

Amendment No. 405

Senate Amendment to Senate Bill No. 410 (BDR 54-886)

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

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of S.B. 410 (§ 5).

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.

LJM/BJE



Date: 4/15/2007

S.B. No. 410—Provides for the licensure and regulation of computer forensics examiners. (BDR 54-886)



SENATE BILL NO. 410—SENATOR CARLTON

MARCH 19, 2007

Referred to Committee on Commerce and Labor

SUMMARY—Provides for the licensure and regulation of computer forensics examiners. (BDR 54-886)

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 computer forensics examiners; providing a definition of computer forensics examiner; requiring licensure of a computer forensics examiner; providing requirements for a license as a computer forensics examiner; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of various investigation and security-related professions. (Chapter 648 of NRS) **Section 1** of this bill defines the term "computer forensics examiner." **Section 5** of this bill requires that a person be licensed before engaging in the business of computer forensics examiner. **Section 6** of this bill provides requirements for the licensure of a computer forensics examiner. **Sections 3 and 4** of this bill revise provisions of chapter 648 of NRS to account for the addition of computer forensics examiners.

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

Section 1. Chapter 648 of NRS is hereby amended by adding thereto a new section to read as follows:

1. "Computer forensics examiner" means a person who engages in the business of, or accepts employment using, specialized computer techniques for the recovery or analysis of digital information from any computer or digital storage device, with the intent to preserve evidence, and who as a part of his business provides reports or testimony in regards to that information.

2. A computer forensics examiner is specifically limited to the activities described in subsection 1.

3. The term "computer forensics examiner" does not apply to ~~for~~ :
(a) A computer repair person who engages in the mere repair or recovery of hardware, software or electronic data for nonforensic purposes ~~for~~ ;

(b) Information security personnel who may, in the course of their work, examine suspect electronic devices; or

(c) Information technology personnel who may, in the course of their work, be involved in network or computer maintenance.

Sec. 2. NRS 648.005 is hereby amended to read as follows:

648.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 648.006 to 648.016, inclusive, *and section 1 of this act* have the meanings ascribed to them in those sections.

Sec. 3. NRS 648.017 is hereby amended to read as follows:

648.017 The purpose of licensing private investigators, private patrolmen, process servers, repossessioners, dog handlers, security consultants, *computer forensics examiners* and polygraphic examiners and interns is to protect the public safety and general welfare of the people of this State. Any license issued pursuant to this chapter is a privilege that may be revoked in accordance with disciplinary procedures set forth in this chapter and in regulations adopted by the Board pursuant thereto, and no holder of such a license acquires thereby any vested right.

Sec. 4. NRS 648.018 is hereby amended to read as follows:

648.018 Except as to polygraphic examiners and interns, this chapter does not apply:

1. To any detective, ~~to~~ officer, *special agent, investigator, examiner or other specialized employee* belonging to ~~the~~ *a* law enforcement ~~agency~~ *or information technology agency* of the State of Nevada or the United States, or of any county or city of the State of Nevada, while the ~~detective or officer~~ *employee* is engaged in the performance of his official duties.

2. To special police officers appointed by the police department of any city, county, or city and county within the State of Nevada while the officer is engaged in the performance of his official duties.

3. To insurance adjusters and their associate adjusters licensed pursuant to the Nevada Insurance Adjusters Law who are not otherwise engaged in the business of private investigators.

4. To any private investigator, private patrolman, process server, dog handler, *computer forensics examiner* or security consultant employed by an employer regularly in connection with the affairs of that employer if a bona fide employer-employee relationship exists, except as otherwise provided in NRS 648.060, 648.140 and 648.203.

5. To a repossessioner employed exclusively by one employer regularly in connection with the affairs of that employer if a bona fide employer-employee relationship exists, except as otherwise provided in NRS 648.060, 648.140 and 648.203.

6. To a person engaged exclusively in the business of obtaining and furnishing information as to the financial rating of persons.

7. To a charitable philanthropic society or association incorporated under the laws of this State which is organized and maintained for the public good and not for private profit.

8. To an attorney at law in performing his duties as such.

9. To a collection agency unless engaged in business as a repossessioner, licensed by the Commissioner of Financial Institutions, or an employee thereof while acting within the scope of his employment while making an investigation incidental to the business of the agency, including an investigation of the location of a debtor or his assets and of property which the client has an interest in or lien upon.

10. To admitted insurers and agents and insurance brokers licensed by the State, performing duties in connection with insurance transacted by them.

