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(Reprinted with amendments adopted on May 26, 2011)

THIRD REPRINT

A.B. 552

ASSEMBLY BILL NO. 552—COMMITTEE ON WAYS AND MEANS

MARCH 28, 2011

Referred to Committee on Judiciary

SUMMARY—Revises provisions related to the collection of biological specimens for genetic marker analysis. (BDR 14-539)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
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 genetic marker analysis; imposing an administrative assessment upon a defendant convicted of any crime; requiring that a biological specimen be obtained from a person arrested for a felony or a sexual offense; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill imposes an additional administrative assessment of \$2.50 on a person convicted of a misdemeanor, gross misdemeanor or felony. **Section 2** also provides that the money collected from the assessments must be used to defray the costs associated with obtaining biological specimens and genetic marker analysis.

Under existing law, if a defendant is convicted of a felony or certain other specified offenses, the court, as part of the defendant's sentence, must order that a biological specimen be obtained from the defendant and that the specimen be used for analysis to determine the genetic markers of the specimen. (NRS 176.0911-176.0917) **Section 3** of this bill requires that a biological specimen be obtained if a person is arrested for a felony or a sexual offense punishable as a misdemeanor. **Section 3** provides that if the person is convicted of the felony or the sexual offense, the specimen must be kept, but if the person is not convicted, the specimen and all records relating thereto must be destroyed and expunged.



Existing law prohibits a person from sharing or disclosing certain information relating to another person's biological specimen or genetic marker analysis and makes such conduct a misdemeanor. (NRS 176.0913) **Sections 3 and 8** of this bill increase the penalty for such conduct from a misdemeanor to a category C felony.

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 the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. 1. *In addition to any other administrative assessment imposed, when a defendant pleads guilty, is found guilty or enters a plea of nolo contendere to a misdemeanor, gross misdemeanor or felony, including the violation of any municipal ordinance, the justice or judge of the justice, municipal or district court, as applicable, shall include in the sentence the sum of \$2.50 as an administrative assessment for obtaining a biological specimen and conducting genetic marker analysis and shall render a judgment against the defendant for the assessment. If a defendant is sentenced to perform community service in lieu of a fine, the sentence must include the administrative assessment required pursuant to this subsection.*

2. The money collected for an administrative assessment for the provision of genetic marker analysis must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the bail pursuant to this subsection must be disbursed pursuant to subsection 3. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible, and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment he or she has paid, and the justice or judge shall not recalculate the administrative assessment.

3. If the justice or judge permits the fine and administrative assessment for the provision of genetic marker analysis to be paid in installments, the payments must be applied in the following order:



1 (a) To pay the unpaid balance of an administrative assessment
2 imposed pursuant to NRS 176.059;

3 (b) To pay the unpaid balance of an administrative assessment
4 for the provision of court facilities pursuant to NRS 176.0611;

5 (c) To pay the unpaid balance of an administrative assessment
6 for the provision of specialty court programs pursuant to
7 NRS 176.0613;

8 (d) To pay the unpaid balance of an administrative assessment
9 for the provision of genetic marker analysis pursuant to this
10 section; and

11 (e) To pay the fine.

12 4. The money collected for an administrative assessment for
13 the provision of genetic marker analysis must be paid by the clerk
14 of the court to the county treasurer on or before the fifth day of
15 each month for the preceding month for credit to the fund for
16 genetic marker analysis pursuant to NRS 176.0915.

17 **Sec. 3. 1. If a person is arrested for a felony pursuant to a**
18 **warrant, the law enforcement agency making the arrest shall:**

19 (a) Submit the name, social security number, date of birth and
20 any other information identifying the person to the Central
21 Repository for Nevada Records of Criminal History; and

22 (b) Upon booking the person into a city or county jail or
23 detention facility, and before the person is released from custody,
24 obtain a biological specimen from the person through a cheek
25 swab pursuant to the provisions of this section so that the
26 specimen can be used for an analysis to determine the genetic
27 markers of the specimen. The biological specimen may be
28 collected by any law enforcement agency.

29 2. If a person is arrested for a felony without a warrant, the
30 law enforcement agency making the arrest shall:

31 (a) Submit the name, social security number, date of birth and
32 any other information identifying the person to the Central
33 Repository for Nevada Records of Criminal History;

34 (b) Upon booking the person into a city or county jail or
35 detention facility, and before the person is released from custody,
36 obtain a biological specimen from the person through a cheek
37 swab pursuant to the provisions of this section so that the
38 specimen can be used for an analysis to determine the genetic
39 markers of the specimen. The biological specimen may be
40 collected by any law enforcement agency; and

41 (c) Not submit the biological specimen for genetic marker
42 analysis pursuant to subsection 4 until a court or magistrate
43 makes a determination that probable cause existed for the
44 person's arrest.



3. If the person is arrested for a sexual offense that is punishable as a misdemeanor, upon booking the person into a city or county jail or detention facility, and before the person is released from custody, the law enforcement agency making the arrest shall obtain a biological specimen from the person through a cheek swab pursuant to the provisions of this section so that the specimen can be used for an analysis to determine the genetic markers of the specimen. The law enforcement agency obtaining the biological specimen shall provide the biological specimen to the forensic laboratory that has been designated in the county in which the person was arrested to conduct or oversee genetic marker analysis for the county pursuant to NRS 176.0917 and shall specifically direct the forensic laboratory to hold the biological specimen in a separate storage area pending notification from:

(a) The Central Repository for Nevada Records of Criminal History resulting from a query of records indicating that the person from whom the biological specimen was obtained has been convicted; or

(b) A court or magistrate indicating that the person from whom the biological specimen was obtained has failed to appear for a scheduled hearing.

