

**Amendment No. 374**

Assembly Amendment to Assembly Bill No. 552 (BDR 14-539)

**Proposed by:** Assembly Committee on Judiciary

**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of A.B. 552 (§§ 2, 9).

| 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 underlining* is newly added transitory language.

NCA/BAW



Date: 4/21/2011

A.B. No. 552—Revises provisions related to the collection of biological specimens for genetic marker analysis. (BDR 14-539)



## 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.

~

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~~ 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 \$1 for every \$10 in fines or fees imposed 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 ~~or a sexual offense~~ punishable as a misdemeanor. **Section 3** also provides that if the person is convicted of the felony ~~or a sexual offense~~ or a 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 ~~gross misdemeanor with a maximum fine of \$2,500~~ category C felony.

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

1       **Section 1.** Chapter 176 of NRS is hereby amended by adding thereto the  
2 provisions set forth as sections 2, 3 and 4 of this act.

3       **Sec. 2.** 1. *In addition to any other administrative assessment imposed,*  
4 *when a defendant pleads guilty, is found guilty or enters a plea of nolo*  
5 *contendere to a misdemeanor, gross misdemeanor or felony, including the*  
6 *violation of any municipal ordinance, the justice or judge of the justice,*  
7 *municipal or district court, as applicable, shall include in the sentence the sum of*  
8 *\$1 for every \$10 or fraction thereof upon every fine or fee imposed and collected*  
9 *by the courts as an administrative assessment for obtaining a biological specimen*  
10 *and conducting genetic marker analysis and shall render a judgment against the*  
11 *defendant for the assessment. If a defendant is sentenced to perform community*  
12 *service in lieu of a fine, the sentence must include the administrative assessment*  
13 *required pursuant to this subsection.*

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

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

32       (a) *To pay the unpaid balance of an administrative assessment imposed*  
33 *pursuant to NRS 176.059;*

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

36       (c) *To pay the unpaid balance of an administrative assessment for the*  
37 *provision of specialty court programs pursuant to NRS 176.0613;*

38       (d) *To pay the unpaid balance of an administrative assessment for the*  
39 *provision of genetic marker analysis pursuant to this section; and*

40       (e) *To pay the fine.*

41       4. *The money collected for an administrative assessment for the provision*  
42 *of genetic marker analysis must be paid by the clerk of the court to the county*  
43 *treasurer on or before the fifth day of each month for the preceding month for*  
44 *credit to the fund for genetic marker analysis pursuant to NRS 176.0915.*

45       **Sec. 3.** 1. ~~*If a person is arrested for a felony for a sexual offense, and a*~~  
46 ~~*court or magistrate makes a determination that probable cause exists for the*~~  
47 ~~*person's arrest,*~~ *pursuant to a warrant,* ~~*the law enforcement agency making the*~~  
48 ~~*arrest shall:*~~

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

4 (b) Upon booking the person into a city or county jail or detention facility,  
5 and before the person is released from custody, obtain a biological specimen from  
6 the person through a cheek swab pursuant to the provisions of this section so that  
7 the specimen can be used for an analysis to determine the genetic markers of the  
8 specimen. The biological specimen may be collected by any authorized agent of a  
9 law enforcement agency.

10 2. If ~~the~~ a person is arrested for a felony without a warrant, ~~the biological~~  
11 ~~specimen obtained must not be submitted;~~ the law enforcement agency making  
12 the arrest shall:

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

16 (b) Upon booking the person into a city or county jail or detention facility,  
17 and before the person is released from custody, obtain a biological specimen from  
18 the person through a cheek swab pursuant to the provisions of this section so that  
19 the specimen can be used for an analysis to determine the genetic markers of the  
20 specimen. The biological specimen may be collected by any authorized agent of a  
21 law enforcement agency; and

22 (c) Not submit the biological specimen for genetic marker analysis pursuant  
23 to subsection ~~3~~ 4 until a court or magistrate makes a determination that  
24 probable cause existed for the person's arrest.

