

**Amendment No. 305**

Assembly Amendment to Assembly Bill No. 217 (BDR 5-993)

**Proposed by:** Assembly Committee on Judiciary

**Amendment Box:** Replaces Amendment No. 155.

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

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.

SRT/BFG



Date: 4/11/2013

A.B. No. 217—Revises provisions governing criminal background checks of applicants for employment with a department of juvenile justice services or an agency which provides child welfare services.  
(BDR 5-993)



## ASSEMBLY BILL NO. 217—COMMITTEE ON JUDICIARY

MARCH 7, 2013

## Referred to Committee on Judiciary

SUMMARY—Revises provisions governing criminal background checks of **employees and** applicants for employment with a department of juvenile justice services or an agency which provides child welfare services. (BDR 5-993)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
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 protection of children; requiring the department of juvenile justice services of certain larger counties and agencies which provide child welfare services to obtain a background investigation of the criminal history of **employees and** applicants for employment; requiring such a department or agency to terminate or deny employment of certain persons based on the results of an investigation of the person's criminal history; authorizing such a department or agency to terminate or deny employment if certain criminal charges are pending against an employee or applicant for employment; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes the board of county commissioners of a county whose population is 700,000 or more (currently Clark County) to establish by ordinance a department of juvenile justice services to administer certain provisions of existing law relating to juvenile delinquency and the abuse and neglect of children. (NRS 62G.200-62G.240) If the board of county commissioners has not established a department of juvenile justice services, the juvenile court must establish by court order a probation committee and must appoint a director of the department of juvenile justice services to administer certain functions of the juvenile court. (NRS 62G.300-62G.370)

Existing law requires certain types of facilities which provide residential services to children, including, without limitation, a public institution or agency to which a juvenile court commits a child, to obtain a background investigation of employees of the facilities. (NRS 62B.270, 424.031, 432A.170, 433B.183, 449.123) **Sections 2, 4 and 12** of this bill require a department of juvenile justice services in a county whose population is 700,000 or more (currently Clark County) and an agency which provides child welfare services to obtain a background investigation of applicants for employment with **and employees of**, the department or agency. **Sections 2, 4 and 12** further require such a department or agency to obtain a background investigation of each employee of the department or agency at least once every 5 years after the initial investigation. Under **sections 2, 4 and 12**, an applicant for employment or an employee required to submit to a background investigation must submit a complete set of his or her fingerprints to the department or agency and written authorization

21 permitting the department or agency to obtain certain information concerning the background  
22 of the applicant or employee.

23 **Sections 3, 5 and 13** of this bill: (1) require a department of juvenile justice services and  
24 an agency which provides child welfare services to deny employment to an applicant, or  
25 terminate the employment of an employee, who has been convicted of certain crimes or who  
26 has had a substantiated allegation of child abuse or neglect made against him or her; and (2)  
27 authorize a department of juvenile justice services and an agency which provides child  
28 welfare services to deny employment to an applicant, or terminate the employment of an  
29 employee, against whom certain criminal charges are pending. Under **sections 3, 5 and 13**, a  
30 department of juvenile justice services and an agency which provides child welfare services  
31 must provide an applicant for employment or an employee a certain period to correct any  
32 information that the applicant or employee believes to be incorrect. During the period in  
33 which an applicant or employee seeks to correct information, the applicant or employee : **(1)**  
34 **must not have contact with a child or the family or guardian of a child in the course of any**  
35 **duties as an employee of a department of juvenile justice services or an agency which**  
36 **provides child welfare services ~~14~~ ; (2) may be placed on administrative leave without pay;**  
37 **and (3) may be subject to the internal disciplinary procedures of the department of**  
38 **juvenile justice services or the agency which provides child welfare services.**

39 **Section ~~14~~ 15** of this bill provides that the provisions of this bill ~~apply only to a person~~  
40 ~~who, become effective on (or after) July 1, 2013, applies for employment with a department~~  
41 ~~of juvenile justice services in a county whose population is 700,000 or more (currently Clark~~  
42 ~~County) or an agency which provides child welfare services.] and, thus, apply to existing~~  
43 **employees and applicants for employment beginning on that date.**

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

1 **Section 1.** Chapter 62G of NRS is hereby amended by adding thereto the  
2 provisions set forth as sections 2 to 5, inclusive, of this act.