↳ Upon receipt of notification pursuant to paragraph (a) or (b), the forensic laboratory shall proceed with any genetic marker analysis pursuant to subsection 4.

4. The law enforcement agency obtaining the biological specimen shall provide the specimen to the forensic laboratory that has been designated by the county in which the person was arrested to conduct or oversee genetic marker analysis for the county pursuant to NRS 176.0917. If the forensic laboratory determines that the biological specimen is inadequate or otherwise unusable, the law enforcement agency may obtain an additional biological specimen from the person arrested unless the person arrested is eligible to request expungement of the genetic marker analysis pursuant to subsection 12. Each designated laboratory is authorized to contract with individuals or organizations for services to perform genetic marker analysis. The identification characteristics resulting from the genetic marker analysis must be stored and maintained by the forensic laboratory in CODIS and only may be made available as provided in section 4 of this act. The information stored and maintained by the forensic laboratory and the computer software used by the forensic laboratory for CODIS are confidential and are not public books or records within the meaning of NRS 239.010. The information may only be disclosed and used as specifically authorized by law.



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1 5. Any cost that is incurred to obtain a biological specimen
2 from a person pursuant to this section is a charge against the
3 county in which the person was arrested and must be paid as
4 provided in NRS 176.0915.

5 6. A law enforcement agency shall not obtain a biological
6 specimen from a person who has previously submitted such a
7 specimen for an arrest or conviction of a prior offense unless the
8 law enforcement agency, court or magistrate determines that an
9 additional specimen is necessary.

10 7. A court or magistrate shall:

11 (a) Make the provision of a biological specimen a condition of
12 any person being admitted to bail or released on the person's own
13 recognizance; and

14 (b) Require the biological specimen to be provided to the
15 forensic laboratory that has been designated by the county in
16 which the person was arrested to conduct or oversee genetic
17 marker analysis for the county pursuant to NRS 176.0917.

18 ↳ Upon receipt of the biological specimen, the forensic laboratory
19 shall proceed with any genetic marker analysis pursuant to
20 subsection 4.

21 8. The Attorney General or a district attorney may petition a
22 district court for an order requiring a person under this section to:

23 (a) Provide a biological specimen; or

24 (b) Provide a biological specimen by alternative means if the
25 person will not cooperate.

26 ↳ Nothing in this subsection shall be construed to prevent the
27 collection of a biological specimen by order of a court of
28 competent jurisdiction or the collection of a biological specimen of
29 persons required to provide such a specimen under this section.

30 9. The detention, arrest or conviction of a person based upon
31 a match in CODIS or other information in CODIS is not
32 invalidated if it is later determined that the biological specimen
33 was obtained or placed in CODIS by mistake, provided that the
34 forensic laboratory demonstrates that a good faith effort has been
35 made to comply with all laws and regulations governing the
36 inclusion of such information in CODIS.

37 10. Upon completion of any genetic marker analysis, the
38 forensic laboratory shall inform the Central Repository for
39 Nevada Records of Criminal History of the existence of such
40 information pursuant to this section.

41 11. The Central Repository for Nevada Records of Criminal
42 History shall include an indication on the criminal history record
43 regarding the collection of a biological specimen, but may not
44 include the results of the genetic marker analysis or any other
45 information relating to the forensic laboratory's records.



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12. A person whose genetic marker analysis has been included in the Central Repository for Nevada Records of Criminal History and CODIS pursuant to this section may make a written request to the Central Repository that it be automatically expunged on the grounds:

(a) That the conviction on which the authority for keeping the biological specimen or the result of the genetic marker analysis has been reversed and the case dismissed; or

(b) That the arrest which led to the inclusion of the biological specimen or the result of the genetic marker analysis has:

(1) Resulted in a felony or sexual offense charge that has been resolved by a dismissal, nolle prosequi, successful completion of a preprosecution diversion program or a conditional discharge or acquittal; or

(2) Not resulted in any additional criminal charges for a felony or sexual offense within 10 years after the arrest.

13. Within 90 days after receiving a written request pursuant to subsection 12, the Central Repository for Nevada Records of Criminal History shall forward such request and documentation to the forensic laboratory holding the biological specimen.

14. Except as otherwise provided in subsection 15, the forensic laboratory holding the biological specimen shall automatically purge all records and identifiable information pertaining to the person and destroy all specimens from the person upon receipt and confirmation of a written request that such data be expunged pursuant to this section, and:

(a) A certified copy of the court order reversing and dismissing the conviction; or

(b) For biological specimens included pursuant to arrest:

(1) A certified copy of the dismissal, nolle prosequi, successful completion of a preprosecution diversion program or a conditional discharge, or acquittal; or

(2) A sworn affidavit from the law enforcement agency which submitted the biological specimen that no felony or sexual offense charges arising out of the arrest have been filed within 10 years after the arrest.

15. The forensic laboratory shall not expunge a person's biological specimen and genetic marker analysis if the forensic laboratory is notified by a law enforcement agency that the person has a prior felony or sexual offense conviction, a new felony or sexual offense arrest or a pending felony or sexual offense charge for which collection of a biological specimen is authorized pursuant to this section.

16. When a person's biological specimen and genetic marker analysis are expunged pursuant to this section, the forensic



laboratory shall ensure that the person's biological specimen and genetic marker analysis are expunged from CODIS and shall inform the Central Repository for Nevada Records of Criminal History that the genetic marker analysis has been expunged from CODIS.

