

ASSEMBLY BILL NO. 465—COMMITTEE ON WAYS AND MEANS

(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)

MARCH 25, 2013

Referred to Committee on Ways and Means

SUMMARY—Creates the General Services Division in the Department of Public Safety. (BDR 43-1150)

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

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

AN ACT relating to state administration; renaming the Records and Technology Division of the Department of Public Safety as the General Services Division; expanding the duties of the renamed Division; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Under existing law, the Department of Public Safety is made up of eight
2 divisions, one of which is the Records and Technology Division. (NRS 480.130)
3 This bill: (1) renames the Records and Technology Division as the General
4 Services Division; and (2) expands the duties of the renamed Division.

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

- 1 **Section 1.** NRS 480.130 is hereby amended to read as follows:
2 480.130 The Department consists of:
3 1. An Investigation Division;
4 2. A Nevada Highway Patrol Division;
5 3. A Division of Emergency Management;
6 4. A State Fire Marshal Division;
7 5. A Division of Parole and Probation;
8 6. A Capitol Police Division;
9 7. A Training Division; and
10 8. A ~~{Records and Technology}~~ *General Services* Division.



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- 1 **Sec. 2.** NRS 480.140 is hereby amended to read as follows:
2 480.140 The primary functions and responsibilities of the
3 divisions of the Department are as follows:
4 1. The Investigation Division shall:
5 (a) Execute, administer and enforce the provisions of chapter
6 453 of NRS relating to controlled substances and chapter 454 of
7 NRS relating to dangerous drugs;
8 (b) Assist the Secretary of State in carrying out an investigation
9 pursuant to NRS 293.124; and
10 (c) Perform such duties and exercise such powers as may be
11 conferred upon it pursuant to this chapter and any other specific
12 statute.
13 2. The Nevada Highway Patrol Division shall, in conjunction
14 with the Department of Motor Vehicles, execute, administer and
15 enforce the provisions of chapters 484A to 484E, inclusive, of NRS
16 and perform such duties and exercise such powers as may be
17 conferred upon it pursuant to NRS 480.360 and any other specific
18 statute.
19 3. The Division of Emergency Management shall execute,
20 administer and enforce the provisions of chapter 414 of NRS and
21 perform such duties and exercise such powers as may be conferred
22 upon it pursuant to chapter 414 of NRS and any other specific
23 statute.
24 4. The State Fire Marshal Division shall execute, administer
25 and enforce the provisions of chapter 477 of NRS and perform such
26 duties and exercise such powers as may be conferred upon it
27 pursuant to chapter 477 of NRS and any other specific statute.
28 5. The Division of Parole and Probation shall execute,
29 administer and enforce the provisions of chapters 176A and 213 of
30 NRS relating to parole and probation and perform such duties and
31 exercise such powers as may be conferred upon it pursuant to those
32 chapters and any other specific statute.
33 6. The Capitol Police Division shall assist in the enforcement
34 of subsection 1 of NRS 331.140.
35 7. The Training Division shall provide training to the
36 employees of the Department.
37 8. The ~~Records and Technology~~ *General Services* Division
38 shall:
39 (a) Execute, administer and enforce the provisions of chapter
40 179A of NRS and perform such duties and exercise such powers as
41 may be conferred upon it pursuant to chapter 179A of NRS and any
42 other specific statute; ~~and~~
43 (b) *Provide dispatch services for the Department and other*
44 *agencies as determined by the Director;*



1 (c) *Maintain records of the Department as determined by the*
2 *Director; and*

3 (d) Provide ~~technology~~ support services to the Director, the
4 divisions of the Department and the Nevada Criminal Justice
5 Information System ~~and offer technology services~~ as may be
6 imposed by the Director.

7 **Sec. 3.** NRS 179A.075 is hereby amended to read as follows:

8 179A.075 1. The Central Repository for Nevada Records of
9 Criminal History is hereby created within the ~~Records and~~
10 ~~Technology~~ *General Services* Division of the Department.

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

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

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

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

23 (a) Through an electronic network;

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

25 (c) In the manner prescribed by the Director of the Department,
26 ↪ within the period prescribed by the Director of the Department. If
27 an agency has submitted a record regarding the arrest of a person
28 who is later determined by the agency not to be the person who
29 committed the particular crime, the agency shall, immediately upon
30 making that determination, so notify the Division. The Division
31 shall delete all references in the Central Repository relating to that
32 particular arrest.

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

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

37 (1) Records of criminal history; and

38 (2) The genetic markers of a biological specimen of a person
39 who is convicted of an offense listed in subsection 4 of
40 NRS 176.0913.

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



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

5. The Division may:

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

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

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

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

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

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

(4) For whom such information is required to be obtained pursuant to NRS 62B.270, 424.031, 427A.735, 432A.170, 433B.183 and 449.123; or

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

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

6. The Central Repository shall:

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

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

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

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



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(1) Has applied to the Superintendent of Public Instruction for the issuance or renewal of a license;

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

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

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

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

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

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

who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits fingerprints or has fingerprints submitted pursuant to NRS 62B.270, 424.031, 427A.735, 432A.170, 433B.183, 449.122 or 449.123.

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

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



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

7. The Central Repository may:

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

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

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

8. As used in this section:

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

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

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

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

Sec. 4. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 5. This act becomes effective on July 1, 2013.