11. To any bank organized pursuant to the laws of this State or to any national bank engaged in banking in this State.

12. To any person employed to administer a program of supervision for persons who are serving terms of residential confinement.

Sec. 5. NRS 648.060 is hereby amended to read as follows:

648.060 1. No person may:

(a) Engage in the business of private investigator, private patrolman, process server, reposessor, dog handler, security consultant, *computer forensics examiner*, or polygraphic examiner or intern; or

(b) Advertise his business as such, irrespective of the name or title actually used,

↪ unless he is licensed pursuant to this chapter.

2. No person may be employed by a licensee unless the person holds a work card issued by the sheriff of the county in which the work is to be performed. The provisions of this subsection do not apply to a person licensed pursuant to this chapter.

3. A person licensed pursuant to this chapter may employ only another licensee, or a nonlicensed person who:

(a) Is at least 18 years of age.

(b) Is a citizen of the United States or lawfully entitled to remain and work in the United States.

(c) Is of good moral character and temperate habits.

(d) Has not been convicted of a felony or a crime involving moral turpitude or the illegal use or possession of a dangerous weapon.

Sec. 6. NRS 648.110 is hereby amended to read as follows:

648.110 1. Before the Board grants any license, the applicant, including each director and officer of a corporate applicant, must:

(a) Be at least 21 years of age.

(b) Be a citizen of the United States or lawfully entitled to remain and work in the United States.

(c) Be of good moral character and temperate habits.

(d) Have no conviction of:

(1) A felony relating to the practice for which the applicant wishes to be licensed; or

(2) Any crime involving moral turpitude or the illegal use or possession of a dangerous weapon.

2. Each applicant, or the qualifying agent of a corporate applicant, must:

(a) If an applicant for a private investigator's license, have at least 5 years' experience as an investigator, or the equivalent thereof, as determined by the Board.

(b) If an applicant for a reposessor's license, have at least 5 years' experience as a reposessor, or the equivalent thereof, as determined by the Board.

(c) If an applicant for a private patrolman's license, have at least 5 years' experience as a private patrolman, or the equivalent thereof, as determined by the Board.

(d) If an applicant for a process server's license, have at least 2 years' experience as a process server, or the equivalent thereof, as determined by the Board.

(e) If an applicant for a dog handler's license, demonstrate to the satisfaction of the Board his ability to handle, supply and train watchdogs.

(f) If an applicant for a license as an intern, have:

(1) Received:

(I) A baccalaureate degree from an accredited college or university and have at least 1 year's experience in investigation or polygraphic examination satisfactory to the Board;

(II) An associate degree from an accredited college or university and have at least 3 years' experience; or

(III) A high school diploma or its equivalent and have at least 5 years' experience; and

(2) Satisfactorily completed a basic course of instruction in polygraphic techniques satisfactory to the Board.

(g) If an applicant for a license as a polygraphic examiner:

(1) Meet the requirements contained in paragraph (f);

(2) Have actively conducted polygraphic examinations for at least 2 years;

(3) Have completed successfully at least 250 polygraphic examinations, including at least 100 examinations concerning specific inquiries as distinguished from general examinations for the purpose of screening;

(4) Have completed successfully at least 50 polygraphic examinations, including 10 examinations concerning specific inquiries, during the 12 months immediately before the date of his application; and

(5) Have completed successfully at least 24 hours of advanced polygraphic training acceptable to the Board during the 2 years immediately before the date of his application.

(h) ~~If an applicant for a license as a computer forensics examiner, he currently certified as an:~~

~~(1) EnCase Certified Examiner by Guidance Software, Inc., or its successor organization;~~

~~(2) AccessData Certified Examiner by the AccessData Corp. or its successor organization;~~

~~(3) Certified Computer Examiner by the International Society of Forensic Computer Examiners or its successor organization; or~~

~~(4) Certified Forensic Computer Examiner by the International Association of Computer Investigative Specialists or its successor organization.~~
have:

(1) Not less than 18 months of work experience or a bachelor's degree from an accredited college or university in computer forensics or a related field; and

(2) Been certified as a Certified Computer Examiner by the International Society of Forensic Computer Examiners or its successor organization, or received an alternative certification consisting of both a written examination and a practicum as set forth by the Board by regulation.

(i) Meet other requirements as determined by the Board.

3. The Board, when satisfied from recommendations and investigation that the applicant is of good character, competency and integrity, may issue and deliver a license to the applicant entitling him to conduct the business for which he is licensed, for the period which ends on July 1 next following the date of issuance.

4. For the purposes of this section, 1 year of experience consists of 2,000 hours of experience.