3 **Sec. 2. 1. A department of juvenile justice services shall secure from**  
4 **appropriate law enforcement agencies information on the background and**  
5 **personal history of each applicant for employment with the department of**  
6 **juvenile justice services, and each employee of the department of juvenile justice**  
7 **services. ~~who is required to submit to an investigation pursuant to this section,~~**  
8 **to determine:**

9 **(a) Whether the applicant or employee has been convicted of:**

10 **(1) Murder, voluntary manslaughter, involuntary manslaughter or**  
11 **mayhem;**

12 **(2) Any ~~felony~~ felony involving the use or threatened use of force or**  
13 **violence or the use of a firearm or other deadly weapon;**

14 **(3) Assault with intent to kill or to commit sexual assault or mayhem;**

15 **(4) Battery which results in substantial bodily harm to the victim;**

16 **(5) Battery that constitutes domestic violence that is punishable as a**  
17 **felony;**

18 **(6) Battery that constitutes domestic violence, other than a battery**  
19 **described in subparagraph (5), within the immediately preceding 3 years;**

20 **(7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent**  
21 **exposure or an offense involving pornography and a minor;**

22 **(8) A crime involving pandering or prostitution, including, without**  
23 **limitation, a violation of any provision of NRS 201.295 to 201.440, inclusive;**

24 **(9) Abuse or neglect of a child, including, without limitation, a violation**  
25 **of any provision of NRS 200.508 or 200.5083 or contributory delinquency;**

1       (10) A violation of any federal or state law regulating the possession,  
2       distribution or use of any controlled substance or any dangerous drug as defined  
3       in chapter 454 of NRS;

4       (11) A violation of any federal or state law prohibiting driving or being in  
5       actual physical control of a vehicle while under the influence of intoxicating  
6       liquor or a controlled substance that is punishable as a felony;

7       (12) A violation of any federal or state law prohibiting driving or being in  
8       actual physical control of a vehicle while under the influence of intoxicating  
9       liquor or a controlled substance, other than a violation described in  
10      subparagraph (11), within the immediately preceding 3 years;

11      (13) Abuse, neglect, exploitation or isolation of older persons or  
12      vulnerable persons, including, without limitation, a violation of any provision of  
13      NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that  
14      prohibits the same or similar conduct; or

15      (14) Any offense involving arson, fraud, theft, embezzlement, burglary,  
16      robbery, fraudulent conversion, misappropriation of property or perjury within  
17      the immediately preceding 7 years; or

18      (b) Whether there are criminal charges pending against the applicant or  
19      employee for a violation of an offense listed in paragraph (a).

20      2. A department of juvenile justice services shall request information from:

21      (a) The Statewide Central Registry concerning an applicant for employment  
22      with the department of juvenile justice services, or an employee of the department  
23      of juvenile justice services ~~who is required to submit to an investigation~~  
24      ~~pursuant to this section,~~ to determine whether there has been a substantiated  
25      report of child abuse or neglect made against the applicant or employee; and

26      (b) The central registry of information concerning the abuse or neglect of a  
27      child established by any other state in which the applicant or employee resided  
28      within the immediately preceding 5 years ~~to ensure satisfactory clearance with~~  
29      ~~that registry.~~

30      3. Each applicant for employment with the department of juvenile justice  
31      services, and each employee of the department of juvenile justice services, ~~who~~  
32      ~~is required to submit to an investigation pursuant to this section,~~ must submit to  
33      the department of juvenile justice services:

34      (a) A complete set of his or her fingerprints and written authorization to  
35      forward those fingerprints to the Central Repository for Nevada Records of  
36      Criminal History for submission to the Federal Bureau of Investigation for its  
37      report; and

38      (b) Written authorization for the department of juvenile justice services to  
39      obtain any information that may be available from the Statewide Central Registry  
40      or the central registry of information concerning the abuse or neglect of a child  
41      established by any other state in which the applicant or employee resided within  
42      the immediately preceding 5 years.

43      4. The department of juvenile justice services may exchange with the  
44      Central Repository or the Federal Bureau of Investigation any information  
45      concerning the fingerprints submitted pursuant to this section.