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

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

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

42 Upon receipt of such notification, the forensic laboratory shall proceed with  
43 any genetic marker analysis pursuant to subsection 4.

44 4. The law enforcement agency obtaining the biological specimen shall  
45 provide the specimen to the forensic laboratory that has been designated by the  
46 county in which the person was arrested to conduct or oversee genetic marker  
47 analysis for the county pursuant to NRS 176.0917. Each designated laboratory is  
48 authorized to contract with individuals or organizations for services to perform  
49 genetic marker analysis. The identification characteristics resulting from the  
50 genetic marker analysis must be stored and maintained by the forensic laboratory  
51 in CODIS and only may be made available as provided in section 4 of this act.

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

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

~~6.~~ 7. A court or magistrate shall ~~make~~ Make the provision of a biological specimen a condition of any person being admitted to bail or released on the person's own recognizance ~~;~~ ; and

(b) Require the biological specimen to be provided 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.

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

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

(a) Provide a biological specimen; or

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

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

~~8.~~ 9. The detention, arrest or conviction of a person based upon a match in CODIS or other information in CODIS is not invalidated if the biological specimen was obtained or placed in CODIS by mistake, provided that the forensic laboratory can demonstrate that a good faith effort has been made to comply with all laws and regulations governing the inclusion of such information in CODIS.

~~9.~~ 10. Upon completion of any genetic marker analysis, the forensic laboratory shall inform the Central Repository for Nevada Records of Criminal History of the existence of such information pursuant to this section.

~~10.~~ 11. The Central Repository for Nevada Records of Criminal History shall include an indication on the criminal history record regarding the collection of a biological specimen, but may not include the results of the genetic marker analysis or any other information relating to the forensic laboratory's records.

~~11.~~ 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.

~~12.7~~ 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 ~~13.7~~ 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 that no felony or sexual offense charges arising out of the arrest have been filed within ~~1 year~~ 10 years after the arrest.

~~12.7~~ 15. The forensic laboratory shall not expunge a person's biological specimen and genetic marker analysis if 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.

~~12.7~~ 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 the Central Repository for Nevada Records of Criminal History and CODIS.

~~12.7~~ 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.

~~12.7~~ 18. A person who violates any provision of subsection ~~15.7~~ 17 is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 1 year, or by a fine of not more than \$2,500, or by both fine and imprisonment.

~~12.7~~ 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.

(11) Open or gross lewdness pursuant to NRS 201.210.

(12) Indecent or obscene exposure pursuant to NRS 201.220.

(13) Lewdness with a child pursuant to NRS 201.230.

(14) Sexual penetration of a dead human body pursuant to NRS 201.450.

(15) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

(16) Any other offense that has an element involving a sexual act or sexual conduct with another.

(17) An attempt or conspiracy to commit an offense listed in subparagraphs (I) to (16), inclusive.

(18) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

(19) An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this section. This subparagraph includes, without limitation, an offense prosecuted in:

(I) A tribal court.

(II) A court of the United States or the Armed Forces of the United States.

(20) An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This subparagraph includes, without limitation, an offense prosecuted in:

(I) A tribal court.

(II) A court of the United States or the Armed Forces of the United States.

(III) A court having jurisdiction over juveniles.

(b) "Sexual offense" does not include an offense involving consensual sexual conduct if the victim was:

(1) An adult, unless the adult was under the custodial authority of the offender at the time of the offense; or

(2) At least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.

**Sec. 4. 1. If information related to a biological specimen or genetic marker analysis contained in CODIS is requested, the forensic laboratory shall comply with all applicable federal law and specific statutes and regulations governing the release of such information. In addition, the identity and authority**



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

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

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

10 176.0611 1. A county or a city, upon recommendation of the appropriate  
11 court, may, by ordinance, authorize the justices or judges of the justice or municipal  
12 courts within its jurisdiction to impose for not longer than 50 years, in addition to  
13 the administrative assessments imposed pursuant to NRS 176.059 and 176.0613,  
14 *and section 2 of this act*, an administrative assessment for the provision of court  
15 facilities.

