

**Amendment No. 4**

Senate Amendment to Senate Bill No. 30 (BDR 14-400)

**Proposed by:** Senate Committee on Judiciary

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

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: 3/27/2013

S.B. No. 30—Revises provisions governing the dissemination of records of criminal history by an agency of criminal justice. (BDR 14-400)



## SENATE BILL NO. 30—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED DECEMBER 20, 2012

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the dissemination of records of criminal history by an agency of criminal justice. (BDR 14-400)

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 records of criminal history; requiring the dissemination of records of criminal history to a multidisciplinary team to review the death of a victim of a crime that constitutes domestic violence; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the Central Repository for Nevada Records of Criminal History and an agency of criminal justice to provide records of criminal history, upon request, to certain persons or governmental entities. (NRS 179A.075, 179A.100) This bill adds a multidisciplinary team to review the death of a victim of a crime that constitutes domestic violence to those persons or governmental entities authorized to receive certain information and records.

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

**Section 1.** NRS 179A.075 is hereby amended to read as follows:

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

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

(a) Collect and maintain records, reports and compilations of statistical data 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

1 is convicted of an offense listed in subsection 4 of NRS 176.0913, to the Division.  
2 The information must be submitted to the Division:

- 3 (a) Through an electronic network;
- 4 (b) On a medium of magnetic storage; or
- 5 (c) In the manner prescribed by the Director of the Department,

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

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

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

14 (1) Records of criminal history; and  
15 (2) The genetic markers of a biological specimen of a person who is  
16 convicted of an offense listed in subsection 4 of NRS 176.0913.

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

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

22 *(d) Upon request, provide in paper or electronic form, the information that*  
23 *is contained in the Central Repository to a multidisciplinary team to review the*  
24 *death of the victim of a crime that constitutes domestic violence organized or*  
25 *sponsored by the Attorney General pursuant to NRS 228.495.*

- 26 5. The Division may:

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

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

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

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

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

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

44 (4) For whom such information is required to be obtained pursuant to NRS  
45 62B.270, 424.031, 427A.735, 432A.170, 433B.183 and 449.123; or

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

49 ➤ To request and receive information from the Federal Bureau of Investigation  
50 concerning a person pursuant to this subsection, the Central Repository must  
51 receive the person's complete set of fingerprints from the agency or political  
52 subdivision and submit the fingerprints to the Federal Bureau of Investigation for  
53 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.

(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:

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

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

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

14 8. As used in this section:

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

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

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

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

22 **Sec. 2.** NRS 179A.100 is hereby amended to read as follows:

23 179A.100 1. The following records of criminal history may be disseminated  
24 by an agency of criminal justice without any restriction pursuant to this chapter:

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

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

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

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

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

35 (c) Reported to the Central Repository.

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

39 (a) Reflect convictions only; or

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

42 4. In addition to any other information to which an employer is entitled or  
43 authorized to receive from a name-based inquiry, the Central Repository shall  
44 disseminate to a prospective or current employer, or a person or entity designated to  
45 receive the information on behalf of such an employer, the information contained in  
46 a record of registration concerning an employee, prospective employee, volunteer  
47 or prospective volunteer who is a sex offender or an offender convicted of a crime  
48 against a child, regardless of whether the employee, prospective employee,  
49 volunteer or prospective volunteer gives written consent to the release of that  
50 information. The Central Repository shall disseminate such information in a  
51 manner that does not reveal the name of an individual victim of an offense or the  
52 information described in subsection 7 of NRS 179B.250. A request for information

1 pursuant to this subsection must conform to the requirements of the Central  
2 Repository and must include:

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

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

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

10 5. In addition to any other information to which an employer is entitled or  
11 authorized to receive, the Central Repository shall disseminate to a prospective or  
12 current employer, or a person or entity designated to receive the information on  
13 behalf of such an employer, the information described in subsection 4 of NRS  
14 179A.190 concerning an employee, prospective employee, volunteer or prospective  
15 volunteer who gives written consent to the release of that information if the  
16 employer submits a request in the manner set forth in NRS 179A.200 for obtaining  
17 a notice of information. The Central Repository shall search for and disseminate  
18 such information in the manner set forth in NRS 179A.210 for the dissemination of  
19 a notice of information.

20 6. Except as otherwise provided in subsection 5, the provisions of NRS  
21 179A.180 to 179A.240, inclusive, do not apply to an employer who requests  
22 information and to whom such information is disseminated pursuant to subsections  
23 4 and 5.

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

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

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

31 (c) The State Gaming Control Board.

32 (d) The State Board of Nursing.

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

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

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

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

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

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

48 (k) Any person or governmental entity which has entered into a contract to  
49 provide services to an agency of criminal justice relating to the administration of  
50 criminal justice, if authorized by the contract, and if the contract also specifies that  
51 the information will be used only for stated purposes and that it will be otherwise  
52 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) A multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored by the Attorney General pursuant to NRS 228.495.*

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.

**Sec. 3.** Chapter 228 of NRS is hereby amended by adding thereto a new section to read as follows:

*In carrying out its duties pursuant to NRS 228.495, a multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence pursuant to NRS 33.018 may have access to:*

*1. The information that is contained in the Central Repository for Nevada Records of Criminal History pursuant to NRS 179A.075.*

*2. The records of criminal history maintained by an agency of criminal justice pursuant to NRS 179A.100.*

**Sec. 4.** This act becomes effective on July 1, 2013.