

Amendment No. 238

Assembly Amendment to Assembly Bill No. 223	(BDR 15-566)
Proposed by: Assembly 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	<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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

MNM/BAW



Date: 4/13/2015

A.B. No. 223—Revises provisions governing certain crimes against older persons and vulnerable persons. (BDR 15-566)



ASSEMBLY BILL NO. 223—ASSEMBLYMEN O’NEILL; ARMSTRONG, DICKMAN, KIRNER,
SILBERKRAUS AND WHEELER

MARCH 5, 2015

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing certain crimes against older persons and vulnerable persons. (BDR 15-566)

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 crimes; defining the term “abandonment” as it relates to the care of older persons and vulnerable persons; revising the definitions of the terms ~~“abuse” and~~, **“abuse,”** “exploitation” **and** “isolation” as they relate to offenses committed upon older persons and vulnerable persons; revising provisions concerning the reporting of abuse, neglect, exploitation, isolation or abandonment of an older person; requiring that the name **and other identifying information** of a person who reports the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person be redacted before certain data or information concerning the report is made available in certain circumstances; ~~revising penalties concerning the abuse or neglect of an older person or a vulnerable person;~~ prohibiting the abandonment of an older person or a vulnerable person; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law sets forth provisions concerning the abuse, neglect, exploitation or isolation of older persons and vulnerable persons. (NRS 200.5091-200.50995) This bill generally adds the abandonment of older persons and vulnerable persons to such provisions.

~~Existing law specifically prohibits a person from abusing, neglecting, exploiting or isolating an older person or a vulnerable person, and provides penalties for a violation thereof. (NRS 200.5099) Section 14 of this bill revises certain existing penalties relating to the abuse or neglect of older persons and vulnerable persons depending on whether the offense was: (1) negligent or willful; and (2) a first or subsequent offense. Section 14 also imposes a new penalty for the abandonment of an older person or vulnerable person and provides that unless a greater penalty is provided by law, any person who abandons an older person or a vulnerable person is guilty: (1) for a negligent offense, of a misdemeanor; and (2) for a willful offense, of a gross misdemeanor.~~

Section 3 of this bill defines the term “abandonment” to mean the: ~~willful or negligent;~~ (1) desertion of an older person or a vulnerable person **in an unsafe manner** by a caretaker or other person with a **legal** duty of care; or (2) withdrawal of necessary assistance owed to an older person or a vulnerable person by a caretaker or other person with an obligation to

provide services to the older person or vulnerable person. **Section 3** also provides that the term “abuse” includes: (1) infliction of psychological or emotional anguish, pain or distress on an older person or a vulnerable person through any act; ~~and~~ (2) nonconsensual sexual contact with an older person or a vulnerable person; ~~and~~ and (3) permitting acts which constitute abuse to be committed against an older person or a vulnerable person. Additionally, **section 3** provides that the term ~~“exploitation” includes deliberately misplacing or losing the belongings or money of an older person or a vulnerable person without his or her consent. Finally, section 3 specifies that abuse, neglect, isolation or abandonment of an older person or a vulnerable person can be willful or negligent.~~ “isolation” includes permitting acts which constitute isolation to be committed against an older person or a vulnerable person. Finally, section 3 revises the definition of the term “undue influence” for purposes of the definition of the term “exploitation,” and revises the definition of the term “protective services” to include services provided to an older person or a vulnerable person who is unable to provide for his or her own needs.

Existing law requires certain professionals who know or have reasonable cause to believe that an older person has been abused, neglected, exploited or isolated to report, in certain circumstances, such abuse, neglect, exploitation or isolation to: (1) the local office of the Aging and Disability Services Division of the Department of Health and Human Services; (2) a police department or sheriff’s office; (3) the county’s office for protective services, if one exists in the county where such suspected abuse, neglect, exploitation or isolation occurred; or (4) a toll-free telephone service designated by the Aging and Disability Services Division. (NRS 200.5093) **Section 4** of this bill removes the option to report suspected acts to the county’s office for protective services.

Existing law also requires that reports made concerning the abuse, neglect, exploitation or isolation of an older person or a vulnerable person, and records and investigations relating to those reports, are confidential, and a person, law enforcement agency or public or private agency, institution or facility can release data or information concerning the reports and investigation only in certain limited circumstances. Such circumstances include data or information concerning the reports and investigation being made available to: (1) an agency responsible for or authorized to undertake the care, treatment and supervision of the older person or vulnerable person; (2) the older person or vulnerable person named in the report, if that person is not legally incompetent; and (3) if the person who is reported to have abused, neglected, exploited or isolated the older person or vulnerable person is the holder of a certain license or certificate, the board that issued the license. (NRS 200.5095) **Section 7** of this bill provides that if data or information concerning the reports and investigation is made available in such circumstances, the name and any other identifying information of the person who made the report must be redacted before the data or information is made available.

