

SENATE BILL NO. 66—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED DECEMBER 15, 2010

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to multidisciplinary teams to review the deaths of victims of crimes that constitute domestic violence. (BDR 18-268)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to domestic violence; authorizing the Attorney General to organize or sponsor multidisciplinary teams to review the death of the victim of a crime that constitutes domestic violence under certain circumstances; revising provisions concerning such teams organized or sponsored by a court or an agency of local government; imposing a civil penalty upon members of such teams who disclose confidential information concerning the death of a child; authorizing all such teams to receive data and information from certain reports and investigations and to use certain death certificates; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, certain unlawful acts constitute domestic violence when committed against certain specified persons. (NRS 33.018) Existing law authorizes a court or an agency of a local government to organize or sponsor one or more multidisciplinary teams to review the death of the victim of a crime that constitutes domestic violence. (NRS 217.475) If a court or an agency of a local government does not organize or sponsor such a team or if the court or agency requests the assistance of the Attorney General, **section 1** of this bill authorizes the Attorney General to organize or sponsor one or more multidisciplinary teams to review the death of the victim of such a crime. **Section 1** also establishes the powers and duties of such teams.

Section 2 of this bill expands the authority of a multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence



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organized or sponsored by a court or agency of local government under existing law to: (1) obtain relevant information and records concerning the victim and any person who was in contact with the victim; and (2) meet with other teams, persons, agencies and organizations that may have information relevant to the team's review.

Sections 1 and 2 also provide that each member of a multidisciplinary team which is organized or sponsored by the Attorney General or a court or an agency of a local government to review the death of a victim of a crime that constitutes domestic violence who discloses any confidential information concerning the death of a child is liable for a civil penalty of not more than \$500. The Attorney General may bring an action to recover such a civil penalty and shall deposit any money received from the civil penalty with the State Treasurer for credit to the State General Fund.

Section 3 of this bill adds multidisciplinary teams organized to review the deaths of victims of crimes that constitute domestic violence to the list of entities that are authorized under existing law to receive data or information from certain reports and investigations concerning the abuse or neglect of children. Under existing law, release to the public of information identifying the suspect of such a report by a person who is authorized to have access to the information is a misdemeanor. (NRS 432B.290)

Section 3.5 of this bill specifies that a multidisciplinary team to review the death of a child may, if appropriate, meet and share information with a multidisciplinary team to review the death of a victim of a crime that constitutes domestic violence which is organized or sponsored by the Attorney General or a court or an agency of a local government.

Section 4 of this bill requires the State Board of Health to allow a multidisciplinary team organized to review the death of the victim of a crime that constitutes domestic violence to use death certificates in the custody of the State Registrar of Vital Statistics in the same manner as the Board allows a multidisciplinary team to review the death of a child under existing law.

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

Section 1. Chapter 228 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Attorney General may organize or sponsor one or more multidisciplinary teams to review the death of the victim of a crime that constitutes domestic violence pursuant to NRS 33.018 if a court or an agency of a local government does not organize or sponsor a multidisciplinary team pursuant to NRS 217.475 or if the court or agency requests the assistance of the Attorney General. In addition to the review of a particular case, a multidisciplinary team organized or sponsored by the Attorney General pursuant to this section shall:

(a) Examine the trends and patterns of deaths of victims of crimes that constitute domestic violence in this State;

(b) Determine the number and type of incidents the team wishes to review;



1 (c) Make policy and other recommendations for the prevention
2 of deaths from crimes that constitute domestic violence;

3 (d) Engage in activities to educate the public, providers of
4 services to victims of domestic violence and policymakers
5 concerning deaths from crimes that constitute domestic violence
6 and strategies for intervention and prevention of such crimes; and

7 (e) Recommend policies, practices and services to encourage
8 collaboration and reduce the number of deaths from crimes that
9 constitute domestic violence.

10 2. A multidisciplinary team organized or sponsored pursuant
11 to this section may include, without limitation, the following
12 members:

13 (a) A representative of the Attorney General;

14 (b) A representative of any law enforcement agency that is
15 involved with a case under review;

16 (c) A representative of the district attorney's office in the
17 county where a case is under review;

18 (d) A representative of the coroner's office in the county where
19 a case is under review;

20 (e) A representative of any agency which provides social
21 services that is involved in a case under review;

22 (f) A person appointed pursuant to subsection 3; and

23 (g) Any other person that the Attorney General determines is
24 appropriate.

25 3. An organization that is concerned with domestic violence
26 may apply to the Attorney General or his or her designee for
27 authorization to appoint a member to a multidisciplinary team
28 organized or sponsored pursuant to this section. Such an
29 application must be made in the form and manner prescribed by
30 the Attorney General and is subject to the approval of the Attorney
31 General or his or her designee.