46      5. When a report from the Federal Bureau of Investigation is received by  
47      the Central Repository, the Central Repository shall immediately forward a copy  
48      of the report to the department of juvenile justice services for a determination of  
49      whether the applicant or employee has criminal charges pending against him or  
50      her for a crime listed in paragraph (a) of subsection 1 or has been convicted of a  
51      crime listed in paragraph (a) of subsection 1.

6. A department of juvenile justice services shall conduct an investigation of each employee of the department pursuant to this section at least once every 5 years after the initial investigation.

7. As used in this section, "Statewide Central Registry" means the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100.

Sec. 3. 1. If the report from the Federal Bureau of Investigation forwarded to the department of juvenile justice services pursuant to subsection 5 of section 2 of this act, the information received by the department of juvenile justice services pursuant to subsection 2 of section 2 of this act or evidence from any other source indicates that an applicant for employment with the department of juvenile justice services, or an employee of the department of juvenile justice services:

(a) Has charges pending against him or her for a crime listed in paragraph (a) of subsection 1 of section 2 of this act, the department of juvenile justice services may deny employment to the applicant or terminate the employment of the employee after allowing the applicant or employee time to correct the information as required pursuant to subsection 2 or 3, whichever is applicable; or

(b) Has been convicted of a crime listed in paragraph (a) of subsection 1 of section 2 of this act, ~~for~~ has had a substantiated report of child abuse or neglect made against him or her ~~for~~ or has not been satisfactorily cleared by a central registry described in paragraph (b) of subsection 2 of section 2 of this act, the department of juvenile justice services shall deny employment to the applicant or terminate the employment of the employee after allowing the applicant or employee time to correct the information as required pursuant to subsection 2 or 3, whichever is applicable.

2. If an applicant for employment or an employee believes that the information in the report from the Federal Bureau of Investigation forwarded to the department of juvenile justice services pursuant to subsection 5 of section 2 of this act is incorrect, the applicant or employee must inform the department of juvenile justice services immediately. A department of juvenile justice services that is so informed shall give the applicant or employee a reasonable amount of time of not less than 30 days to correct the information.

3. If an applicant for employment or an employee believes that the information received by the department of juvenile justice services pursuant to subsection 2 of section 2 of this act is incorrect, the applicant or employee must inform the department of juvenile justice services immediately. A department of juvenile justice services that is so informed shall give the applicant or employee a reasonable amount of time of not less than 60 days to correct the information.

4. During the period in which an applicant or employee seeks to correct information pursuant to subsection 2 or 3, the applicant or employee ~~shall~~ :

(a) Shall not have contact with a child or a relative or guardian of a child in the course of performing any duties as an employee of the department of juvenile justice services.

(b) May be placed on leave without pay.

5. The provisions of subsection 4 must not be construed as preventing the department of juvenile justice services from initiating departmental disciplinary procedures against an employee during the period in which an employee seeks to correct information pursuant to subsection 2 or 3.

6. A termination of employment pursuant to this section constitutes dismissal for cause for the purposes of NRS 62G.220.

Sec. 4. 1. A department of juvenile justice services shall secure from appropriate law enforcement agencies information on the background and

1 personal history of each applicant for employment with the department of  
2 juvenile justice services, and each employee of the department of juvenile justice  
3 services, ~~who is required to submit to an investigation pursuant to this section,~~  
4 to determine:

5 (a) Whether the applicant or employee has been convicted of:

6 (1) Murder, voluntary manslaughter, involuntary manslaughter or  
7 mayhem;

8 (2) Any ~~felony~~ felony involving the use or threatened use of force or  
9 violence or the use of a firearm or other deadly weapon;

10 (3) Assault with intent to kill or to commit sexual assault or mayhem;

11 (4) Battery which results in substantial bodily harm to the victim;

12 (5) Battery that constitutes domestic violence that is punishable as a  
13 felony;

14 (6) Battery that constitutes domestic violence, other than a battery  
15 described in subparagraph (5), within the immediately preceding 3 years;

16 (7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent  
17 exposure or an offense involving pornography and a minor;

18 (8) A crime involving pandering or prostitution, including, without  
19 limitation, a violation of any provision of NRS 201.295 to 201.440, inclusive;

20 (9) Abuse or neglect of a child, including, without limitation, a violation  
21 of any provision of NRS 200.508 or 200.5083 or contributory delinquency;