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

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

27 (a) An ordinance regulating metered parking; or  
28 (b) An ordinance that is specifically designated as imposing a civil penalty or  
29 liability pursuant to NRS 244.3575 or 268.019.

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

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

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

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

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



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

(e) To pay the fine.

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

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

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

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

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

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

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

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

7. The money collected for administrative assessments for the provision of court facilities in justice courts 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. The county treasurer shall deposit the money received to a special revenue fund. The county may use the money in the special revenue fund only to:

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

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

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

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

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

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

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

7     8. If money collected pursuant to this section is to be used to acquire land on  
8 which to construct a regional justice center, to construct a regional justice center or  
9 to pay debt service on bonds issued for these purposes, the county and the  
10 participating cities shall, by interlocal agreement, determine such issues as the size  
11 of the regional justice center, the manner in which the center will be used and the  
12 apportionment of fiscal responsibility for the center.

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

14     176.0613 1. The justices or judges of the justice or municipal courts shall  
15 impose, in addition to an administrative assessment imposed pursuant to NRS  
16 176.059 and 176.0611, *and section 2 of this act*, an administrative assessment for  
17 the provision of specialty court programs.

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

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

27     (a) An ordinance regulating metered parking; or

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

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

45     5. If the justice or judge permits the fine and administrative assessment for the  
46 provision of specialty court programs to be paid in installments, the payments must  
47 be applied in the following order:

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

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

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

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

(e) To pay the fine.

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

7. The money collected for an administrative assessment for the provision of specialty court programs in justice courts 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. On or before the 15th day of that month, the county treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

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

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

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

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

(1) Acquiring necessary capital goods;

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

(3) Providing training and education to personnel;

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

(5) Conducting audits of the program;

(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:

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

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

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

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

21 4. Except as otherwise provided in subsection 5, the provisions of subsection  
22 1 apply to a defendant who is convicted of:

- 23 (a) A felony;  
24 (b) A crime against a child as defined in NRS 179D.0357;  
25 (c) A sexual offense as defined in NRS 179D.097;  
26 (d) Abuse or neglect of an older person or a vulnerable person pursuant to NRS  
27 200.5099;  
28 (e) A second or subsequent offense for stalking pursuant to NRS 200.575;  
29 (f) An attempt or conspiracy to commit an offense listed in paragraphs (a) to  
30 (e), inclusive;

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

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

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

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

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

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

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

- 52 (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 ~~gross misdemeanor~~ ~~[ ]~~ ~~and shall be punished by imprisonment in the county jail for not more than 1 year, or by a fine of not more than \$2,500, or by both fine and imprisonment.~~ category C felony and shall be punished as provided in NRS 193.130.

**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 arranged~~ required pursuant to NRS 176.0913 or 176.0916 ~~[ ]~~ or section 3 of this act.

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

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

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

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

2       179.225 1. If the punishment of the crime is the confinement of the criminal  
3 in prison, the expenses must be paid from money appropriated to the Office of the  
4 Attorney General for that purpose, upon approval by the State Board of Examiners.  
5 After the appropriation is exhausted, the expenses must be paid from the Reserve  
6 for Statutory Contingency Account upon approval by the State Board of Examiners.  
7 In all other cases, they must be paid out of the county treasury in the county  
8 wherein the crime is alleged to have been committed. The expenses are:

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

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

14       (c) If the prisoner is temporarily returned for prosecution to this State from  
15 another state pursuant to this chapter or chapter 178 of NRS and is then returned to  
16 the sending state upon completion of the prosecution, the fees paid to the officers  
17 and agents of this State,

18       ➤ and the per diem allowance and travel expenses provided for state officers and  
19 employees generally incurred in returning the prisoner.