17. Except as otherwise authorized by federal law or specific statute, a biological specimen obtained pursuant to this section, the results of a genetic marker analysis and any information identifying or matching a biological specimen with a person must not knowingly be shared with or knowingly disclosed to any person other than the authorized personnel who have possession and control of the biological specimen, results of a genetic marker analysis or information identifying or matching a biological specimen with a person, except pursuant to:

(a) A court order; or

(b) A request from a law enforcement agency during the course of an investigation.

18. A person who violates any provision of subsection 17 is guilty of a category C felony and shall be punished as provided in NRS 193.130.

19. For the purposes of this section:

(a) "Sexual offense" means any of the following offenses:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368.

(4) Battery with intent to commit sexual assault pursuant to subsection 4 of NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this section.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this section.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.



- 1 (11) Open or gross lewdness pursuant to NRS 201.210.
- 2 (12) Indecent or obscene exposure pursuant to
- 3 NRS 201.220.
- 4 (13) Lewdness with a child pursuant to NRS 201.230.
- 5 (14) Sexual penetration of a dead human body pursuant to
- 6 NRS 201.450.
- 7 (15) Luring a child or a person with mental illness
- 8 pursuant to NRS 201.560, if punished as a felony.
- 9 (16) Any other offense that has an element involving a
- 10 sexual act or sexual conduct with another.
- 11 (17) An attempt or conspiracy to commit an offense listed
- 12 in subparagraphs (1) to (16), inclusive.
- 13 (18) An offense that is determined to be sexually motivated
- 14 pursuant to NRS 175.547 or 207.193.
- 15 (19) An offense committed in another jurisdiction that, if
- 16 committed in this State, would be an offense listed in this section.
- 17 This subparagraph includes, without limitation, an offense
- 18 prosecuted in:
 - 19 (I) A tribal court.
 - 20 (II) A court of the United States or the Armed Forces of
 - 21 the United States.
- 22 (20) An offense of a sexual nature committed in another
- 23 jurisdiction, whether or not the offense would be an offense listed
- 24 in this section, if the person who committed the offense resides or
- 25 has resided or is or has been a student or worker in any
- 26 jurisdiction in which the person is or has been required by the
- 27 laws of that jurisdiction to register as a sex offender because of the
- 28 offense. This subparagraph includes, without limitation, an
- 29 offense prosecuted in:
 - 30 (I) A tribal court.
 - 31 (II) A court of the United States or the Armed Forces of
 - 32 the United States.
 - 33 (III) A court having jurisdiction over juveniles.
- 34 (b) "Sexual offense" does not include an offense involving
- 35 consensual sexual conduct if the victim was:
 - 36 (1) An adult, unless the adult was under the custodial
 - 37 authority of the offender at the time of the offense; or
 - 38 (2) At least 13 years of age and the offender was not more
 - 39 than 4 years older than the victim at the time of the commission of
 - 40 the offense.
- 41 **Sec. 4. 1. If information related to a biological specimen or**
- 42 **genetic marker analysis contained in CODIS is requested, the**
- 43 **forensic laboratory shall comply with all applicable federal law**
- 44 **and specific statutes and regulations governing the release of such**
- 45 **information. In addition, the identity and authority of the**



1 *requester must be verified. All requests must be directed through*
2 *the forensic laboratory and the CODIS administrator.*

3 2. *To minimize duplication in collection of biological*
4 *specimens and genetic marker analysis, a forensic laboratory may*
5 *make information available to local, state and federal law*
6 *enforcement agencies, the Department of Corrections, city or*
7 *county jails or any detention facility to verify whether a biological*
8 *specimen has been collected from a person. Information provided*
9 *under this subsection must not include any results of genetic*
10 *marker analysis.*

11 **Sec. 5.** NRS 176.0611 is hereby amended to read as follows:

12 176.0611 1. A county or a city, upon recommendation of the
13 appropriate court, may, by ordinance, authorize the justices or
14 judges of the justice or municipal courts within its jurisdiction to
15 impose for not longer than 50 years, in addition to the administrative
16 assessments imposed pursuant to NRS 176.059 and 176.0613, *and*
17 *section 2 of this act*, an administrative assessment for the provision
18 of court facilities.

19 2. Except as otherwise provided in subsection 3, in any
20 jurisdiction in which an administrative assessment for the provision
21 of court facilities has been authorized, when a defendant pleads
22 guilty or guilty but mentally ill or is found guilty or guilty but
23 mentally ill of a misdemeanor, including the violation of any
24 municipal ordinance, the justice or judge shall include in the
25 sentence the sum of \$10 as an administrative assessment for the
26 provision of court facilities and render a judgment against
27 the defendant for the assessment. If the justice or judge sentences
28 the defendant to perform community service in lieu of a fine, the
29 justice or judge shall include in the sentence the administrative
30 assessment required pursuant to this subsection.

31 3. The provisions of subsection 2 do not apply to:

32 (a) An ordinance regulating metered parking; or

33 (b) An ordinance that is specifically designated as imposing a
34 civil penalty or liability pursuant to NRS 244.3575 or 268.019.

35 4. The money collected for an administrative assessment for
36 the provision of court facilities must not be deducted from the fine
37 imposed by the justice or judge but must be taxed against the
38 defendant in addition to the fine. The money collected for such an
39 administrative assessment must be stated separately on the court's
40 docket and must be included in the amount posted for bail. If bail is
41 forfeited, the administrative assessment included in the amount
42 posted for bail pursuant to this subsection must be disbursed in the
43 manner set forth in subsection 6 or 7. If the defendant is found not
44 guilty or the charges are dismissed, the money deposited with the
45 court must be returned to the defendant. If the justice or judge



1 cancels a fine because the fine has been determined to be
2 uncollectible, any balance of the fine and the administrative
3 assessment remaining unpaid shall be deemed to be uncollectible
4 and the defendant is not required to pay it. If a fine is determined to
5 be uncollectible, the defendant is not entitled to a refund of the fine
6 or administrative assessment the defendant has paid and the justice
7 or judge shall not recalculate the administrative assessment.