22 (10) A violation of any federal or state law regulating the possession,  
23 distribution or use of any controlled substance or any dangerous drug as defined  
24 in chapter 454 of NRS;

25 (11) A violation of any federal or state law prohibiting driving or being in  
26 actual physical control of a vehicle while under the influence of intoxicating  
27 liquor or a controlled substance that is punishable as a felony;

28 (12) A violation of any federal or state law prohibiting driving or being in  
29 actual physical control of a vehicle while under the influence of intoxicating  
30 liquor or a controlled substance, other than a violation described in  
31 subparagraph (11), within the immediately preceding 3 years;

32 (13) Abuse, neglect, exploitation or isolation of older persons or  
33 vulnerable persons, including, without limitation, a violation of any provision of  
34 NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that  
35 prohibits the same or similar conduct; or

36 (14) Any offense involving arson, fraud, theft, embezzlement, burglary,  
37 robbery, fraudulent conversion, misappropriation of property or perjury within  
38 the immediately preceding 7 years; or

39 (b) Whether there are criminal charges pending against the applicant or  
40 employee for a violation of an offense listed in paragraph (a).

41 2. A department of juvenile justice services shall request information from:

42 (a) The Statewide Central Registry concerning an applicant for employment  
43 with the department of juvenile justice services, or an employee of the department  
44 of juvenile justice services, ~~who is required to submit to an investigation~~  
45 ~~pursuant to this section,~~ to determine whether there has been a substantiated  
46 report of child abuse or neglect made against the applicant or employee; and

47 (b) The central registry of information concerning the abuse or neglect of a  
48 child established by any other state in which the applicant or employee resided  
49 within the immediately preceding 5 years ~~to ensure satisfactory clearance with~~  
50 that registry.

51 3. Each applicant for employment with the department of juvenile justice  
52 services, and each employee of the department of juvenile justice services, ~~who~~

~~is required to submit to an investigation pursuant to this section. I~~ must submit to the department of juvenile justice services:

(a) A complete set of his or her fingerprints and written authorization to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(b) Written authorization for the department of juvenile justice services to obtain any information that may be available from the Statewide Central Registry or the central registry of information concerning the abuse or neglect of a child established by any other state in which the applicant or employee resided within the immediately preceding 5 years.

4. The department of juvenile justice services may exchange with the Central Repository or the Federal Bureau of Investigation any information concerning the fingerprints submitted pursuant to this section.

5. When a report from the Federal Bureau of Investigation is received by the Central Repository, the Central Repository shall immediately forward a copy of the report to the department of juvenile justice services for a determination of whether the applicant or employee has criminal charges pending against him or her for a crime listed in paragraph (a) of subsection 1 or has been convicted of a crime listed in paragraph (a) of subsection 1.

6. A department of juvenile justice services shall conduct an investigation of each employee of the department pursuant to this section at least once every 5 years after the initial investigation.

7. As used in this section, "Statewide Central Registry" means the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100.

Sec. 5. 1. If the report from the Federal Bureau of Investigation forwarded to the department of juvenile justice services pursuant to subsection 5 of section 4 of this act, the information received by the department of juvenile justice services pursuant to subsection 2 of section 4 of this act or evidence from any other source indicates that an applicant for employment with the department of juvenile justice services, or an employee of the department of juvenile justice services:

(a) Has charges pending against him or her for a crime listed in paragraph (a) of subsection 1 of section 4 of this act, the department of juvenile justice services may deny employment to the applicant or terminate the employment of the employee after allowing the applicant or employee time to correct the information as required pursuant to subsection 2 or 3, whichever is applicable; or

(b) Has been convicted of a crime listed in paragraph (a) of subsection 1 of section 4 of this act, ~~for~~ or has not been satisfactorily cleared by a central registry described in paragraph (b) of subsection 2 of section 4 of this act, the department of juvenile justice services shall deny employment to the applicant or terminate the employment of the employee after allowing the applicant or employee time to correct the information as required pursuant to subsection 2 or 3, whichever is applicable.

2. If an applicant for employment or an employee believes that the information in the report from the Federal Bureau of Investigation forwarded to the department of juvenile justice services pursuant to subsection 5 of section 4 of this act is incorrect, the applicant or employee must inform the department of juvenile justice services immediately. A department of juvenile justice services that is so informed shall give the applicant or employee a reasonable amount of time of not less than 30 days to correct the information.



