

ASSEMBLY BILL NO. 64—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE DEPARTMENT OF
PUBLIC SAFETY, DIRECTOR’S OFFICE)

PREFILED DECEMBER 20, 2012

Referred to Committee on Judiciary

SUMMARY—Revises various provisions concerning criminal justice. (BDR 14-338)

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 criminal justice; revising the contents of certain presentence investigations and reports to include an evaluation for substance abuse, a needs assessment and a treatment and training plan; requiring reports of presentence investigations to be maintained in an offender information system; repealing provisions governing general investigations and reports; revising various provisions relating to the duties of the Director of the Department of Corrections; requiring documentation of an offender’s performance and progress in and completion of certain programs; requiring the development of certain information systems to integrate the operations of certain agencies; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law requires the Division of Parole and Probation of the Department of
- 2 Public Safety to make a presentence investigation and report to the court on each
- 3 defendant who pleads guilty, guilty but mentally ill or nolo contendere to, or is
- 4 found guilty or guilty but mentally ill of, a felony. (NRS 176.135) **Section 2** of this
- 5 bill requires the Division, as part of its presentence investigation and report, to
- 6 arrange for an evaluation of the defendant for substance abuse. **Section 3** of this bill
- 7 similarly requires the Division, as part of its presentence investigation and report, to
- 8 conduct a needs assessment designed to assist the defendant in obtaining and
- 9 maintaining employment. **Section 4** of this bill additionally requires the Division,



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as part of its presentence investigation and report, to develop a treatment and training plan based upon the evaluation for substance abuse conducted pursuant to **section 2** and the needs assessment conducted pursuant to **section 3**.

Pursuant to **section 6** of this bill, the report of any presentence investigation must be developed and maintained in the offender information system which is managed by the Department of Corrections and which is established pursuant to **section 13** of this bill. **Section 6** also removes certain exceptions to the requirement to complete a presentence investigation and report.

Existing law requires that the report of any presentence investigation must contain certain information. (NRS 176.145) **Section 7** of this bill: (1) requires the report of any presentence investigation to include certain additional information; and (2) requires the report of any presentence investigation concerning a defendant who is convicted of a felony to include the additional items required pursuant to **sections 2-4**.

Existing law provides that if a defendant pleads guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, one or more category E felonies, but no other felonies, the Division of Parole and Probation is generally required not to make a presentence investigation and report on the defendant and instead must make a general investigation and report. (NRS 176.151) **Section 19** of this bill repeals the provisions governing general investigations and reports. **Sections 6, 8-12 and 18** of this bill make technical changes resulting from the repeal of such provisions.

Section 13 of this bill requires the Director of the Department of Corrections to develop an offender information system that: (1) is managed by the Department; (2) facilitates the development and maintenance of certain reports concerning offenders; and (3) is accessible to the Division of Parole and Probation and the State Board of Parole Commissioners. **Section 13** also requires the Director to prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature or to the Legislative Commission an annual report containing certain statistical data relating to offenders.

Existing law authorizes the Director to establish, with the approval of the Board of State Prison Commissioners, a system for offender management. (NRS 209.352) **Section 14** of this bill requires the Director to establish a system of offender management using certain evidence-based practices. **Section 14** also provides that before the Department assigns an offender to a program of general education, vocational education and training or other rehabilitation, the Department must consider certain information concerning the offender.

Existing law requires the Board of State Prison Commissioners to establish programs of general education, vocational education and training and other rehabilitation. (NRS 209.389) **Section 15** of this bill requires the Department to: (1) enter into the offender information system established pursuant to **section 13** data regarding an offender's performance and progress in and completion of such a program; and (2) include such data in a report prepared for the State Board of Parole Commissioners for its review when the offender is considered for release on parole.

Existing law requires the Director to provide certain information and items to an offender who is released from prison. (NRS 209.511) **Section 16** of this bill requires the Director to provide an offender with certain additional information upon his or her release from prison.

Section 17 of this bill provides that the development of any information system for the Division of Parole and Probation, the Department of Corrections or the State Board of Parole Commissioners must, to the extent feasible, integrate the operations of each agency with respect to information relating to convicted persons.



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

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

Sec. 2. 1. *If a defendant is convicted of a felony and is not otherwise required to undergo an evaluation pursuant to NRS 484C.300, the Division shall, as part of the Division's presentence investigation and report to the court, arrange for an evaluation of the defendant to determine whether the defendant is an abuser of alcohol or drugs and whether the defendant can be treated successfully for the condition.*

2. The evaluation of the defendant must be conducted by a person professionally qualified to conduct an evaluation for substance abuse.

