

Amendment No. 500

Senate Amendment to Senate Bill No. 141

(BDR 14-881)

Proposed by: Senate Committee on Judiciary

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

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

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: 4/17/2013

S.B. No. 141—Revises provisions governing the dissemination of records of criminal history. (BDR 14-881)



SENATE BILL NO. 141—SENATORS DENIS, SMITH, JONES, SEGERBLOM,
SETTELMAYER; FORD, KIHUEN, MANENDO AND ROBERSON

FEBRUARY 18, 2013

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the dissemination of records of criminal history. (BDR 14-881)

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

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

AN ACT relating to records of criminal history; requiring an agency of criminal justice to disseminate records of criminal history to ~~the Nevada Court Appointed Special Advocates Association and any of its local~~ court appointed special ~~advocates~~ **advocate** programs **in certain smaller counties** under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires an agency of criminal justice, upon request, to disseminate records of criminal history to certain persons and governmental entities. (NRS 179A.100) This bill requires an agency of criminal justice to disseminate a record of criminal history to ~~the Nevada Court Appointed Special Advocates Association and any of its local~~ a court appointed special ~~advocates programs~~ **advocate program in a county whose population is less than 100,000. (currently counties other than Clark and Washoe Counties)** as needed to ensure the safety of a child for whom a special advocate has been appointed.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:**Section 1.** NRS 179A.100 is hereby amended to read as follows:

179A.100 1. The following records of criminal history may be disseminated by an agency of criminal justice without any restriction pursuant to this chapter:

(a) Any which reflect records of conviction only; and

(b) Any which pertain to an incident for which a person is currently within the system of criminal justice, including parole or probation.

2. Without any restriction pursuant to this chapter, a record of criminal history or the absence of such a record may be:

(a) Disclosed among agencies which maintain a system for the mutual exchange of criminal records.

1 (b) Furnished by one agency to another to administer the system of criminal
2 justice, including the furnishing of information by a police department to a district
3 attorney.

4 (c) Reported to the Central Repository.

5 3. An agency of criminal justice shall disseminate to a prospective employer,
6 upon request, records of criminal history concerning a prospective employee or
7 volunteer which are the result of a name-based inquiry and which:

8 (a) Reflect convictions only; or

9 (b) Pertain to an incident for which the prospective employee or volunteer is
10 currently within the system of criminal justice, including parole or probation.

11 4. In addition to any other information to which an employer is entitled or
12 authorized to receive from a name-based inquiry, the Central Repository shall
13 disseminate to a prospective or current employer, or a person or entity designated to
14 receive the information on behalf of such an employer, the information contained in
15 a record of registration concerning an employee, prospective employee, volunteer
16 or prospective volunteer who is a sex offender or an offender convicted of a crime
17 against a child, regardless of whether the employee, prospective employee,
18 volunteer or prospective volunteer gives written consent to the release of that
19 information. The Central Repository shall disseminate such information in a
20 manner that does not reveal the name of an individual victim of an offense or the
21 information described in subsection 7 of NRS 179B.250. A request for information
22 pursuant to this subsection must conform to the requirements of the Central
23 Repository and must include:

24 (a) The name and address of the employer, and the name and signature of the
25 person or entity requesting the information on behalf of the employer;

26 (b) The name and address of the employer's facility in which the employee,
27 prospective employee, volunteer or prospective volunteer is employed or volunteers
28 or is seeking to become employed or volunteer; and

29 (c) The name and other identifying information of the employee, prospective
30 employee, volunteer or prospective volunteer.

31 5. In addition to any other information to which an employer is entitled or
32 authorized to receive, the Central Repository shall disseminate to a prospective or
33 current employer, or a person or entity designated to receive the information on
34 behalf of such an employer, the information described in subsection 4 of NRS
35 179A.190 concerning an employee, prospective employee, volunteer or prospective
36 volunteer who gives written consent to the release of that information if the
37 employer submits a request in the manner set forth in NRS 179A.200 for obtaining
38 a notice of information. The Central Repository shall search for and disseminate
39 such information in the manner set forth in NRS 179A.210 for the dissemination of
40 a notice of information.

41 6. Except as otherwise provided in subsection 5, the provisions of NRS
42 179A.180 to 179A.240, inclusive, do not apply to an employer who requests
43 information and to whom such information is disseminated pursuant to subsections
44 4 and 5.

45 7. Records of criminal history must be disseminated by an agency of criminal
46 justice, upon request, to the following persons or governmental entities:

47 (a) The person who is the subject of the record of criminal history for the
48 purposes of NRS 179A.150.

49 (b) The person who is the subject of the record of criminal history when the
50 subject is a party in a judicial, administrative, licensing, disciplinary or other
51 proceeding to which the information is relevant.

52 (c) The State Gaming Control Board.

53 (d) The State Board of Nursing.

(e) The Private Investigator's Licensing Board to investigate an applicant for a license.

(f) A public administrator to carry out the duties as prescribed in chapter 253 of NRS.

(g) A public guardian to investigate a ward or proposed ward or persons who may have knowledge of assets belonging to a ward or proposed ward.

(h) Any agency of criminal justice of the United States or of another state or the District of Columbia.

(i) Any public utility subject to the jurisdiction of the Public Utilities Commission of Nevada when the information is necessary to conduct a security investigation of an employee or prospective employee or to protect the public health, safety or welfare.

(j) Persons and agencies authorized by statute, ordinance, executive order, court rule, court decision or court order as construed by appropriate state or local officers or agencies.

(k) Any person or governmental entity which has entered into a contract to provide services to an agency of criminal justice relating to the administration of criminal justice, if authorized by the contract, and if the contract also specifies that the information will be used only for stated purposes and that it will be otherwise confidential in accordance with state and federal law and regulation.

(l) Any reporter for the electronic or printed media in a professional capacity for communication to the public.

(m) Prospective employers if the person who is the subject of the information has given written consent to the release of that information by the agency which maintains it.

(n) For the express purpose of research, evaluative or statistical programs pursuant to an agreement with an agency of criminal justice.

(o) An agency which provides child welfare services, as defined in NRS 432B.030.

(p) The Division of Welfare and Supportive Services of the Department of Health and Human Services or its designated representative, as needed to ensure the safety of investigators and caseworkers.

(q) The Aging and Disability Services Division of the Department of Health and Human Services or its designated representative, as needed to ensure the safety of investigators and caseworkers.

(r) An agency of this or any other state or the Federal Government that is conducting activities pursuant to Part D of Subchapter IV of Chapter 7 of Title 42 of the Social Security Act, 42 U.S.C. §§ 651 et seq.

(s) The State Disaster Identification Team of the Division of Emergency Management of the Department.

(t) The Commissioner of Insurance.

(u) The Board of Medical Examiners.

(v) The State Board of Osteopathic Medicine.

(w) The Board of Massage Therapists and its Executive Director.

~~(x) The Nevada Court Appointed Special Advocates Association and any of the local court appointed special advocates programs of the Nevada Court Appointed Special Advocates Association, advocate program in a county whose population is less than 100,000, as needed to ensure the safety of a child for whom a special advocate has been appointed, by a court.~~

8. Agencies of criminal justice in this State which receive information from sources outside this State concerning transactions involving criminal justice which occur outside Nevada shall treat the information as confidentially as is required by the provisions of this chapter.

1 **Sec. 2.** This act becomes effective on July 1, 2013.