3. If an applicant for employment or an employee believes that the information received by the department of juvenile justice services pursuant to subsection 2 of section 4 of this act is incorrect, the applicant or employee must inform the department of juvenile justice services immediately. A department of juvenile justice services that is so informed shall give the applicant or employee a reasonable amount of time of not less than 60 days to correct the information.

4. During the period in which an applicant or employee seeks to correct information pursuant to subsection 2 or 3, the applicant or employee ~~shall~~:

(a) Shall not have contact with a child or a relative or guardian of the child in the course of performing any duties as an employee of the department of juvenile justice services.

(b) May be placed on leave without pay.

5. The provisions of subsection 4 must not be construed as preventing a department of juvenile justice services from initiating departmental disciplinary procedures against an employee during the period in which an employee seeks to correct information pursuant to subsection 2 or 3.

6. A termination of employment pursuant to this section constitutes dismissal for cause for the purposes of NRS 62G.360.

Sec. 6. NRS 62G.200 is hereby amended to read as follows:

62G.200 1. The provisions of NRS 62G.200 to 62G.240, inclusive, *and sections 2 and 3 of this act* apply only to a county:

- (a) Whose population is 700,000 or more; and
- (b) Which constitutes a judicial district.

2. If a department of juvenile justice services has been established by ordinance in a judicial district pursuant to NRS 62G.200 to 62G.240, inclusive, *and sections 2 and 3 of this act*, the provisions of NRS 62G.300 to 62G.370, inclusive, *and sections 4 and 5 of this act* do not apply to that judicial district for the period the ordinance is in effect.

Sec. 7. NRS 62G.300 is hereby amended to read as follows:

62G.300 The provisions of NRS 62G.300 to 62G.370, inclusive, *and sections 4 and 5 of this act* apply to a judicial district which includes a county whose population is 700,000 or more, if a department of juvenile justice services has not been established by ordinance pursuant to NRS 62G.200 to 62G.240, inclusive ~~H~~, *and sections 2 and 3 of this act*.

Sec. 8. NRS 62G.330 is hereby amended to read as follows:

62G.330 1. From a list of candidates recommended by the probation committee, the juvenile court shall appoint a director of the department of juvenile justice services.

2. The director of the department of juvenile justice services:

(a) Is directly responsible to the juvenile court and shall administer the functions of the juvenile court.

(b) Shall coordinate the services of and serve as liaison between the juvenile court and all agencies in the judicial district dealing with children, including, but not limited to:

- (1) The Division of Child and Family Services;
- (2) The public schools of the judicial district;
- (3) All law enforcement agencies of the judicial district;
- (4) The probation committee; and
- (5) All local facilities for the detention of children within the judicial

district.

(c) May carry out preventive programs relating to juvenile delinquency.

3. ~~The~~ *Except as otherwise provided in section 5 of this act, the* director of the department of juvenile justice services serves at the pleasure of the juvenile



1 court and is subject to removal or discharge by the juvenile court. ~~Before~~ *Except*  
2 *as otherwise provided in section 5 of this act, before* the juvenile court may  
3 remove or discharge the director of the department of juvenile justice services, the  
4 juvenile court shall provide to the director:

5 (a) A written statement of the reasons for the removal or discharge; and  
6 (b) An opportunity to be heard before the juvenile court regarding the removal  
7 or discharge.

8 4. The director of the department of juvenile justice services is entitled to  
9 such staff or employees to assist in the performance of the duties of the director as  
10 is advised by the probation committee, approved by the juvenile court, and  
11 consented to by the board or boards of county commissioners.

12 5. With the advice of the probation committee and the consent of the board or  
13 boards of county commissioners of the county or counties, the juvenile court shall  
14 determine the salary of the director of the department of juvenile justice services.

15 **Sec. 9.** NRS 62G.360 is hereby amended to read as follows:

16 62G.360 1. Pursuant to the provisions of this section, the director of the  
17 department of juvenile justice services may demote or dismiss, only for cause, any  
18 probation officer, employee of the department of juvenile justice services or  
19 employee of a local facility for the detention of children.