3. The person who conducts the evaluation of the defendant shall:

(a) Prepare a comprehensive written report of the results of the evaluation; and

(b) Provide a copy of the report to the Division.

4. As used in this section, "person professionally qualified to conduct an evaluation for substance abuse" means:

(a) An alcohol and drug abuse counselor who is licensed or certified, or a clinical alcohol and drug abuse counselor who is licensed, pursuant to chapter 641C of NRS, to make such an evaluation;

(b) A physician who is certified to make such an evaluation by the Board of Medical Examiners; or

(c) A psychologist who is certified to make such an evaluation by the Board of Psychological Examiners.

Sec. 3. 1. *If a defendant is convicted of a felony, the Division shall, as part of the Division's presentence investigation and report to the court, conduct a needs assessment concerning the defendant.*

2. The needs assessment conducted pursuant to this section must include an assessment of the training needs of the defendant based upon the following factors:

(a) The educational level of the defendant.

(b) The cognitive functioning of the defendant.

(c) The vocational skills and experience of the defendant.

(d) Any other factor relevant to the ability of the defendant to obtain and maintain employment in the community.

3. The needs assessment conducted pursuant to this section may contain any recommendations for participation by the defendant in a program of general education, vocational



1 *education and training or other rehabilitation that may improve*
2 *the likelihood of the defendant obtaining and maintaining*
3 *employment in the community.*

4 **Sec. 4. 1. If a defendant is convicted of a felony, the**
5 **Division shall, as part of the Division's presentence investigation**
6 **and report to the court, develop a treatment and training plan for**
7 **the defendant.**

8 **2. The treatment and training plan developed pursuant to this**
9 **section must be based upon:**

10 **(a) The evaluation for substance abuse, if required pursuant to**
11 **section 2 of this act;**

12 **(b) The needs assessment; and**

13 **(c) Any other information deemed relevant by the Division in**
14 **determining the treatment and training necessary for the**
15 **defendant to address any problems relating to substance abuse or**
16 **for the defendant to obtain and maintain employment in the**
17 **community.**

18 **Sec. 5. NRS 176.133 is hereby amended to read as follows:**

19 **176.133 As used in NRS 176.133 to 176.161, inclusive, and**
20 **sections 2, 3 and 4 of this act, unless the context otherwise requires:**

21 **1. "Evaluation for substance abuse" means an evaluation of**
22 **a defendant for substance abuse conducted pursuant to section 2**
23 **of this act.**

24 **2. "Needs assessment" means an assessment of the training**
25 **needs of a defendant conducted pursuant to section 3 of this act.**

26 **3. "Person professionally qualified to conduct psychosexual**
27 **evaluations" means a person who has received training in**
28 **conducting psychosexual evaluations and is:**

29 **(a) A psychiatrist licensed to practice medicine in this State and**
30 **certified by the American Board of Psychiatry and Neurology, Inc.;**

31 **(b) A psychologist licensed to practice in this State;**

32 **(c) A social worker holding a master's degree in social work and**
33 **licensed in this State as a clinical social worker;**

34 **(d) A registered nurse holding a master's degree in the field of**
35 **psychiatric nursing and licensed to practice professional nursing in**
36 **this State;**

37 **(e) A marriage and family therapist licensed in this State**
38 **pursuant to chapter 641A of NRS; or**

39 **(f) A clinical professional counselor licensed in this State**
40 **pursuant to chapter 641A of NRS.**

41 ~~12-1~~ **4. "Psychosexual evaluation" means an evaluation**
42 **conducted pursuant to NRS 176.139.**

43 ~~13-1~~ **5. "Sexual offense" means:**

44 **(a) Sexual assault pursuant to NRS 200.366;**



(b) Statutory sexual seduction pursuant to NRS 200.368, if punished as a felony;

(c) Battery with intent to commit sexual assault pursuant to NRS 200.400;

(d) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation and is punished as a felony;

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

(f) Incest pursuant to NRS 201.180;

(g) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195, if punished as a felony;

(h) Open or gross lewdness pursuant to NRS 201.210, if punished as a felony;

(i) Indecent or obscene exposure pursuant to NRS 201.220, if punished as a felony;

(j) Lewdness with a child pursuant to NRS 201.230;

(k) Sexual penetration of a dead human body pursuant to NRS 201.450;

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

(m) An attempt to commit an offense listed in paragraphs (a) to (l), inclusive, if punished as a felony; or

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

6. "Treatment and training plan" means the plan of treatment and training developed pursuant to section 4 of this act.