32 4. Each organization represented on a multidisciplinary team
33 organized or sponsored pursuant to this section may share with
34 other members of the team information in its possession
35 concerning a victim who is the subject of a review or any person
36 who was in contact with the victim and any other information
37 deemed by the organization to be pertinent to the review. Any
38 information shared by an organization with other members of a
39 team is confidential.

40 5. The organizing or sponsoring of a multidisciplinary team
41 pursuant to this section does not grant the Attorney General
42 supervisory authority over, or restrict or impair the statutory
43 authority of, any state or local governmental agency responsible
44 for the investigation or prosecution of the death of a victim of a
45 crime that constitutes domestic violence pursuant to NRS 33.018.



1 6. *Before organizing or sponsoring a multidisciplinary team*
2 *pursuant to this section, the Attorney General shall adopt a written*
3 *protocol describing the objectives and structure of the team.*

4 7. *A multidisciplinary team organized or sponsored pursuant*
5 *to this section may request any person, agency or organization*
6 *that is in possession of information or records concerning a victim*
7 *who is the subject of a review or any person who was in contact*
8 *with the victim to provide the team with any information or*
9 *records that are relevant to the review. Any information or records*
10 *provided to a team pursuant to this subsection are confidential.*

11 8. *A multidisciplinary team organized or sponsored pursuant*
12 *to this section may, if appropriate, meet with any person, agency*
13 *or organization that the team believes may have information*
14 *relevant to a review conducted by the team, including, without*
15 *limitation, a multidisciplinary team:*

16 (a) *To review the death of the victim of a crime that constitutes*
17 *domestic violence organized or sponsored pursuant to*
18 *NRS 217.475;*

19 (b) *To review any allegations of abuse, neglect, exploitation or*
20 *isolation of an older person or the death of an older person that is*
21 *alleged to be from abuse, neglect or isolation organized pursuant*
22 *to NRS 228.270;*

23 (c) *To review the death of a child organized pursuant to NRS*
24 *432B.405; or*

25 (d) *To oversee the review of the death of a child organized*
26 *pursuant to NRS 432B.4075.*

27 9. *Except as otherwise provided in subsection 10, each*
28 *member of a multidisciplinary team organized or sponsored*
29 *pursuant to this section is immune from civil or criminal liability*
30 *for an activity related to the review of the death of a victim.*

31 10. *Each member of a multidisciplinary team organized or*
32 *sponsored pursuant to this section who discloses any confidential*
33 *information concerning the death of a child is personally liable for*
34 *a civil penalty of not more than \$500.*

35 11. *The Attorney General:*

36 (a) *May bring an action to recover a civil penalty imposed*
37 *pursuant to subsection 10 against a member of a multidisciplinary*
38 *team organized or sponsored pursuant to this section; and*

39 (b) *Shall deposit any money received from the civil penalty*
40 *with the State Treasurer for credit to the State General Fund.*

41 12. *The results of a review of the death of a victim conducted*
42 *pursuant to this section are not admissible in any civil action or*
43 *proceeding.*

44 13. *A multidisciplinary team organized or sponsored*
45 *pursuant to this section shall submit a report of its activities to the*



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Attorney General. The report must include, without limitation, the findings and recommendations of the team. The report must not include information that identifies any person involved in a particular case under review. The Attorney General shall make the report available to the public.

Sec. 2. NRS 217.475 is hereby amended to read as follows:

217.475 1. A court or an agency of a local government may organize or sponsor one or more multidisciplinary teams to review the death of the victim of a crime that constitutes domestic violence pursuant to NRS 33.018.

2. If a multidisciplinary team is organized or sponsored pursuant to subsection 1, the court or agency shall review the death of a victim upon receiving a written request from a person related to the victim within the third degree of consanguinity, if the request is received by the court or agency within 1 year after the date of death of the victim.

3. Members of a team that is organized or sponsored pursuant to subsection 1 serve at the pleasure of the court or agency that organizes or sponsors the team and must include, without limitation, representatives of organizations concerned with law enforcement, issues related to physical or mental health, or the prevention of domestic violence and assistance to victims of domestic violence.

4. Each organization represented on such a team may share with other members of the team information in its possession concerning the victim who is the subject of the review or any person who was in contact with the victim and any other information deemed by the organization to be pertinent to the review. Any information shared by an organization with other members of a team is confidential.

5. A team organized *or sponsored* pursuant to this section may, upon request, provide a report concerning its review to a person related to the victim within the third degree of consanguinity.

6. Before establishing a team to review the death of a victim pursuant to this section, a court or an agency shall adopt a written protocol describing its objectives and the structure of the team.