20       2. If a person is returned to this State pursuant to this chapter or chapter 178  
21 of NRS and is convicted of, or pleads guilty, guilty but mentally ill or nolo  
22 contendere to, the criminal charge for which the person was returned or a lesser  
23 criminal charge, the court shall conduct an investigation of the financial status of  
24 the person to determine the ability to make restitution. In conducting the  
25 investigation, the court shall determine if the person is able to pay any existing  
26 obligations for:

27       (a) Child support;

28       (b) Restitution to victims of crimes; and

29       (c) Any administrative assessment required to be paid pursuant to NRS  
30 62E.270, 176.059, 176.0611, 176.0613 and 176.062 **and section 2 of this act.**

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

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

41       **Sec. 12.** NRS 179A.075 is hereby amended to read as follows:

42       179A.075 1. The Central Repository for Nevada Records of Criminal  
43 History is hereby created within the Records and Technology Division of the  
44 Department.

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

47       (a) Collect and maintain records, reports and compilations of statistical data  
48 required by the Department; and

49       (b) Submit the information collected to the Central Repository in the manner  
50 approved by the Director of the Department.

51       3. Each agency of criminal justice shall submit the information relating to  
52 records of criminal history that it creates or issues, and any information in its  
53 possession relating to the genetic markers of a biological specimen of a person

1 ~~{who is convicted of an offense listed in subsection 4 of}~~ *from whom a biological*  
2 *specimen is obtained pursuant to* NRS 176.0913 ~~{}~~ *or section 3 of this act*, to the  
3 Division. The information must be submitted to the Division:

4 (a) Through an electronic network;

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

6 (c) In the manner prescribed by the Director of the Department,

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

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

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

15 (1) Records of criminal history; and

16 (2) The genetic markers of a biological specimen of a person ~~{who is~~  
17 ~~convicted of an offense listed in subsection 4 of}~~ *from whom a biological specimen*  
18 *is obtained pursuant to* NRS 176.0913 ~~{}~~ *or section 3 of this act*.

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

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

24 5. The Division may:

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

27 (b) Enter into cooperative agreements with repositories of the United States  
28 and other states to facilitate exchanges of information that may be disseminated  
29 pursuant to paragraph (a); and

30 (c) Request of and receive from the Federal Bureau of Investigation  
31 information on the background and personal history of any person whose record of  
32 fingerprints the Central Repository submits to the Federal Bureau of Investigation  
33 and:

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

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

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

42 (4) For whom such information is required to be obtained pursuant to NRS  
43 427A.735 and 449.179; or

44 (5) About whom any agency of the State of Nevada or any political  
45 subdivision thereof is authorized by law to have accurate personal information for  
46 the protection of the agency or the persons within its jurisdiction.

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

52 6. The Central Repository shall:



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

3 (b) Tabulate and analyze all records, reports and compilations of statistical data  
4 received pursuant to this section.

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

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

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

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

11 (3) Is employed by a county school district, charter school or private  
12 school,

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

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

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

24 (2) Employed by a county school district, charter school or private school  
25 whose fingerprints were sent previously to the Central Repository for investigation,  
26 who the Central Repository's records indicate have been convicted of a violation  
27 of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony  
28 or any offense involving moral turpitude since the Central Repository's initial  
29 investigation. The superintendent of each county school district, the governing body  
30 of a charter school or the administrator of each private school, as applicable, shall  
31 determine whether further investigation or action by the district, charter school or  
32 private school, as applicable, is appropriate.

33 (f) Investigate the criminal history of each person who submits fingerprints or  
34 has fingerprints submitted pursuant to NRS 427A.735, 449.176 or 449.179.

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

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

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

48 7. The Central Repository may:

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

52 (b) Charge a reasonable fee for any publication or special report it distributes  
53 relating to data collected pursuant to this section. The Central Repository may not

1 collect such a fee from an agency of criminal justice, any other agency dealing with  
2 crime or the delinquency of children which is required to submit information  
3 pursuant to subsection 2 or the State Disaster Identification Team of the Division of  
4 Emergency Management of the Department. All money collected pursuant to this  
5 paragraph must be used to pay for the cost of operating the Central Repository.