Sec. 6. NRS 176.135 is hereby amended to read as follows:

176.135 1. Except as otherwise provided in this section, ~~and NRS 176.151,~~ the Division shall make a presentence investigation and report to the court on each defendant who pleads guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, a felony.

2. If a defendant is convicted of a felony that is a sexual offense, the presentence investigation and report:

(a) Must be made before the imposition of sentence or the granting of probation; and

(b) If the sexual offense is an offense for which the suspension of sentence or the granting of probation is permitted, must include a psychosexual evaluation of the defendant.

3. ~~If a defendant is convicted of a felony other than a sexual offense, the presentence investigation and report must be made before the imposition of sentence or the granting of probation unless:~~



~~(a) A sentence is fixed by a jury; or~~
~~(b) Such an investigation and report on the defendant has been made by the Division within the 5 years immediately preceding the date initially set for sentencing on the most recent offense.]~~ *The report of any presentence investigation made by the Division pursuant to subsection 1 or 2 must be developed and maintained in the offender information system managed by the Department of Corrections pursuant to NRS 209.351.*

4. Upon request of the court, the Division shall make presentence investigations and reports on defendants who plead guilty, guilty but mentally ill or nolo contendere to, or are found guilty or guilty but mentally ill of, gross misdemeanors.

Sec. 7. NRS 176.145 is hereby amended to read as follows:

176.145 1. The report of any presentence investigation must contain:

(a) Any prior criminal record of the defendant;

(b) Information concerning the characteristics of the defendant, the defendant's financial condition, the circumstances affecting the defendant's behavior and the circumstances of the defendant's offense that may be helpful in imposing sentence, in granting probation or in the correctional treatment of the defendant;

(c) Information concerning the effect that the offense committed by the defendant has had upon the victim, including, without limitation, any physical or psychological harm or financial loss suffered by the victim, to the extent that such information is available from the victim or other sources, but the provisions of this paragraph do not require any particular examination or testing of the victim, and the extent of any investigation or examination is solely at the discretion of the court or the Division and the extent of the information to be included in the report is solely at the discretion of the Division;

(d) Information concerning whether the defendant has an obligation for the support of a child, and if so, whether the defendant is in arrears in payment on that obligation;

(e) Data or information concerning reports and investigations thereof made pursuant to chapter 432B of NRS that relate to the defendant and are made available pursuant to NRS 432B.290;

(f) The results of the evaluation of the defendant conducted pursuant to NRS 484C.300, if such an evaluation is required pursuant to that section;

(g) *The results of an evaluation for substance abuse, if an evaluation for substance abuse is required pursuant to section 2 of this act;*



(h) A recommendation of a minimum term and a maximum term of imprisonment or other term of imprisonment authorized by statute, or a fine, or both;

~~[(h)]~~ (i) A recommendation, if the Division deems it appropriate, that the defendant undergo a program of regimental discipline pursuant to NRS 176A.780;

~~[(i)]~~ (j) If a psychosexual evaluation of the defendant is required pursuant to NRS 176.139, a written report of the results of the psychosexual evaluation of the defendant and all information that is necessary to carry out the provisions of NRS 176A.110; ~~and~~

~~[(j)]~~ (k) *The results of the needs assessment, if the Division conducts a needs assessment;*

(l) The treatment and training plan, if the Division develops a treatment and training plan;

(m) The housing needs of the defendant; and

(n) Such other information as may be required by the court.

2. The Division may include in the report any additional information that it believes may be helpful in imposing a sentence, in granting probation or in correctional treatment.

Sec. 8. NRS 176.156 is hereby amended to read as follows:

176.156 1. The Division shall disclose to the prosecuting attorney, the counsel for the defendant and the defendant the factual content of the report of ~~the~~

~~[(a) Any]~~ any presentence investigation made pursuant to NRS 176.135 and the recommendations of the Division.

~~[(b) Any general investigation made pursuant to NRS 176.151.~~

~~→~~ The Division shall afford an opportunity to each party to object to factual errors in any such report and to comment on any recommendations.