8 5. If the justice or judge permits the fine and administrative
9 assessment for the provision of court facilities to be paid in
10 installments, the payments must be applied in the following order:

11 (a) To pay the unpaid balance of an administrative assessment
12 imposed pursuant to NRS 176.059;

13 (b) To pay the unpaid balance of an administrative assessment
14 for the provision of court facilities pursuant to this section;

15 (c) To pay the unpaid balance of an administrative assessment
16 for the provision of specialty court programs pursuant to NRS
17 176.0613; ~~and~~

18 (d) *To pay the unpaid balance of an administrative assessment*
19 *for obtaining a biological specimen and conducting genetic*
20 *marker analysis pursuant to section 2 of this act; and*

21 (e) To pay the fine.

22 6. The money collected for administrative assessments for the
23 provision of court facilities in municipal courts must be paid by the
24 clerk of the court to the city treasurer on or before the fifth day of
25 each month for the preceding month. The city treasurer shall deposit
26 the money received in a special revenue fund. The city may use the
27 money in the special revenue fund only to:

28 (a) Acquire land on which to construct additional facilities for
29 the municipal courts or a regional justice center that includes the
30 municipal courts.

31 (b) Construct or acquire additional facilities for the municipal
32 courts or a regional justice center that includes the municipal courts.

33 (c) Renovate or remodel existing facilities for the municipal
34 courts.

35 (d) Acquire furniture, fixtures and equipment necessitated by the
36 construction or acquisition of additional facilities or the renovation
37 of an existing facility for the municipal courts or a regional justice
38 center that includes the municipal courts. This paragraph does not
39 authorize the expenditure of money from the fund for furniture,
40 fixtures or equipment for judicial chambers.

41 (e) Acquire advanced technology for use in the additional or
42 renovated facilities.

43 (f) Pay debt service on any bonds issued pursuant to subsection
44 3 of NRS 350.020 for the acquisition of land or facilities or the



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1 construction or renovation of facilities for the municipal courts or a
2 regional justice center that includes the municipal courts.

3 ➔ Any money remaining in the special revenue fund after 5 fiscal
4 years must be deposited in the municipal general fund for the
5 continued maintenance of court facilities if it has not been
6 committed for expenditure pursuant to a plan for the construction or
7 acquisition of court facilities or improvements to court facilities.
8 The city treasurer shall provide, upon request by a municipal court,
9 monthly reports of the revenue credited to and expenditures made
10 from the special revenue fund.

11 7. The money collected for administrative assessments for the
12 provision of court facilities in justice courts must be paid by the
13 clerk of the court to the county treasurer on or before the fifth day of
14 each month for the preceding month. The county treasurer shall
15 deposit the money received to a special revenue fund. The county
16 may use the money in the special revenue fund only to:

17 (a) Acquire land on which to construct additional facilities for
18 the justice courts or a regional justice center that includes the justice
19 courts.

20 (b) Construct or acquire additional facilities for the justice
21 courts or a regional justice center that includes the justice courts.

22 (c) Renovate or remodel existing facilities for the justice courts.

23 (d) Acquire furniture, fixtures and equipment necessitated by the
24 construction or acquisition of additional facilities or the renovation
25 of an existing facility for the justice courts or a regional justice
26 center that includes the justice courts. This paragraph does not
27 authorize the expenditure of money from the fund for furniture,
28 fixtures or equipment for judicial chambers.

29 (e) Acquire advanced technology for use in the additional or
30 renovated facilities.

31 (f) Pay debt service on any bonds issued pursuant to subsection
32 3 of NRS 350.020 for the acquisition of land or facilities or the
33 construction or renovation of facilities for the justice courts or a
34 regional justice center that includes the justice courts.

35 ➔ Any money remaining in the special revenue fund after 5 fiscal
36 years must be deposited in the county general fund for the continued
37 maintenance of court facilities if it has not been committed for
38 expenditure pursuant to a plan for the construction or acquisition of
39 court facilities or improvements to court facilities. The county
40 treasurer shall provide, upon request by a justice court, monthly
41 reports of the revenue credited to and expenditures made from the
42 special revenue fund.

43 8. If money collected pursuant to this section is to be used to
44 acquire land on which to construct a regional justice center, to
45 construct a regional justice center or to pay debt service on bonds



1 issued for these purposes, the county and the participating cities
2 shall, by interlocal agreement, determine such issues as the size of
3 the regional justice center, the manner in which the center will be
4 used and the apportionment of fiscal responsibility for the center.

5 **Sec. 6.** NRS 176.0613 is hereby amended to read as follows:

6 176.0613 1. The justices or judges of the justice or municipal
7 courts shall impose, in addition to an administrative assessment
8 imposed pursuant to NRS 176.059 and 176.0611, *and section 2 of*
9 *this act*, an administrative assessment for the provision of specialty
10 court programs.

11 2. Except as otherwise provided in subsection 3, when a
12 defendant pleads guilty or guilty but mentally ill or is found guilty
13 or guilty but mentally ill of a misdemeanor, including the violation
14 of any municipal ordinance, the justice or judge shall include in the
15 sentence the sum of \$7 as an administrative assessment for the
16 provision of specialty court programs and render a judgment against
17 the defendant for the assessment. If a defendant is sentenced to
18 perform community service in lieu of a fine, the sentence must
19 include the administrative assessment required pursuant to this
20 subsection.

