

Amendment No. 836

Assembly Amendment to Assembly Bill No. 497 First Reprint
(BDR 14-1154)

Proposed by: Assembly Committee on Ways and Means

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 dashed underlining* is newly added transitory language.

RBL



Date: 5/18/2009

A.B. No. 497—Provides for the collection and sharing of certain statistical data and information relating to the criminal justice system.  
(BDR 14-1154)



## ASSEMBLY BILL NO. 497—COMMITTEE ON JUDICIARY

MARCH 23, 2009

Referred to Committee on Judiciary

SUMMARY—Provides for the collection and sharing of certain statistical data and information relating to the criminal justice system. (BDR 14-1154)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
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 the criminal justice system; providing for the collection and sharing of certain statistical data and information relating to the criminal justice system; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the Department of Corrections and the Division of Parole and Probation of the Department of Public Safety to provide certain information to the Advisory Commission on the Administration of Justice and to assist the Commission in carrying out its statutory duties. (NRS 176.0127) **Section 1** of this bill requires the Central Repository for Nevada Records of Criminal History to ~~[(1) compile and maintain records, reports and compilations of statistical data and information submitted by agencies of criminal justice within this State; (2) facilitate the efficient and timely exchange of necessary data, information, records, reports and compilations among the various agencies of criminal justice within this State; and (3)]~~ **facilitate the collection of statistical data, coordinate the exchange of such data with certain other entities involved in criminal justice and** provide the Commission with ~~[(any)]~~ available statistical data, information and research requested by the Commission.

**Section 3** of this bill requires the Department of Corrections to provide information and research to the Commission concerning rates of recidivism and the effectiveness of educational and vocational programs. ~~[Section 4 of this bill requires each agency of criminal justice within this State that has such data or information in its possession to: (1) maintain records, reports and compilations of statistical data and information regarding domestic violence, specialty court programs, rates of recidivism, and the effectiveness and operation of educational and vocational programs for criminal offenders; and (2) submit such data and information to the Central Repository, which will provide the data and information to the Commission pursuant to section 1 of this bill.]~~

**Section 5** of this bill ~~[(1)]~~ requires the Court Administrator to ~~assist the State Court System in collecting statistical data and other information and making reports relating to the operation of the criminal justice system in this State; and (2)]~~ **compile statistical information concerning criminal cases and include certain statistics regarding specialty court programs in the report that the Court Administrator is required to provide to the Legislature before each legislative session concerning specialty court programs. Section 5 also** deletes obsolete statutory language referring to a report that was required to be made to the Legislature in 2007.

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

**Section 1.** Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

**The Central Repository for Nevada Records of Criminal History shall:**

~~1. [Compile and maintain records, reports and compilations of statistical data and information submitted pursuant to NRS 179A.075.~~

~~2. To facilitate the efficient and timely exchange of necessary data, information, records, reports and compilations, coordinate}~~ Facilitate the collection of statistical data in the manner approved by the Director of the Department of Public Safety and coordinate the exchange of such data with agencies of criminal justice within this State, including:

(a) State and local law enforcement agencies;

~~(b) [Prosecutors;~~

~~(c) The Office of the Attorney General;~~

~~(d) (c) The [Judicial Branch of State Government;]~~ Court Administrator;

~~(e) (d) The Department of Corrections; and~~

~~(f) (e) The Division.~~

~~3. 2. Provide the Commission with [any] available statistical data [and] and information [and research] requested by the Commission.~~

**Sec. 2.** NRS 176.0121 is hereby amended to read as follows:

176.0121 As used in NRS 176.0121 to 176.0129, inclusive, and section 1 of this act, "Commission" means the Advisory Commission on the Administration of Justice.

**Sec. 3.** NRS 176.0127 is hereby amended to read as follows:

176.0127 1. The ~~[In addition to providing the statistical data and information required to be submitted pursuant to NRS 179A.075, the]~~ Department of Corrections shall:

(a) Provide the Commission with any available statistical information or research requested by the Commission and assist the Commission in the compilation and development of information requested by the Commission, including, but not limited to, information or research concerning the facilities and institutions of the Department of Corrections, the offenders who are or were within those facilities or institutions, rates of recidivism, the effectiveness of educational and vocational programs and the sentences which are being served or were served by those offenders;

(b) If requested by the Commission, make available to the Commission the use of the computers and programs which are owned by the Department of Corrections; and

(c) Provide the independent contractor retained by the Department of Administration pursuant to NRS 176.0129 with any available statistical information requested by the independent contractor for the purpose of performing the projections required by NRS 176.0129.