2. Unless otherwise ordered by a court, upon request, the Division shall disclose the content of a report of a presentence investigation ~~for general investigation~~ to a law enforcement agency of this State or a political subdivision thereof and to a law enforcement agency of the Federal Government for the limited purpose of performing their duties, including, without limitation, conducting hearings that are public in nature.

3. Unless otherwise ordered by a court, upon request, the Division shall disclose the content of a report of a presentence investigation ~~for general investigation~~ to the Division of Mental Health and Developmental Services of the Department of Health and Human Services for the limited purpose of performing its duties, including, without limitation, evaluating and providing any report or information to the Division concerning the mental health of:

(a) A sex offender as defined in NRS 213.107; or



(b) An offender who has been determined to be mentally ill.

4. Unless otherwise ordered by a court, upon request, the Division shall disclose the content of a report of a presentence investigation ~~for general investigation~~ to the State Gaming Control Board for the limited purpose of performing its duties in the administration of the provisions of chapters 462 to 467, inclusive, of NRS.

5. Except for the disclosures required by subsections 1 to 4, inclusive, a report of a presentence investigation ~~for general investigation~~ and the sources of information for such a report are confidential and must not be made a part of any public record.

Sec. 9. NRS 176.159 is hereby amended to read as follows:

176.159 ~~1. Except as otherwise provided in subsection 2, when~~ *When* a court imposes a sentence of imprisonment in the state prison or revokes a program of probation and orders a sentence of imprisonment to the state prison to be executed, the court shall cause a copy of the report of the presentence investigation to be delivered to the Director of the Department of Corrections, if such a report was made. The report must be delivered when the judgment of imprisonment is delivered pursuant to NRS 176.335.

~~2. If a presentence investigation and report were not required pursuant to paragraph (b) of subsection 3 of NRS 176.135 or pursuant to subsection 1 of NRS 176.151, the court shall cause a copy of the previous report of the presentence investigation or a copy of the report of the general investigation, as appropriate, to be delivered to the Director of the Department of Corrections in the manner provided pursuant to subsection 1.~~

Sec. 10. NRS 176.161 is hereby amended to read as follows:

176.161 1. Seventy percent of the expense of any presentence ~~for general~~ investigation and report made by the Division pursuant to NRS 176.135, ~~for 176.151,~~ other than the expense of a psychosexual evaluation conducted pursuant to NRS 176.139 ~~or~~ *an evaluation for substance abuse*, must be paid by the county in which the indictment was found or the information filed.

2. Each county shall pay to the Division all expenses required pursuant to subsection 1 according to a schedule established by the Division, which must require payment on at least a quarterly basis.

Sec. 11. NRS 176.335 is hereby amended to read as follows:

176.335 1. If a judgment is for imprisonment in the state prison, the sheriff of the county shall, on receipt of the triplicate certified copies of the judgment of conviction, immediately notify the Director of the Department of Corrections and the Director shall, without delay, send some authorized person to the county where the prisoner is held for commitment to receive the prisoner.



2. When such an authorized person presents to the sheriff holding the prisoner an order for the delivery of the prisoner, the sheriff shall deliver to the authorized person two of the certified copies of the judgment of conviction and a copy of the report of the presentence investigation ~~for general investigation, as appropriate,~~ if required pursuant to NRS 176.159, and take from the person a receipt for the prisoner, and the sheriff shall make return upon the certified copy of the judgment of conviction, showing the sheriff's proceedings thereunder, and both that copy with the return affixed thereto and the receipt from the authorized person must be filed with the county clerk.

3. The term of imprisonment designated in the judgment of conviction must begin on the date of sentence of the prisoner by the court.

Sec. 12. NRS 62H.030 is hereby amended to read as follows:

62H.030 1. The juvenile court shall make and keep records of all cases brought before the juvenile court.

2. Except as otherwise provided in this section and NRS 217.110, records of any case brought before the juvenile court may be opened to inspection only by court order to persons who have a legitimate interest in the records.

3. The following records and information may be opened to inspection without a court order:

(a) Records of traffic violations which are being forwarded to the Department of Motor Vehicles;

(b) Records which have not been sealed and which are required by the Division of Parole and Probation for preparation of presentence investigations and reports pursuant to NRS 176.135 ; ~~for general investigations and reports pursuant to NRS 176.151;~~

(c) Records which have not been sealed and which are to be used, pursuant to chapter 179D of NRS, by:

(1) The Central Repository;

(2) The Division of Parole and Probation; or

(3) A person who is conducting an assessment of the risk of recidivism of an adult or juvenile sex offender;

(d) Information maintained in the standardized system established pursuant to NRS 62H.200; and

(e) Information that must be collected by the Division of Child and Family Services pursuant to NRS 62H.220.