21 3. The provisions of subsection 2 do not apply to:

22 (a) An ordinance regulating metered parking; or

23 (b) An ordinance which is specifically designated as imposing a
24 civil penalty or liability pursuant to NRS 244.3575 or 268.019.

25 4. The money collected for an administrative assessment
26 for the provision of specialty court programs must not be deducted
27 from the fine imposed by the justice or judge but must be taxed
28 against the defendant in addition to the fine. The money collected
29 for such an administrative assessment must be stated separately on
30 the court's docket and must be included in the amount posted for
31 bail. If bail is forfeited, the administrative assessment included in
32 the bail pursuant to this subsection must be disbursed pursuant to
33 subsection 6 or 7. If the defendant is found not guilty or the charges
34 are dismissed, the money deposited with the court must be returned
35 to the defendant. If the justice or judge cancels a fine because the
36 fine has been determined to be uncollectible, any balance of the fine
37 and the administrative assessment remaining unpaid shall be
38 deemed to be uncollectible and the defendant is not required to pay
39 it. If a fine is determined to be uncollectible, the defendant is not
40 entitled to a refund of the fine or administrative assessment the
41 defendant has paid and the justice or judge shall not recalculate the
42 administrative assessment.

43 5. If the justice or judge permits the fine and administrative
44 assessment for the provision of specialty court programs to be paid



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1 in installments, the payments must be applied in the following
2 order:

3 (a) To pay the unpaid balance of an administrative assessment
4 imposed pursuant to NRS 176.059;

5 (b) To pay the unpaid balance of an administrative assessment
6 for the provision of court facilities pursuant to NRS 176.0611;

7 (c) To pay the unpaid balance of an administrative assessment
8 for the provision of specialty court programs; ~~and~~

9 (d) *To pay the unpaid balance of an administrative assessment
10 for obtaining a biological specimen and conducting genetic
11 marker analysis pursuant to section 2 of this act; and*

12 (e) To pay the fine.

13 6. The money collected for an administrative assessment for
14 the provision of specialty court programs in municipal court must be
15 paid by the clerk of the court to the city treasurer on or before the
16 fifth day of each month for the preceding month. On or before the
17 15th day of that month, the city treasurer shall deposit the money
18 received for each administrative assessment with the State
19 Controller for credit to a special account in the State General Fund
20 administered by the Office of Court Administrator.

21 7. The money collected for an administrative assessment for
22 the provision of specialty court programs in justice courts must be
23 paid by the clerk of the court to the county treasurer on or before the
24 fifth day of each month for the preceding month. On or before the
25 15th day of that month, the county treasurer shall deposit the money
26 received for each administrative assessment with the State
27 Controller for credit to a special account in the State General Fund
28 administered by the Office of Court Administrator.

29 8. The Office of Court Administrator shall allocate the money
30 credited to the State General Fund pursuant to subsections 6 and 7 to
31 courts to assist with the funding or establishment of specialty court
32 programs.

33 9. Money that is apportioned to a court from administrative
34 assessments for the provision of specialty court programs must be
35 used by the court to:

36 (a) Pay for the treatment and testing of persons who participate
37 in the program; and

38 (b) Improve the operations of the specialty court program by any
39 combination of:

40 (1) Acquiring necessary capital goods;

41 (2) Providing for personnel to staff and oversee the specialty
42 court program;

43 (3) Providing training and education to personnel;

44 (4) Studying the management and operation of the program;

45 (5) Conducting audits of the program;



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(6) Supplementing the funds used to pay for judges to oversee a specialty court program; or

(7) Acquiring or using appropriate technology.

10. As used in this section:

(a) "Office of Court Administrator" means the Office of Court Administrator created pursuant to NRS 1.320; and

(b) "Specialty court program" means a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from a mental illness or abuses alcohol or drugs. Such a program includes, without limitation, a program established pursuant to NRS 176A.250, 176A.280 or 453.580.

Sec. 7. NRS 176.0911 is hereby amended to read as follows:

176.0911 As used in NRS 176.0911 to 176.0917, inclusive, **and sections 2, 3 and 4 of this act**, unless the context otherwise requires, "CODIS" means the Combined DNA Indexing System operated by the Federal Bureau of Investigation.

Sec. 8. NRS 176.0913 is hereby amended to read as follows:

176.0913 1. If a defendant is convicted of an offense listed in subsection 4, the court, at sentencing, shall order that:

(a) The name, social security number, date of birth and any other information identifying the defendant be submitted to the Central Repository for Nevada Records of Criminal History; and

(b) A biological specimen be obtained from the defendant pursuant to the provisions of this section and that the specimen be used for an analysis to determine the genetic markers of the specimen.

2. If the defendant is committed to the custody of the Department of Corrections, the Department of Corrections shall arrange for the biological specimen to be obtained from the defendant. The Department of Corrections shall provide the specimen to the forensic laboratory that has been designated by the county in which the defendant was convicted to conduct or oversee genetic marker testing for the county pursuant to NRS 176.0917.

3. If the defendant is not committed to the custody of the Department of Corrections, the Division shall arrange for the biological specimen to be obtained from the defendant. The Division shall provide the specimen to the forensic laboratory that has been designated by the county in which the defendant was convicted to conduct or oversee genetic marker testing for the county pursuant to NRS 176.0917. Any cost that is incurred to obtain a biological specimen from a defendant pursuant to this subsection is a charge against the county in which the defendant was convicted and must be paid as provided in NRS 176.0915.