2. The ~~[In addition to providing the statistical data and information required to be submitted pursuant to NRS 179A.075, the]~~ Division shall:

(a) Provide the Commission with any available statistical information or research requested by the Commission and assist the Commission in the compilation and development of information concerning sentencing, probation, parole and any offenders who are or were subject to supervision by the Division;

(b) If requested by the Commission, make available to the Commission the use of the computers and programs which are owned by the Division; and

(c) Provide the independent contractor retained by the Department of Administration pursuant to NRS 176.0129 with any available statistical information requested by the independent contractor for the purpose of performing the projections required by NRS 176.0129.

**Sec. 4.** ~~[NRS 179A.075 is hereby amended to read as follows:]~~

~~179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the Records and Technology Division of the Department.~~

~~2. Each agency of criminal justice and any other agency dealing with crime or delinquency of children shall:~~

~~(a) Collect and maintain records, reports and compilations of statistical data required by the Department. [; and]~~

~~(b) To the extent that the agency has such statistical data and information in its possession, maintain records, reports and compilations of statistical data and information concerning the following:~~

~~(1) Domestic violence as described in NRS 33.018;~~

~~(2) Specialty court programs as defined in NRS 176.0613;~~

~~(3) Rates of recidivism of criminal offenders; and~~

~~(4) The effectiveness and operation of educational and vocational programs for criminal offenders, including any such programs for probationers, inmates in state and local correctional facilities, and parolees.~~

~~(c) Submit the statistical data and information collected pursuant to paragraphs (a) and (b) to the Central Repository in the manner approved by the Director of the Department.~~

~~3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates or issues, and any information in its possession relating to the genetic markers of a biological specimen of a person who is convicted of an offense listed in subsection 4 of NRS 176.0913, to the Division. The information must be submitted to the Division:~~

~~(a) Through an electronic network;~~

~~(b) On a medium of magnetic storage; or~~

~~(c) In the manner prescribed by the Director of the Department;~~

~~within the period prescribed by the Director of the Department. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.~~

~~4. The Division shall, in the manner prescribed by the Director of the Department:~~

~~(a) Collect, maintain and arrange all information submitted to it relating to:~~

~~(1) Records of criminal history; and~~

~~(2) The genetic markers of a biological specimen of a person who is convicted of an offense listed in subsection 4 of NRS 176.0913;~~

~~(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him;~~

~~(c) Upon request, provide the information that is contained in the Central Repository to the State Disaster Identification Team of the Division of Emergency Management of the Department.~~

~~5. The Division may:~~

~~(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;~~

~~(b) Enter into cooperative agreements with federal and state repositories to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and~~

~~(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints the Central Repository submits to the Federal Bureau of Investigation and;~~

~~(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;~~

~~(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;~~

~~(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;~~

~~(4) For whom such information is required to be obtained pursuant to NRS 426.335 and 449.179; or~~

~~(5) About whom any agency of the State of Nevada or any political subdivision thereof has a legitimate need to have accurate personal information for the protection of the agency or the persons within its jurisdiction.~~

~~➤ To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to this subsection, the Central Repository must receive the person's complete set of fingerprints from the agency or political subdivision and submit the fingerprints to the Federal Bureau of Investigation for its report.~~

~~6. The Central Repository shall:~~

~~(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2;~~

~~(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section;~~

~~(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository;~~

~~(d) Investigate the criminal history of any person who:~~

~~(1) Has applied to the Superintendent of Public Instruction for a license;~~

~~(2) Has applied to a county school district, charter school or private school for employment; or~~

~~(3) Is employed by a county school district, charter school or private school;~~

~~➤ and notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.~~

~~(e) Upon discovery, notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:~~

~~(1) Investigated pursuant to paragraph (d); or~~

~~(2) Employed by a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation;~~

~~➤ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony~~

~~or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.~~

~~—(f) Investigate the criminal history of each person who submits fingerprints or has his fingerprints submitted pursuant to NRS 426.335, 449.176 or 449.179.~~

~~—(g) On or before July 1 of each year, prepare and present to the Governor a printed annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be presented to the Governor throughout the year regarding specific areas of crime if they are approved by the Director of the Department.~~

~~—(h) On or before July 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, a report containing statistical data about domestic violence in this State.~~

~~—(i) Identify and review the collection and processing of statistical data relating to criminal justice and the delinquency of children by any agency identified in subsection 2, and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.~~

~~—7. The Central Repository may:~~

~~—(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime or the delinquency of children.~~