4. The clerk of the court shall prepare and cause to be printed forms for social and legal records and other papers as may be required.

Sec. 13. NRS 209.351 is hereby amended to read as follows:

209.351 The Director shall:



1 1. Establish a system of ongoing classification and evaluation
2 to ensure the individualized custody, care and training of offenders
3 under the Department's jurisdiction.

4 2. *Develop an offender information system that:*

5 (a) *Is managed by the Department;*

6 (b) *Facilitates the development and maintenance of reports of*
7 *presentence investigations, reports of the State Board of Parole*
8 *Commissioners and reports on the progress of offenders in a*
9 *program of general education, vocational education and training*
10 *or other rehabilitation established pursuant to NRS 209.389; and*

11 (c) *May be accessed by the Division of Parole and Probation of*
12 *the Department of Public Safety and by the State Board of Parole*
13 *Commissioners.*

14 3. Keep, or cause to be kept, records for each offender
15 containing:

16 (a) The offender's name, age, date of birth, race, sex, height,
17 weight, complexion, color of eyes and hair, peculiarities of build or
18 features.

19 (b) The offender's place of birth (state, county or city, or
20 country, province or city).

21 (c) The offender's occupation and whether the offender can read
22 and write.

23 (d) The offender's record of conviction, including the date of
24 sentence, name of the judge passing sentence, county from which
25 sentenced, crime charged, date of incarceration, term of
26 imprisonment and expiration date of minimum and maximum terms
27 of imprisonment.

28 (e) The medical records of the offender, including, but not
29 limited to, medical records produced by the Department and medical
30 records produced by a provider of health care outside the prison.

31 (f) Such other desirable or pertinent information as may be
32 necessary.

33 ~~3-1~~ 4. Maintain a comprehensive record of the behavior of
34 each offender reflecting his or her accomplishments and progress as
35 well as charges of infractions of regulations, punishments imposed
36 and medical services rendered.

37 5. *On or before March 1 of each year, prepare and submit to*
38 *the Director of the Legislative Counsel Bureau for submission to*
39 *the Legislature, or to the Legislative Commission when the*
40 *Legislature is not in regular session, a report containing statistical*
41 *data relating to offenders, including, without limitation:*

42 (a) *Addiction;*

43 (b) *Education;*

44 (c) *Training;*

45 (d) *Recidivism;*



- (e) *Offense distributions; and*
(f) *Sentence distributions.*

Sec. 14. NRS 209.352 is hereby amended to read as follows:

209.352 1. The Director ~~{may}~~ *shall* establish ~~{, with the approval of the Board,}~~ a system ~~{for}~~ *of* offender management ~~{, to be implemented in each institution and facility of the Department, which consists of structured living programs for offenders and the management of units by the staff, with levels of custody, security and privileges and opportunities for offenders based upon the assessed needs of the offenders as determined by their initial and ongoing classification and evaluation.}~~ *using evidence-based practices relating to offender needs, objective classification and security risk.*

2. *Before the Department assigns an offender to a program of general education, vocational education and training or other rehabilitation established pursuant to NRS 209.389, the Department shall consider the following information, if available:*

(a) *An evaluation for substance abuse conducted pursuant to section 2 of this act;*

(b) *A needs assessment conducted pursuant to section 3 of this act;*

(c) *A treatment and training plan developed pursuant to section 4 of this act; and*

(d) *Any documentation by the Department of the performance and progress of the offender in a program as required by subsection 5 of NRS 209.389.*

3. *The assignment of an offender to a program of general education, vocational education and training or other rehabilitation established pursuant to NRS 209.389 must not be impeded by level management schemes or processes. Priority for participation in any such program must be given an offender based upon his or her needs and proximity to release.*

Sec. 15. NRS 209.389 is hereby amended to read as follows:

209.389 1. The Board shall establish by regulation programs of general education, vocational education and training and other rehabilitation for offenders.

2. The regulations must take appropriate account of the following matters:

(a) The educational level and needs of offenders;

(b) Opportunities for employment when the offender is released from custody;

(c) Interests of offenders; and

(d) The number of offenders desiring participation in such programs.