4. Except as otherwise provided in subsection 5, the provisions of subsection 1 apply to a defendant who is convicted of:

(a) A felony;

(b) A crime against a child as defined in NRS 179D.0357;

(c) A sexual offense as defined in NRS 179D.097;

(d) Abuse or neglect of an older person or a vulnerable person pursuant to NRS 200.5099;

(e) A second or subsequent offense for stalking pursuant to NRS 200.575;

(f) An attempt or conspiracy to commit an offense listed in paragraphs (a) to (e), inclusive;

(g) Failing to register with a local law enforcement agency as a convicted person as required pursuant to NRS 179C.100, if the defendant previously was:

(1) Convicted in this State of committing an offense listed in paragraph (a), (d), (e) or (f); or

(2) Convicted in another jurisdiction of committing an offense that would constitute an offense listed in paragraph (a), (d), (e) or (f) if committed in this State;

(h) Failing to register with a local law enforcement agency after being convicted of a crime against a child as required pursuant to NRS 179D.450; or

(i) Failing to register with a local law enforcement agency after being convicted of a sexual offense as required pursuant to NRS 179D.450.

5. A court shall not order a biological specimen to be obtained from a defendant who has previously submitted such a specimen *pursuant to section 3 of this act or* for conviction of a prior offense unless the court determines that an additional sample is necessary.

6. Except as otherwise authorized by federal law or by specific statute, a biological specimen obtained pursuant to this section, the results of a genetic marker analysis and any information identifying or matching a biological specimen with a person must not be shared with or disclosed to any person other than the authorized personnel who have possession and control of the biological specimen, results of a genetic marker analysis or information identifying or matching a biological specimen with a person, except pursuant to:

(a) A court order; or

(b) A request from a law enforcement agency during the course of an investigation.

7. A person who violates any provision of subsection 6 is guilty of a ~~misdemeanor.~~ *category C felony and shall be punished as provided in NRS 193.130.*



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Sec. 9. NRS 176.0915 is hereby amended to read as follows:

176.0915 1. If a biological specimen is obtained from a ~~{defendant}~~ *person* pursuant to NRS 176.0913 ~~{}~~ *or section 3 of this act, and the person is convicted of the offense for which the biological specimen was obtained,* the court, in addition to any other penalty, shall order the ~~{defendant,}~~ *person,* to the extent of the ~~{defendant's}~~ *person's* financial ability, to pay the sum of \$150 as a fee for obtaining the specimen and for conducting the analysis to determine the genetic markers of the specimen. The fee:

(a) Must be stated separately in the judgment of the court or on the docket of the court;

(b) Must be collected from the ~~{defendant}~~ *person* before or at the same time that any fine imposed by the court is collected from the ~~{defendant;}~~ *person;* and

(c) Must not be deducted from any fine imposed by the court.

2. All money that is collected pursuant to subsection 1 must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month.

3. The board of county commissioners of each county shall by ordinance create in the county treasury a fund to be designated as the fund for genetic marker testing. The county treasurer shall deposit money that is collected pursuant to subsection 2 in the fund for genetic marker testing. The money must be accounted for separately within the fund.

4. Each month, the county treasurer shall use the money deposited in the fund for genetic marker testing to pay for the actual amount charged to the county for obtaining a biological specimen from a ~~{defendant}~~ *person* pursuant to NRS 176.0913 ~~{}~~ *or section 3 of this act.*

5. The board of county commissioners of each county may apply for and accept grants, gifts, donations, bequests or devises which the board of county commissioners shall deposit with the county treasurer for credit to the fund for genetic marker testing.

6. If money remains in the fund after the county treasurer makes the payments required by subsection 4, the county treasurer shall pay the remaining money each month to the forensic laboratory that is designated by the county pursuant to NRS 176.0917 to conduct or oversee genetic marker testing for the county. A forensic laboratory that receives money pursuant to this subsection shall use the money to cover any expense related to genetic marker testing.

Sec. 10. NRS 176.0917 is hereby amended to read as follows:

176.0917 1. The board of county commissioners of each county shall designate a forensic laboratory to conduct or oversee for the county any genetic marker testing that is ~~{ordered-or}~~



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1 ~~arranged~~ **required** pursuant to NRS 176.0913 or 176.0916 ~~H~~ **or**
2 **section 3 of this act.**

3 2. The forensic laboratory designated by the board of county
4 commissioners pursuant to subsection 1:

5 (a) Must be operated by this State or one of its political
6 subdivisions; and

7 (b) Must satisfy or exceed the standards for quality assurance
8 that are established by the Federal Bureau of Investigation for
9 participation in CODIS.

10 **Sec. 11.** NRS 179.225 is hereby amended to read as follows:

11 179.225 1. If the punishment of the crime is the confinement
12 of the criminal in prison, the expenses must be paid from money
13 appropriated to the Office of the Attorney General for that purpose,
14 upon approval by the State Board of Examiners. After the
15 appropriation is exhausted, the expenses must be paid from the
16 Reserve for Statutory Contingency Account upon approval by
17 the State Board of Examiners. In all other cases, they must be paid
18 out of the county treasury in the county wherein the crime is alleged
19 to have been committed. The expenses are:

20 (a) If the prisoner is returned to this State from another state, the
21 fees paid to the officers of the state on whose governor the
22 requisition is made;

23 (b) If the prisoner is returned to this State from a foreign country
24 or jurisdiction, the fees paid to the officers and agents of this State
25 or the United States; or

26 (c) If the prisoner is temporarily returned for prosecution to this
27 State from another state pursuant to this chapter or chapter 178 of
28 NRS and is then returned to the sending state upon completion of
29 the prosecution, the fees paid to the officers and agents of this State,
30 and the per diem allowance and travel expenses provided for state
31 officers and employees generally incurred in returning the prisoner.