Sections 2, 5, 6, 8-13, 16-24 and 26-41 of this bill generally add a reference to the term “abandonment” to certain provisions of existing law that reference the abuse, neglect, exploitation or isolation of an older person or a vulnerable person.

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

Section 1. NRS 193.167 is hereby amended to read as follows:
193.167 1. Except as otherwise provided in NRS 193.169, any person who commits the crime of:
(a) Murder;
(b) Attempted murder;
(c) Assault;
(d) Battery;
(e) Kidnapping;
(f) Robbery;
(g) Sexual assault;

(h) Embezzlement of, or attempting or conspiring to embezzle, money or property of a value of \$650 or more;

(i) Obtaining, or attempting or conspiring to obtain, money or property of a value of \$650 or more by false pretenses; or

(j) Taking money or property from the person of another,

↪ against any person who is 60 years of age or older or against a vulnerable person shall, in addition to the term of imprisonment prescribed by statute for the crime, be punished, if the crime is a misdemeanor or gross misdemeanor, by imprisonment in the county jail for a term equal to the term of imprisonment prescribed by statute for the crime, and, if the crime is a felony, by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.

2. Except as otherwise provided in NRS 193.169, any person who commits a criminal violation of the provisions of chapter 90 or 91 of NRS against any person who is 60 years of age or older or against a vulnerable person shall, in addition to the term of imprisonment prescribed by statute for the criminal violation, be punished, if the criminal violation is a misdemeanor or gross misdemeanor, by imprisonment in the county jail for a term equal to the term of imprisonment prescribed by statute for the criminal violation, and, if the criminal violation is a felony, by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.

3. In determining the length of the additional penalty imposed pursuant to this section, the court shall consider the following information:

(a) The facts and circumstances of the crime or criminal violation;

(b) The criminal history of the person;

(c) The impact of the crime or criminal violation on any victim;

(d) Any mitigating factors presented by the person; and

(e) Any other relevant information.

↪ The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.

4. The sentence prescribed by this section must run consecutively with the sentence prescribed by statute for the crime or criminal violation.

5. This section does not create any separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

6. As used in this section, "vulnerable person" has the meaning ascribed to it in ~~subsection 7 of~~ NRS 200.5092.

Sec. 2. NRS 200.5091 is hereby amended to read as follows:

200.5091 It is the policy of this State to provide for the cooperation of law enforcement officials, courts of competent jurisdiction and all appropriate state agencies providing human services in identifying the abuse, neglect, exploitation, ~~and~~ isolation *and abandonment* of older persons and vulnerable persons through the complete reporting of abuse, neglect, exploitation, ~~and~~ isolation *and abandonment* of older persons and vulnerable persons.

Sec. 3. NRS 200.5092 is hereby amended to read as follows:

200.5092 As used in NRS 200.5091 to 200.50995, inclusive, unless the context otherwise requires:

1. *"Abandonment" means: ~~willful or negligent~~*

(a) Desertion of an older person or a vulnerable person in an unsafe manner by a caretaker or other person with a legal duty of care; or

(b) *Withdrawal of necessary assistance owed to an older person or a vulnerable person by a caretaker or other person with an obligation to provide services to the older person or vulnerable person.*

2. “Abuse” means willful ~~and unjustified or negligent~~

(a) Infliction of pain ~~or~~ injury ~~for mental anguish~~ on an older person or a vulnerable person; ~~or~~

(b) Deprivation of food, shelter, clothing or services which are necessary to maintain the physical or mental health of an older person or a vulnerable person ~~or~~ ~~2~~;

(c) *Infliction of psychological or emotional anguish, pain or distress on an older person or a vulnerable person through any act, including, without limitation:*

(1) *Threatening, ~~humiliating, embarrassing,~~ controlling or socially isolating the older person or vulnerable person;*

(2) *Disregarding ~~for trivializing~~ the needs of the older person or vulnerable person; or*

(3) *Harming, damaging or destroying any property of the older person or vulnerable person, including, without limitation, pets; ~~or~~*

(d) *Nonconsensual sexual contact with an older person or a vulnerable person, including, without limitation:*

(1) *An act that the older person or vulnerable person is unable to understand or to which the older person or vulnerable person is unable to communicate his or her objection; or*

(2) *Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks of the older person or vulnerable person ~~or~~; or*

(e) *Permitting any of the acts described in paragraphs (a) to (d), inclusive, to be committed against an older person or a vulnerable person.*

3. “Exploitation” means any act taken by a person who has the trust and confidence of an older person or a vulnerable person or any use of the power of attorney or guardianship of an older person or a vulnerable person to:

(a) Obtain control, through deception, intimidation or undue influence, over the older person’s or vulnerable person’s money, assets or property with the intention of permanently depriving the older person or vulnerable person of the ownership, use, benefit or possession of his or her money, assets or property; ~~or~~

(b) Convert money, assets or property of the older person or vulnerable person with the intention of permanently depriving the older person or vulnerable person of the ownership, use, benefit or possession of his or her money, assets or property ~~or~~ ~~or~~

~~(c) *Deliberately misplace or lose the belongings or money of the older person or vulnerable person without his or her consent.*~~

As used in this subsection, “undue influence” means the improper use of power or trust in a way that deprives a person of his or her free will and substitutes the objectives of another person. The term does not include the normal influence that one member of a family has over another.