3. The regulations must provide for an assessment of these programs at least every 3 years by qualified persons, professional groups or trade associations.

4. No offender has a right to be admitted to a program of education, vocational education and training or other rehabilitation ~~programs~~ established pursuant to this section, and it is not intended that the establishment of such ~~programs~~ *a program* or the failure to establish such ~~programs~~ *a program* creates any right or interest in liberty or property or establishes a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments officers or employees.

5. The Department shall enter into the offender information system managed by the Department pursuant to NRS 209.351 data regarding an offender's performance and progress in and completion of a program of education, vocational education and training or other rehabilitation established pursuant to this section. The Department shall include such data in a report prepared for the State Board of Parole Commissioners for its review when the offender is considered for release on parole.

Sec. 16. NRS 209.511 is hereby amended to read as follows:

209.511 1. When an offender is released from prison by expiration of his or her term of sentence, by pardon or by parole, the Director:

(a) May furnish the offender with a sum of money not to exceed \$100, the amount to be based upon the offender's economic need as determined by the Director;

(b) Shall give the offender notice of the provisions of chapter 179C of NRS and NRS 202.357 and 202.360;

(c) Shall require the offender to sign an acknowledgment of the notice required in paragraph (b);

(d) Shall give the offender notice of the provisions of NRS 179.245 and the provisions of NRS 213.090, 213.155 or 213.157, as applicable;

(e) Shall provide the offender with information relating to obtaining employment, including, without limitation, any programs which may provide bonding for an offender entering the workplace and any organizations which may provide employment or bonding assistance to such a person;

(f) Shall provide the offender with information and reasonable assistance relating to acquiring a valid driver's license or identification card to enable the offender to obtain employment, if the offender:

(1) Requests such information and assistance; and

(2) Is eligible to acquire a valid driver's license or identification card from the Department of Motor Vehicles;



(g) *Shall provide the offender with:*

(1) A copy of his or her most recent evaluation for substance abuse conducted pursuant to section 2 of this act, if such an evaluation of the offender was conducted;

(2) A copy of his or her most recent needs assessment conducted pursuant to section 3 of this act, if such an assessment of the offender was conducted;

(3) A copy of his or her most recent treatment and training plan developed pursuant to section 4 of this act, if such a plan was developed for the offender; and

(4) A list of resources, including, without limitation, information concerning treatment for substance abuse, training for employment and continuing education;

(h) May provide the offender with clothing suitable for reentering society;

~~(h)(i)~~ (i) May provide the offender with the cost of transportation to his or her place of residence anywhere within the continental United States, or to the place of his or her conviction;

~~(h)(j)~~ (j) May, but is not required to, release the offender to a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS; and

~~(h)(k)~~ (k) Shall require the offender to submit to at least one test for exposure to the human immunodeficiency virus.

2. The costs authorized in paragraphs (a), ~~(g)~~ (h) , (i) and ~~(h)(k)~~ (k) of subsection 1 must be paid out of the appropriate account within the State General Fund for the use of the Department as other claims against the State are paid to the extent that the costs have not been paid in accordance with subsection 5 of NRS 209.221 and NRS 209.246.

3. As used in this section, "facility for transitional living for released offenders" has the meaning ascribed to it in NRS 449.0055.

Sec. 17. Chapter 242 of NRS is hereby amended by adding thereto a new section to read as follows:

The development of any information system for the Division of Parole and Probation of the Department of Public Safety, the Department of Corrections or the State Board of Parole Commissioners must, to the extent feasible, integrate the operations of each agency with respect to information relating to convicted persons.

Sec. 18. NRS 432B.290 is hereby amended to read as follows:

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



1 (a) A physician, if the physician has before him or her a child
2 who the physician has reasonable cause to believe has been abused
3 or neglected;

4 (b) A person authorized to place a child in protective custody, if
5 the person has before him or her a child who the person has
6 reasonable cause to believe has been abused or neglected and the
7 person requires the information to determine whether to place the
8 child in protective custody;

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

12 (1) The child; or

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

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

17 (e) Except as otherwise provided in paragraph (f), a court, for in
18 camera inspection only, unless the court determines that public
19 disclosure of the information is necessary for the determination of
20 an issue before it;

21 (f) A court as defined in NRS 159.015 to determine whether a
22 guardian or successor guardian of a child should be appointed
23 pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468,
24 inclusive;