32 2. If a person is returned to this State pursuant to this chapter or
33 chapter 178 of NRS and is convicted of, or pleads guilty, guilty but
34 mentally ill or nolo contendere to, the criminal charge for which the
35 person was returned or a lesser criminal charge, the court shall
36 conduct an investigation of the financial status of the person to
37 determine the ability to make restitution. In conducting the
38 investigation, the court shall determine if the person is able to pay
39 any existing obligations for:

40 (a) Child support;

41 (b) Restitution to victims of crimes; and

42 (c) Any administrative assessment required to be paid pursuant
43 to NRS 62E.270, 176.059, 176.0611, 176.0613 and 176.062 ~~H~~ **and**
44 **section 2 of this act.**



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3. If the court determines that the person is financially able to pay the obligations described in subsection 2, it shall, in addition to any other sentence it may impose, order the person to make restitution for the expenses incurred by the Attorney General or other governmental entity in returning the person to this State. The court shall not order the person to make restitution if payment of restitution will prevent the person from paying any existing obligations described in subsection 2. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of the completion of the sentence.

4. The Attorney General may adopt regulations to carry out the provisions of this section.

Sec. 12. 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) Submit the information collected 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~~ *from whom a biological specimen is obtained pursuant to* NRS 176.0913 ~~or~~ *section 3 of this act*, 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~~ **from whom a biological specimen is obtained pursuant to** NRS 176.0913 ~~or section 3 of this act.~~

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

(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 repositories of the United States and other states 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 427A.735 and 449.179; or

(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law 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 fingerprints submitted pursuant to NRS 427A.735, 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



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1 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.

Sec. 13. NRS 179D.150 is hereby amended to read as follows:

179D.150 A record of registration must include, if the information is available:



1 1. Information identifying the offender or sex offender,
2 including, but not limited to:

3 (a) The name of the offender or sex offender and all aliases that
4 the offender or sex offender has used or under which he or she has
5 been known;

6 (b) A complete physical description of the offender or sex
7 offender, a current photograph of the offender or sex offender and
8 the fingerprints and palm prints of the offender or sex offender;

9 (c) The date of birth and the social security number of the
10 offender or sex offender;

11 (d) The identification number from a driver's license or an
12 identification card issued to the offender or sex offender by this
13 State or any other jurisdiction and a photocopy of such driver's
14 license or identification card;

15 (e) *Information indicating whether the genetic marker*
16 *analysis of the offender or sex offender has been entered in*
17 *CODIS;*

18 (f) A report of the analysis of the genetic markers of the
19 specimen obtained from the offender or sex offender pursuant to
20 NRS 176.0913 ~~H~~ *or section 3 of this act;* and

21 ~~H~~ (g) Any other information that identifies the offender or
22 sex offender.

23 2. Information concerning the residence of the offender or sex
24 offender, including, but not limited to:

25 (a) The address at which the offender or sex offender resides;

26 (b) The length of time the offender or sex offender has resided at
27 that address and the length of time the offender or sex offender
28 expects to reside at that address;

29 (c) The address or location of any other place where the offender
30 or sex offender expects to reside in the future and the length of time
31 the offender or sex offender expects to reside there; and

32 (d) The length of time the offender or sex offender expects to
33 remain in the county where the offender or sex offender resides and
34 in this State.

35 3. Information concerning the offender's or sex offender's
36 occupations, employment or work or expected occupations,
37 employment or work, including, but not limited to, the name,
38 address and type of business of all current and expected future
39 employers of the offender or sex offender.

40 4. Information concerning the offender's or sex offender's
41 volunteer service or expected volunteer service in connection with
42 any activity or organization within this State, including, but not
43 limited to, the name, address and type of each such activity or
44 organization.



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5. Information concerning the offender's or sex offender's enrollment or expected enrollment as a student in any public or private educational institution or school within this State, including, but not limited to, the name, address and type of each such educational institution or school.

6. Information concerning whether:

(a) The offender or sex offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of the offender or sex offender's enrollment at an institution of higher education; or

(b) The offender or sex offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of the offender or sex offender's work at an institution of higher education, including, but not limited to, the name, address and type of each such institution of higher education.

7. The license plate number and a description of all motor vehicles registered to or frequently driven by the offender or sex offender.

8. The level of registration and community notification of the offender or sex offender.

9. The criminal history of the offender or sex offender, including, without limitation:

(a) The dates of all arrests and convictions of the offender or sex offender;

(b) The status of parole, probation or supervised release of the offender or sex offender;

(c) The status of the registration of the offender or sex offender; and

(d) The existence of any outstanding arrest warrants for the offender or sex offender.

10. The following information for each offense for which the offender or sex offender has been convicted:

(a) The court in which the offender or sex offender was convicted;

(b) The text of the provision of law defining each offense;

(c) The name under which the offender or sex offender was convicted;

(d) The name and location of each penal institution, school, hospital, mental facility or other institution to which the offender or sex offender was committed;

(e) The specific location where the offense was committed;

(f) The age, the gender, the race and a general physical description of the victim; and



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(g) The method of operation that was used to commit the offense, including, but not limited to:

- (1) Specific sexual acts committed against the victim;
- (2) The method of obtaining access to the victim, such as the use of enticements, threats, forced entry or violence against the victim;
- (3) The type of injuries inflicted on the victim;
- (4) The types of instruments, weapons or objects used;
- (5) The type of property taken; and
- (6) Any other distinctive characteristic of the behavior or personality of the offender or sex offender.