20 2. Before the director of the department of juvenile justice services may  
21 demote a probation officer or employee, the director shall provide to the probation  
22 officer or employee:

23 (a) A written statement of the reasons for the demotion; and  
24 (b) An opportunity to be heard before the director regarding the demotion.

25 3. Before the director of the department of juvenile justice services may  
26 dismiss a probation officer or employee with less than 12 months of service, the  
27 director shall provide to the probation officer or employee:

28 (a) A written statement of the reasons for the dismissal; and  
29 (b) An opportunity to be heard before the director regarding the dismissal.

30 4. If a probation officer or employee with 12 months or more of service is  
31 dismissed pursuant to this section:

32 (a) Not later than 15 days after the dismissal, the probation officer or employee  
33 may request a written statement from the director of the department of juvenile  
34 justice services specifically setting forth the reasons for the dismissal. The director  
35 shall provide the written statement to the probation officer or employee not later  
36 than 15 days after the date of the request.

37 (b) Not later than 30 days after receipt of the written statement from the  
38 director, the probation officer or employee may make a written request for a public  
39 hearing before the probation committee. The probation committee shall adopt rules  
40 for the conduct of such public hearings.

41 (c) The probation officer or employee may appeal the decision of the probation  
42 committee to the board or boards of county commissioners.

43 *5. The provisions of this section do not apply to a dismissal required by*  
44 *section 5 of this act.*

45 **Sec. 10.** NRS 179A.075 is hereby amended to read as follows:

46 179A.075 1. The Central Repository for Nevada Records of Criminal  
47 History is hereby created within the Records and Technology Division of the  
48 Department.

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

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

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

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

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

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

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

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

(1) Records of criminal history; and

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

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

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

5. The Division may:

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

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

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

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

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

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

(4) For whom such information is required to be obtained pursuant to NRS 62B.270, 424.031, 427A.735, 432A.170, 433B.183 and 449.123 ~~or~~ **and sections 2, 4 and 12 of this act**; or

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

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

subdivision and submit the fingerprints to the Federal Bureau of Investigation for its report.

6. The Central Repository shall:

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

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

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

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

(1) Has applied to the Superintendent of Public Instruction for 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 ~~or section 2, 4 or 12 of this act.~~

(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. 11.** Chapter 432B of NRS is hereby amended by adding thereto the provisions set forth as sections 12 and 13 of this act.

**Sec. 12. 1. *An agency which provides child welfare services shall secure from appropriate law enforcement agencies information on the background and personal history of each applicant for employment with the agency, and each employee of the agency, who is required to submit to an investigation pursuant to this section, to determine:***

*(a) Whether the applicant or employee has been convicted of:*

*(1) Murder, voluntary manslaughter, involuntary manslaughter or mayhem;*

*(2) Any ~~felony~~ felony involving the use or threatened use of force or violence or the use of a firearm or other deadly weapon;*

*(3) Assault with intent to kill or to commit sexual assault or mayhem;*

*(4) Battery which results in substantial bodily harm to the victim;*

*(5) Battery that constitutes domestic violence that is punishable as a felony;*

*(6) Battery that constitutes domestic violence, other than a battery described in subparagraph (5), within the immediately preceding 3 years;*

*(7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or an offense involving pornography and a minor;*

*(8) A crime involving pandering or prostitution, including, without limitation, a violation of any provision of NRS 201.295 to 201.440, inclusive;*

*(9) Abuse or neglect of a child, including, without limitation, a violation of any provision of NRS 200.508 or 200.5083 or contributory delinquency;*

*(10) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;*

*(11) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance that is punishable as a felony;*

*(12) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating*

liquor or a controlled substance, other than a violation described in subparagraph (11), within the immediately preceding 3 years;

(13) Abuse, neglect, exploitation or isolation of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; or

(14) Any offense involving arson, fraud, theft, embezzlement, burglary, robbery, fraudulent conversion, misappropriation of property or perjury within the immediately preceding 7 years; or

(b) Whether there are criminal charges pending against the applicant or employee for a violation of an offense listed in paragraph (a).