7. A team organized or sponsored pursuant to this section may request any person, agency or organization that is in possession of information or records concerning the victim who is the subject of the review or any person who was in contact with the victim to provide the team with any information or records that are relevant to the team's review. Any information or records provided to a team pursuant to this subsection are confidential.

8. A team organized *or sponsored* pursuant to this section may, if appropriate, meet with *any person, agency or organization that the team believes may have information relevant to the review*



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1 *conducted by the team, including, without limitation, a*
2 *multidisciplinary team ~~to~~:*

3 *(a) To review the death of the victim of a crime that constitutes*
4 *domestic violence organized or sponsored pursuant to section 1 of*
5 *this act;*

6 *(b) To review the death of a child organized pursuant to NRS*
7 *432B.405 ~~to~~; or*

8 *(c) To oversee the review of the death of a child organized*
9 *pursuant to NRS 432B.4075.*

10 ~~[8.—Each]~~ 9. *Except as otherwise provided in subsection 10,*
11 *each* member of a team organized *or sponsored* pursuant to this
12 section is immune from civil or criminal liability for an activity
13 related to the review of the death of a victim.

14 ~~[9.]~~ 10. *Each member of a team organized or sponsored*
15 *pursuant to this section who discloses any confidential*
16 *information concerning the death of a child is personally liable for*
17 *a civil penalty of not more than \$500.*

18 *11. The Attorney General:*

19 *(a) May bring an action to recover a civil penalty imposed*
20 *pursuant to subsection 10 against a member of a team organized*
21 *or sponsored pursuant to this section; and*

22 *(b) Shall deposit any money received from the civil penalty*
23 *with the State Treasurer for credit to the State General Fund.*

24 *12. The results of the review of the death of a victim pursuant*
25 *to this section are not admissible in any civil action or proceeding.*

26 **Sec. 3.** NRS 432B.290 is hereby amended to read as follows:

27 432B.290 1. Except as otherwise provided in subsections 2
28 and 3 and NRS 432B.165, 432B.175 and 432B.513, data or
29 information concerning reports and investigations thereof made
30 pursuant to this chapter may be made available only to:

31 (a) A physician, if the physician has before him or her a child
32 who the physician has reasonable cause to believe has been abused
33 or neglected;

34 (b) A person authorized to place a child in protective custody, if
35 the person has before him or her a child who the person has
36 reasonable cause to believe has been abused or neglected and the
37 person requires the information to determine whether to place the
38 child in protective custody;

39 (c) An agency, including, without limitation, an agency in
40 another jurisdiction, responsible for or authorized to undertake the
41 care, treatment or supervision of:

42 (1) The child; or

43 (2) The person responsible for the welfare of the child;



(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the abuse or neglect of a child;

(e) A court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

(f) A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to the person;

(g) The attorney and the guardian ad litem of the child;

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

(i) A federal, state or local governmental entity, or an agency of such an entity, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect;

(j) A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments or services and that has been trained to make such assessments or provide such services;

(k) A team organized pursuant to NRS 432B.350 for the protection of a child;

(l) A team organized pursuant to NRS 432B.405 to review the death of a child;

(m) A parent or legal guardian of the child and an attorney of a parent or guardian of the child, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential;

(n) The persons who are the subject of a report;

(o) An agency that is authorized by law to license foster homes or facilities for children or to investigate persons applying for approval to adopt a child, if the agency has before it an application for that license or is investigating an applicant to adopt a child;

(p) Upon written consent of the parent, any officer of this State or a city or county thereof or Legislator authorized, by the agency or department having jurisdiction or by the Legislature, acting within its jurisdiction, to investigate the activities or programs of an agency which provides child welfare services if:

(1) The identity of the person making the report is kept confidential; and

(2) The officer, Legislator or a member of the family of the officer or Legislator is not the person alleged to have committed the abuse or neglect;

(q) The Division of Parole and Probation of the Department of Public Safety for use pursuant to NRS 176.135 in making a



1 presentence investigation and report to the district court or pursuant
2 to NRS 176.151 in making a general investigation and report;

3 (r) Any person who is required pursuant to NRS 432B.220 to
4 make a report to an agency which provides child welfare services or
5 to a law enforcement agency;

6 (s) The Rural Advisory Board to Expedite Proceedings for the
7 Placement of Children created pursuant to NRS 432B.602 or a local
8 advisory board to expedite proceedings for the placement of
9 children created pursuant to NRS 432B.604;

10 (t) The panel established pursuant to NRS 432B.396 to evaluate
11 agencies which provide child welfare services; ~~for~~

12 (u) An employer in accordance with subsection 3 of NRS
13 432.100 ~~H~~; or

14 (v) *A team organized or sponsored pursuant to NRS 217.475*
15 *or section 1 of this act to review the death of the victim of a crime*
16 *that constitutes domestic violence.*

