

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:

1 Existing law requires the Central Repository for Nevada Records of Criminal
2 History and an agency of criminal justice to provide records of criminal history,
3 upon request, to certain persons or governmental entities. (NRS 179A.075,
4 179A.100) This bill adds a multidisciplinary team to review the death of a victim of
5 a crime that constitutes domestic violence to those persons or governmental entities
6 authorized to receive certain information and records.

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

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

3 179A.075 1. The Central Repository for Nevada Records of
4 Criminal History is hereby created within the Records and
5 Technology Division of the Department.

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



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

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

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

11 (a) Through an electronic network;

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

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

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

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

25 (1) Records of criminal history; and

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

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

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

35 *(d) Upon request, provide the information that is contained in*
36 *the Central Repository to a multidisciplinary team to review*
37 *the death of the victim of a crime that constitutes domestic*
38 *violence organized or sponsored by the Attorney General pursuant*
39 *to NRS 228.495.*

40 5. The Division may:

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

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



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

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

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

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

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

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

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

6. The Central Repository shall:

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

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

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

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

(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



1 that the person has been convicted of a violation of NRS 200.508,
2 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or
3 any offense involving moral turpitude.

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

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

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

13 ➔ who the Central Repository's records indicate have been
14 convicted of a violation of NRS 200.508, 201.230, 453.3385,
15 453.339 or 453.3395, or convicted of a felony or any offense
16 involving moral turpitude since the Central Repository's initial
17 investigation. The superintendent of each county school district, the
18 governing body of a charter school or the administrator of each
19 private school, as applicable, shall determine whether further
20 investigation or action by the district, charter school or private
21 school, as applicable, is appropriate.

22 (f) Investigate the criminal history of each person who submits
23 fingerprints or has fingerprints submitted pursuant to NRS 62B.270,
24 424.031, 427A.735, 432A.170, 433B.183, 449.122 or 449.123.

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

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

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

41 7. The Central Repository may:

42 (a) In the manner prescribed by the Director of the Department,
43 disseminate compilations of statistical data and publish statistical
44 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. 2. 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.

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

(c) Reported to the Central Repository.

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



- 1 (a) Reflect convictions only; or
- 2 (b) Pertain to an incident for which the prospective employee or
- 3 volunteer is currently within the system of criminal justice,
- 4 including parole or probation.

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

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

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

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

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

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



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

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

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

(c) The State Gaming Control Board.

(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



1 representative, as needed to ensure the safety of investigators and
2 caseworkers.

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

7 (r) An agency of this or any other state or the Federal
8 Government that is conducting activities pursuant to Part D of
9 Subchapter IV of Chapter 7 of Title 42 of the Social Security Act,
10 42 U.S.C. §§ 651 et seq.

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

13 (t) The Commissioner of Insurance.

14 (u) The Board of Medical Examiners.

15 (v) The State Board of Osteopathic Medicine.

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

18 *(x) A multidisciplinary team to review the death of the victim*
19 *of a crime that constitutes domestic violence organized or*
20 *sponsored by the Attorney General pursuant to NRS 228.495.*

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

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

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

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

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

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