11. Any other information required by federal law.

12. As used in this section, "CODIS" means the Combined DNA Index System operated by the Federal Bureau of Investigation.

Sec. 14. NRS 179D.443 is hereby amended to read as follows:

179D.443 When an offender convicted of a crime against a child or a sex offender registers with a local law enforcement agency as required pursuant to NRS 179D.445, 179D.460 or 179D.480, or updates the registration as required pursuant to NRS 179D.447:

1. The offender or sex offender shall provide the local law enforcement agency with the following:

(a) The name of the offender or sex offender and all aliases that the offender or sex offender has used or under which the offender or sex offender has been known;

(b) The social security number of the offender or sex offender;

(c) The address of any residence or location at which the offender or sex offender resides or will reside;

(d) The name and address of any place where the offender or sex offender is a worker or will be a worker;

(e) The name and address of any place where the offender or sex offender is a student or will be a student;

(f) The license plate number and a description of all motor vehicles registered to or frequently driven by the offender or sex offender; and

(g) Any other information required by federal law.

2. If the offender or sex offender has not previously provided a biological specimen pursuant to NRS 176.0913 or 176.0916, **or section 3 of this act**, the offender or sex offender shall provide a biological specimen to the local law enforcement agency. The local law enforcement agency shall provide the specimen to the forensic laboratory that has been designated by the county in which the offender or sex offender resides, is present or is a worker or student



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1 to conduct or oversee genetic marker testing for the county pursuant
2 to NRS 176.0917.

3 3. The local law enforcement agency shall ensure that the
4 record of registration of the offender or sex offender includes,
5 without limitation:

6 (a) A complete physical description of the offender or sex
7 offender, a current photograph of the offender or sex offender and
8 the fingerprints and palm prints of the offender or sex offender;

9 (b) The text of the provision of law defining each offense for
10 which the offender or sex offender is required to register;

11 (c) The criminal history of the offender or sex offender,
12 including, without limitation:

13 (1) The dates of all arrests and convictions of the offender or
14 sex offender;

15 (2) The status of parole, probation or supervised release of
16 the offender or sex offender;

17 (3) The status of the registration of the offender or sex
18 offender; and

19 (4) The existence of any outstanding arrest warrants for the
20 offender or sex offender;

21 (d) A report of the analysis of the genetic markers of the
22 specimen obtained from the offender or sex offender;

23 (e) *Information indicating whether the genetic marker*
24 *analysis of the offender or sex offender has been entered in*
25 *CODIS;*

26 (f) The identification number from a driver's license or an
27 identification card issued to the offender or sex offender by this
28 State or any other jurisdiction and a photocopy of such driver's
29 license or identification card; and

30 ~~(f)~~ (g) Any other information required by federal law.

31 4. *As used in this section, "CODIS" means the Combined*
32 *DNA Index System operated by the Federal Bureau of*
33 *Investigation.*

34 **Sec. 15.** NRS 211.245 is hereby amended to read as follows:

35 211.245 1. If a prisoner fails to make a payment within 10
36 days after it is due, the district attorney for a county or the city
37 attorney for an incorporated city may file a civil action in any court
38 of competent jurisdiction within this State seeking recovery of:

39 (a) The amount of reimbursement due;

40 (b) Costs incurred in conducting an investigation of the financial
41 status of the prisoner; and

42 (c) Attorney's fees and costs.

43 2. A civil action brought pursuant to this section must:

44 (a) Be instituted in the name of the county or city in which the
45 jail, detention facility or alternative program is located;



(b) Indicate the date and place of sentencing, including, without limitation, the name of the court which imposed the sentence;

(c) Include the record of judgment of conviction, if available;

(d) Indicate the length of time served by the prisoner and, if the prisoner has been released, the date of his or her release; and

(e) Indicate the amount of reimbursement that the prisoner owes to the county or city.

3. The county or city treasurer of the county or incorporated city in which a prisoner is or was confined shall determine the amount of reimbursement that the prisoner owes to the city or county. The county or city treasurer may render a sworn statement indicating the amount of reimbursement that the prisoner owes and submit the statement in support of a civil action brought pursuant to this section. Such a statement is prima facie evidence of the amount due.

4. A court in a civil action brought pursuant to this section may award a money judgment in favor of the county or city in whose name the action was brought.

5. If necessary to prevent the disposition of the prisoner's property by the prisoner, or the prisoner's spouse or agent, a county or city may file a motion for a temporary restraining order. The court may, without a hearing, issue ex parte orders restraining any person from transferring, encumbering, hypothecating, concealing or in any way disposing of any property of the prisoner, real or personal, whether community or separate, except for necessary living expenses.

6. The payment, pursuant to a judicial order, of existing obligations for:

(a) Child support or alimony;

(b) Restitution to victims of crimes; and

(c) Any administrative assessment required to be paid pursuant to NRS 62E.270, 176.059, 176.0611, 176.0613 and 176.062, *and section 2 of this act,*

➔ has priority over the payment of a judgment entered pursuant to this section.

Sec. 16. NRS 249.085 is hereby amended to read as follows:

249.085 On or before the 15th day of each month, the county treasurer shall report to the State Controller the amount of the administrative assessments paid by each justice court for the preceding month pursuant to NRS 176.059 and 176.0613 *and section 2 of this act.*

Sec. 17. The amendatory provisions of this act apply to a person arrested on or after July 1, 2012.

Sec. 18. 1. This section and sections 1, 2, 5, 6, 7, 11, 15 and 16 of this act become effective on July 1, 2011.



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1 2. Sections 3, 4, 8, 9, 10, 12, 13, 14 and 17 of this act become
2 effective on July 1, 2012.

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