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

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

29 (i) A person who files or intends to file a petition for the
30 appointment of a guardian or successor guardian of a child pursuant
31 to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if
32 the identity of the person responsible for reporting the abuse or
33 neglect of the child to a public agency is kept confidential;

34 (j) The proposed guardian or proposed successor guardian of a
35 child over whom a guardianship is sought pursuant to chapter 159 of
36 NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the
37 person responsible for reporting the abuse or neglect of the child to
38 a public agency is kept confidential;

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

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

44 (m) A person or an organization that has entered into a written
45 agreement with an agency which provides child welfare services to



1 provide assessments or services and that has been trained to make
2 such assessments or provide such services;

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

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

7 (p) A parent or legal guardian of the child and an attorney of a
8 parent or guardian of the child, including, without limitation, the
9 parent or guardian of a child over whom a guardianship is sought
10 pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468,
11 inclusive, if the identity of the person responsible for reporting the
12 abuse or neglect of the child to a public agency is kept confidential;

13 (q) The child over whom a guardianship is sought pursuant to
14 chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if:

15 (1) The child is 14 years of age or older; and

16 (2) The identity of the person responsible for reporting the
17 abuse or neglect of the child to a public agency is kept confidential;

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

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

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

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

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

33 (u) The Division of Parole and Probation of the Department of
34 Public Safety for use pursuant to NRS 176.135 in making a
35 presentence investigation and report to the district court ; ~~for~~
36 ~~pursuant to NRS 176.151 in making a general investigation and~~
37 ~~report;~~

38 (v) Any person who is required pursuant to NRS 432B.220 to
39 make a report to an agency which provides child welfare services or
40 to a law enforcement agency;

41 (w) The Rural Advisory Board to Expedite Proceedings for the
42 Placement of Children created pursuant to NRS 432B.602 or a local
43 advisory board to expedite proceedings for the placement of
44 children created pursuant to NRS 432B.604;



(x) The panel established pursuant to NRS 432B.396 to evaluate agencies which provide child welfare services;

(y) An employer in accordance with subsection 3 of NRS 432.100; or

(z) A team organized or sponsored pursuant to NRS 217.475 or 228.495 to review the death of the victim of a crime that constitutes domestic violence.

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

(a) A copy of:

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

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

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

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

4. Any person, except for:

(a) The subject of a report;

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

(c) An employee of the Division of Parole and Probation of the Department of Public Safety making a presentence investigation and report to the district court pursuant to NRS 176.135, ~~for making a general investigation and report pursuant to NRS 176.151;~~

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

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

Sec. 19. NRS 176.151 is hereby repealed.

Sec. 20. This act becomes effective upon passage and approval.



TEXT OF REPEALED SECTION

176.151 General investigation and report on defendant convicted of category E felony: When required; time for completing; contents of report.

1. If a defendant pleads guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, one or more category E felonies, but no other felonies, the Division shall not make a presentence investigation and report on the defendant pursuant to NRS 176.135, unless the Division has not made a presentence investigation and report on the defendant pursuant to NRS 176.135 within the 5 years immediately preceding the date initially set for sentencing on the category E felony or felonies and:

(a) The court requests a presentence investigation and report; or

(b) The prosecuting attorney possesses evidence that would support a decision by the court to deny probation to the defendant pursuant to paragraph (b) of subsection 1 of NRS 176A.100.

2. If the Division does not make a presentence investigation and report on a defendant pursuant to subsection 1, the Division shall, not later than 45 days after the date on which the defendant is sentenced, make a general investigation and report on the defendant that contains:

(a) Any prior criminal record of the defendant;

(b) Information concerning the characteristics of the defendant, the circumstances affecting the defendant's behavior and the circumstances of the defendant's offense that may be helpful to persons responsible for the supervision or correctional treatment of the defendant;

(c) Information concerning the effect that the offense committed by the defendant has had upon the victim, including, without limitation, any physical or psychological harm or financial loss suffered by the victim, to the extent that such information is available from the victim or other sources, but the provisions of this paragraph do not require any particular examination or testing of the victim, and the extent of any investigation or examination and the extent of the information included in the report is solely at the discretion of the Division;

(d) Data or information concerning reports and investigations thereof made pursuant to chapter 432B of NRS that relate to the defendant and are made available pursuant to NRS 432B.290; and



(e) Any other information that the Division believes may be helpful to persons responsible for the supervision or correctional treatment of the defendant.

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