17 2. An agency investigating a report of the abuse or neglect of a
18 child shall, upon request, provide to a person named in the report as
19 allegedly causing the abuse or neglect of the child:

20 (a) A copy of:

21 (1) Any statement made in writing to an investigator for the
22 agency by the person named in the report as allegedly causing the
23 abuse or neglect of the child; or

24 (2) Any recording made by the agency of any statement
25 made orally to an investigator for the agency by the person named in
26 the report as allegedly causing the abuse or neglect of the child; or

27 (b) A written summary of the allegations made against the
28 person who is named in the report as allegedly causing the abuse or
29 neglect of the child. The summary must not identify the person
30 responsible for reporting the alleged abuse or neglect.

31 3. An agency which provides child welfare services shall
32 disclose the identity of a person who makes a report or otherwise
33 initiates an investigation pursuant to this chapter if a court, after
34 reviewing the record in camera and determining that there is reason
35 to believe that the person knowingly made a false report, orders the
36 disclosure.

37 4. Any person, except for:

38 (a) The subject of a report;

39 (b) A district attorney or other law enforcement officer initiating
40 legal proceedings; or

41 (c) An employee of the Division of Parole and Probation of the
42 Department of Public Safety making a presentence investigation and
43 report to the district court pursuant to NRS 176.135 or making a
44 general investigation and report pursuant to NRS 176.151,



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1 ➔ who is given access, pursuant to subsection 1, to information
2 identifying the subjects of a report and who makes this information
3 public is guilty of a misdemeanor.

4 5. The Division of Child and Family Services shall adopt
5 regulations to carry out the provisions of this section.

6 **Sec. 3.5.** NRS 432B.407 is hereby amended to read as follows:

7 432B.407 1. A multidisciplinary team to review the death of
8 a child is entitled to access to:

9 (a) All investigative information of law enforcement agencies
10 regarding the death;

11 (b) Any autopsy and coroner's investigative records relating to
12 the death;

13 (c) Any medical or mental health records of the child; and

14 (d) Any records of social and rehabilitative services or of any
15 other social service agency which has provided services to the child
16 or the child's family.

17 2. Each organization represented on a multidisciplinary team to
18 review the death of a child shall share with other members of the
19 team information in its possession concerning the child who is the
20 subject of the review, any siblings of the child, any person who was
21 responsible for the welfare of the child and any other information
22 deemed by the organization to be pertinent to the review.

23 3. *A multidisciplinary team to review the death of a child*
24 *may, if appropriate, meet and share information with a*
25 *multidisciplinary team to review the death of the victim of a crime*
26 *that constitutes domestic violence organized or sponsored*
27 *pursuant to NRS 217.475 or section 1 of this act.*

28 4. A multidisciplinary team to review the death of a child may
29 petition the district court for the issuance of, and the district court
30 may issue, a subpoena to compel the production of any books,
31 records or papers relevant to the cause of any death being
32 investigated by the team. Except as otherwise provided in NRS
33 239.0115, any books, records or papers received by the team
34 pursuant to the subpoena shall be deemed confidential and
35 privileged and not subject to disclosure.

36 ~~[4.—Information]~~

37 5. *Except as otherwise provided in this section, information*
38 *acquired by, and the records of, a multidisciplinary team to review*
39 *the death of a child are confidential, must not be disclosed, and are*
40 *not subject to subpoena, discovery or introduction into evidence in*
41 *any civil or criminal proceeding.*

42 **Sec. 4.** NRS 440.170 is hereby amended to read as follows:

43 440.170 1. All certificates in the custody of the State
44 Registrar are open to inspection subject to the provisions of this
45 chapter. It is unlawful for any employee of the State to disclose data



1 contained in vital statistics, except as authorized by this chapter or
2 by the Board.

3 2. Information in vital statistics indicating that a birth occurred
4 out of wedlock must not be disclosed except upon order of a court of
5 competent jurisdiction.

6 3. The Board:

7 (a) Shall allow the use of data contained in vital statistics to
8 carry out the provisions of NRS 442.300 to 442.330, inclusive;

9 (b) Shall allow the use of certificates of death by a
10 multidisciplinary team ~~to~~:

11 *(1) To review the death of the victim of a crime that*
12 *constitutes domestic violence organized or sponsored pursuant to*
13 *NRS 217.475 or section 1 of this act; and*

14 *(2) To review the death of a child established pursuant to*
15 *NRS 432B.405 and 432B.406; and*

16 (c) May allow the use of data contained in vital statistics for
17 other research purposes, but without identifying the persons to
18 whom the records relate.

