertaining to applicants for gaming licenses,~~ **certain exceptions**, **section 6** of this bill provides that, notwithstanding any provision of law that has declared a public book or record, or a part thereof, to be confidential, once a public book or record has been in the legal custody or control of one or more governmental entities for a period of at least 30 years, a person may apply to the appropriate district court for an order allowing him to inspect or copy the public book or record. If the public book or record pertains to a natural person, a person may not apply for such a court order until 30 years after the book or record has been in the legal custody or control of a governmental entity or the death of the person to whom the book or record pertains, whichever is later. **Section 218** of this bill clarifies that a person may

1 apply for such an order on or after October 1, 2007, the effective date of the bill, to inspect or  
2 copy public books or records that already meet the conditions set forth in **section 6**.

3 **Section 5** of this bill provides that in any judicial or administrative proceeding in which the  
4 confidentiality of a public book or record is at issue and the governmental entity that has legal  
5 custody or control of the public book or record asserts that the public book or record is  
6 confidential, the governmental entity has the burden of proving such confidentiality.

7 **Sections 3 and 7** of this bill provide that although a nongovernmental entity which performs  
8 certain functions for or on behalf of a governmental entity is considered a governmental entity  
9 for the purposes of Nevada's public records law (chapter 239 of NRS), the records of a  
10 nongovernmental entity that are directly related to the administration, management or regulation  
11 of an activity, program, institution or facility for or on behalf of a governmental entity are public  
12 records that must be open for inspection and copying. **Section 3** specifically excludes financial  
13 or other proprietary records of a nongovernmental entity from this requirement.

14 **Section 8** of this bill provides that a governmental entity shall not deny a request to inspect or  
15 copy a public book or record because the public book or record contains information that is  
16 confidential if the governmental entity can redact the confidential information.