2. An agency which provides child welfare services shall request information from:

(a) The Statewide Central Registry concerning an applicant for employment with the agency, or an employee of the agency, ~~who is required to submit to an investigation pursuant to this section,~~ to determine whether there has been a substantiated report of child abuse or neglect made against the applicant or employee; and

(b) The central registry of information concerning the abuse or neglect of a child established by any other state in which the applicant or employee resided within the immediately preceding 5 years ~~to ensure satisfactory clearance with that registry.~~

3. Each applicant for employment with an agency which provides child welfare services, and each employee of an agency which provides child welfare services, ~~who is required to submit to an investigation pursuant to this section,~~ must submit to the agency:

(a) A complete set of his or her fingerprints and written authorization to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(b) Written authorization for the agency to obtain any information that may be available from the Statewide Central Registry or the central registry of information concerning the abuse or neglect of a child established by any other state in which the applicant or employee resided within the immediately preceding 5 years.

4. An agency which provides child welfare services may exchange with the Central Repository or the Federal Bureau of Investigation any information concerning the fingerprints submitted pursuant to this section.

5. When a report from the Federal Bureau of Investigation is received by the Central Repository, the Central Repository shall immediately forward a copy of the report to the agency which provides child welfare services for a determination of whether the applicant or employee has criminal charges pending against him or her for a crime listed in paragraph (a) of subsection 1 or has been convicted of a crime listed in paragraph (a) of subsection 1.

6. An agency which provides child welfare services shall conduct an investigation of each employee of the agency pursuant to this section at least once every 5 years after the initial investigation.

7. As used in this section, "Statewide Central Registry" means the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100.

Sec. 13. 1. If the report from the Federal Bureau of Investigation forwarded to an agency which provides child welfare services pursuant to subsection 5 of section 12 of this act, the information received by an agency

1 which provides child welfare services pursuant to subsection 2 of section 12 of  
2 this act or evidence from any other source indicates that an applicant for  
3 employment with the agency, or an employee of the agency:

4 (a) Has charges pending against him or her for a crime listed in paragraph  
5 (a) of subsection 1 of section 12 of this act, the agency may deny employment to  
6 the applicant or terminate the employment of the employee after allowing the  
7 applicant or employee time to correct the information as required pursuant to  
8 subsection 2 or 3, whichever is applicable; or

9 (b) Has been convicted of a crime listed in paragraph (a) of subsection 1 of  
10 section 12 of this act, ~~for~~ has had a substantiated report of child abuse or  
11 neglect made against him or her ~~if~~ or has not been satisfactorily cleared by a  
12 central registry described in paragraph (b) of subsection 2 of section 12 of this  
13 act, the agency shall deny employment to the applicant or terminate the  
14 employment of the employee after allowing the applicant or employee time to  
15 correct the information as required pursuant to subsection 2 or 3, whichever is  
16 applicable.

17 2. If an applicant for employment or an employee believes that the  
18 information in the report from the Federal Bureau of Investigation forwarded to  
19 the agency which provides child welfare services pursuant to subsection 5 of  
20 section 12 of this act is incorrect, the applicant or employee must inform the  
21 agency immediately. An agency that provides child welfare services that is so  
22 informed shall give the applicant or employee a reasonable amount of time of not  
23 less than 30 days to correct the information.

24 3. If an applicant for employment or an employee believes that the  
25 information received by an agency which provides child welfare services  
26 pursuant to subsection 2 of section 12 of this act is incorrect, the applicant or  
27 employee must inform the agency immediately. An agency which provides child  
28 welfare services that is so informed shall give the applicant or employee a  
29 reasonable amount of time of not less than 60 days to correct the information.

30 4. During the period in which an applicant or employee seeks to correct  
31 information pursuant to subsection 2 or 3, the applicant or employee ~~shall~~ :

32 (a) Shall not have contact with a child or a relative or guardian of the child  
33 in the course of performing any duties as an employee of the agency which  
34 provides child welfare services.

35 (b) May be placed on leave without pay.

36 5. The provisions of subsection 4 must not be construed as preventing an  
37 agency which provides child welfare services from initiating internal disciplinary  
38 procedures against an employee during the period in which an employee seeks to  
39 correct information pursuant to subsection 2 or 3.

40 Sec. 14. ~~[The provisions of this act apply only to a person who applies for~~  
41 ~~employment with a department of juvenile justice services or an agency which~~  
42 ~~provides child welfare services on or after July 1, 2013.] (Deleted by amendment.)~~

43 Sec. 15. This act becomes effective on July 1, 2013.