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

9 8. As used in this section:

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

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

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

16 (b) "Private school" has the meaning ascribed to it in NRS 394.103.

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

18 179D.150 A record of registration must include, if the information is  
19 available:

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

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

24 (b) A complete physical description of the offender or sex offender, a current  
25 photograph of the offender or sex offender and the fingerprints and palm prints of  
26 the offender or sex offender;

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

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

32 (e) A report of the analysis of the genetic markers of the specimen obtained  
33 from the offender or sex offender pursuant to NRS 176.0913 ~~or~~ **or section 3 of this**  
34 **act;** and

35 (f) Any other information that identifies the offender or sex offender.

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

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

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

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

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

46 3. Information concerning the offender's or sex offender's occupations,  
47 employment or work or expected occupations, employment or work, including, but  
48 not limited to, the name, address and type of business of all current and expected  
49 future employers of the offender or sex offender.

50 4. Information concerning the offender's or sex offender's volunteer service  
51 or expected volunteer service in connection with any activity or organization within  
52 this State, including, but not limited to, the name, address and type of each such  
53 activity or organization.

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

5        6. Information concerning whether:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39       (1) Specific sexual acts committed against the victim;

40       (2) The method of obtaining access to the victim, such as the use of  
41 enticements, threats, forced entry or violence against the victim;

42       (3) The type of injuries inflicted on the victim;

43       (4) The types of instruments, weapons or objects used;

44       (5) The type of property taken; and

45       (6) Any other distinctive characteristic of the behavior or personality of the  
46 offender or sex offender.

47       11. Any other information required by federal law.

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

49       179D.443 When an offender convicted of a crime against a child or a sex  
50 offender registers with a local law enforcement agency as required pursuant to NRS  
51 179D.445, 179D.460 or 179D.480, or updates the registration as required pursuant  
52 to NRS 179D.447:

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

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

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

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

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

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

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

14        (g) Any other information required by federal law.

15        2. If the offender or sex offender has not previously provided a biological  
16 specimen pursuant to NRS 176.0913 or 176.0916, *or section 3 of this act*, the  
17 offender or sex offender shall provide a biological specimen to the local law  
18 enforcement agency. The local law enforcement agency shall provide the specimen  
19 to the forensic laboratory that has been designated by the county in which the  
20 offender or sex offender resides, is present or is a worker or student to conduct or  
21 oversee genetic marker testing for the county pursuant to NRS 176.0917.

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

24        (a) A complete physical description of the offender or sex offender, a current  
25 photograph of the offender or sex offender and the fingerprints and palm prints of  
26 the offender or sex offender;

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

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

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

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

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

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

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

39        (e) The identification number from a driver's license or an identification card  
40 issued to the offender or sex offender by this State or any other jurisdiction and a  
41 photocopy of such driver's license or identification card; and

42        (f) Any other information required by federal law.

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

44        211.245 1. If a prisoner fails to make a payment within 10 days after it is  
45 due, the district attorney for a county or the city attorney for an incorporated city  
46 may file a civil action in any court of competent jurisdiction within this State  
47 seeking recovery of:

48            (a) The amount of reimbursement due;

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

51            (c) Attorney's fees and costs.

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

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

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

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

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

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

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

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


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

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


26 (a) Child support or alimony;

27 (b) Restitution to victims of crimes; and

28 (c) Any administrative assessment required to be paid pursuant to NRS  
29 62E.270, 176.059, 176.0611, 176.0613 and 176.062, *and section 2 of this act*,

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

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

32 249.085 On or before the 15th day of each month, the county treasurer shall  
33 report to the State Controller the amount of the administrative assessments paid by  
34 each justice court for the preceding month pursuant to NRS 176.059 and 176.0613  
35  *and section 2 of this act*.

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

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

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