~~—(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice, any other agency dealing with crime or the delinquency of children which is required to submit information pursuant to subsection 2 or the State Disaster Identification Team of the Division of Emergency Management of the Department. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.~~

~~—(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.~~

~~—8. As used in this section:~~

~~—(a) "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:~~

~~—(1) The name, driver's license number, social security number, date of birth and photograph or computer-generated image of a person; and~~

~~—(2) The fingerprints, voiceprint, retina image and iris image of a person.~~

~~—(b) "Private school" has the meaning ascribed to it in NRS 394.103.1. **(Deleted by amendment.)**~~

**Sec. 5.** NRS 1.360 is hereby amended to read as follows:

1.360 Under the direction of the Supreme Court, the Court Administrator shall:

1. Examine the administrative procedures employed in the offices of the judges, clerks, court reporters and employees of all courts of this State and make recommendations, through the Chief Justice, for the improvement of those procedures;

2. Examine the condition of the dockets of the courts and determine the need for assistance by any court;

3. Make recommendations to and carry out the directions of the Chief Justice relating to the assignment of district judges where district courts are in need of assistance;

4. Develop a uniform system for collecting and compiling statistics and other data regarding the operation of the State Court System and transmit that information to the Supreme Court so that proper action may be taken in respect thereto;

5. Prepare and submit a budget of state appropriations necessary for the maintenance and operation of the State Court System and make recommendations in respect thereto;

6. Develop procedures for accounting, internal auditing, procurement and disbursement for the State Court System;

7. Collect statistical and other data and make reports relating to the expenditure of all public money for the maintenance and operation of the State Court System and the offices connected therewith;

8. Compile statistics from the information required to be maintained by the clerks of the district courts pursuant to NRS 3.275 regarding criminal and civil cases and make reports as to the cases filed in the district courts;

9. Formulate and submit to the Supreme Court recommendations of policies or proposed legislation for the improvement of the State Court System;

~~10. Assist the State Court System in collecting statistical data and other information and making reports relating to the operation of the criminal justice system in this State;~~

~~11.~~ On or before January 1 of each year, submit to the Director of the Legislative Counsel Bureau a written report compiling the information submitted to the Court Administrator pursuant to NRS 3.243, 4.175 and 5.045 during the immediately preceding fiscal year;

~~12.~~ On or before January 1 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau a written report concerning:

(a) The distribution of money deposited in the special account created pursuant to NRS 176.0613 to assist with funding and establishing specialty court programs;

(b) The current status of any specialty court programs to which money from the account was allocated since the last report; and

(c) Statistics compiled from information required to be maintained by clerks of the district courts pursuant to NRS 3.275 concerning specialty courts, including, without limitation, the number of participants in such programs, the nature of the criminal charges that were filed against participants, the number of participants who have completed the programs and the disposition of the cases.

(d) Such other related information as the Court Administrator deems appropriate;

~~12.~~ On or before February 15 of each odd-numbered year, submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report compiling the information submitted by clerks of courts to the Court Administrator pursuant to NRS 630.307 and 633.533 which includes only aggregate information for statistical purposes and excludes any identifying information related to a particular person;

~~[13.—On or before February 15, 2007, submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report concerning the effectiveness of participation in counseling sessions in a program for the treatment of persons who commit domestic violence ordered by a court pursuant to NRS 200.485 and the effect of such counseling sessions on recidivism of the offenders who commit battery which constitutes domestic violence pursuant to NRS 33.018;] and~~

~~144~~ 13. Attend to such other matters as may be assigned by the Supreme Court or prescribed by law.

**Sec. 5.5. NRS 3.275 is hereby amended to read as follows:**

3.275 1. The clerk of each district court shall obtain and file information regarding the nature of each criminal and civil case filed with the district court. If the criminal case is referred to a specialty court program, the clerk must obtain and file information regarding the nature of the case and the program to which the defendant was referred.

2. The clerk shall provide a form approved by the Court Administrator for obtaining the information required by subsection 1. No criminal or civil case may be filed in the district court unless the initial pleading is accompanied by the form, signed by the initiating party or his representative. In addition to the information on the form, the clerk shall maintain information concerning the disposition of each criminal case and, if applicable, whether the defendant successfully completed a specialty court program.

3. The clerk shall maintain the information contained in the form and collected pursuant to subsection 2 in a separate system of filing to allow the retrieval of statistics relating to ~~[the number, nature and date of]~~ each criminal and civil action filed in the district courts.

**Sec. 6.** This act becomes effective on July 1, 2010.