~~3~~ 4. “Isolation” means ~~willfully, maliciously and intentionally or negligently~~ preventing an older person or a vulnerable person from having contact with another person by:

(a) Intentionally ~~for negligently~~ preventing the older person or vulnerable person from receiving visitors, mail or telephone calls, including, without limitation, communicating to a person who comes to visit the older person or vulnerable person or a person who telephones the older person or vulnerable person that the older person or vulnerable person is not present or does not want to meet

1 with or talk to the visitor or caller knowing that the statement is false, contrary to
2 the express wishes of the older person or vulnerable person and intended to prevent
3 the older person or vulnerable person from having contact with the visitor; ~~to~~

4 (b) Physically restraining the older person or vulnerable person to prevent the
5 older person or vulnerable person from meeting with a person who comes to visit
6 the older person or vulnerable person. ~~to~~; or

7 (c) Permitting any of the acts described in paragraphs (a) and (b) to be
8 committed against an older person or a vulnerable person.

9 The term does not include an act intended to protect the property or physical or
10 mental welfare of the older person or vulnerable person or an act performed
11 pursuant to the instructions of a physician of the older person or vulnerable person.

12 ~~to~~ 5. "Neglect" means the ~~willful or negligent~~ failure of ~~to~~
13 ~~(a) A~~ a person or a manager of a facility who has assumed legal
14 responsibility or a contractual obligation for caring for an older person or a
15 vulnerable person or who has voluntarily assumed responsibility for his or her care
16 to provide food, shelter, clothing or services which are necessary to maintain the
17 physical or mental health of the older person or vulnerable person. ~~to~~ or

18 ~~(b) An older person or a vulnerable person to provide for his or her own needs~~
19 ~~because of inability to do so.~~

20 ~~5~~ 6. "Older person" means a person who is 60 years of age or older.

21 ~~to~~ 7. "Protective services" means services the purpose of which is to
22 prevent and remedy the abuse, neglect, exploitation, ~~and~~ isolation and
23 abandonment of older persons. The services may include:

24 (a) The investigation, evaluation, counseling, arrangement and referral for
25 other services and assistance. ~~to~~; and

26 (b) Services provided to an older person or a vulnerable person who is
27 unable to provide for his or her own needs.

28 ~~to~~ 8. "Vulnerable person" means a person 18 years of age or older who:

29 (a) Suffers from a condition of physical or mental incapacitation because of a
30 developmental disability, organic brain damage or mental illness; or

31 (b) Has one or more physical or mental limitations that restrict the ability of the
32 person to perform the normal activities of daily living.

33 Sec. 4. NRS 200.5093 is hereby amended to read as follows:

34 200.5093 1. Any person who is described in subsection 4 and who, in a
35 professional or occupational capacity, knows or has reasonable cause to believe that
36 an older person has been abused, neglected, exploited, ~~to~~ isolated or abandoned
37 shall:

38 (a) Except as otherwise provided in subsection 2, report the abuse, neglect,
39 exploitation, ~~to~~ isolation or abandonment of the older person to:

40 (1) The local office of the Aging and Disability Services Division of the
41 Department of Health and Human Services;

42 (2) A police department or sheriff's office; or

43 (3) ~~The county's office for protective services, if one exists in the county~~
44 ~~where the suspected action occurred; or~~

45 ~~(4)~~ A toll-free telephone service designated by the Aging and Disability
46 Services Division of the Department of Health and Human Services; and

47 (b) Make such a report as soon as reasonably practicable but not later than 24
48 hours after the person knows or has reasonable cause to believe that the older
49 person has been abused, neglected, exploited, ~~to~~ isolated ~~to~~ or abandoned.

50 2. If a person who is required to make a report pursuant to subsection 1 knows
51 or has reasonable cause to believe that the abuse, neglect, exploitation, ~~to~~
52 isolation or abandonment of the older person involves an act or omission of the
53 Aging and Disability Services Division, another division of the Department of

1 Health and Human Services or a law enforcement agency, the person shall make the
2 report to an agency other than the one alleged to have committed the act or
3 omission.

4 3. Each agency, after reducing a report to writing, shall forward a copy of the
5 report to the Aging and Disability Services Division of the Department of Health
6 and Human Services and the Unit for the Investigation and Prosecution of Crimes.

7 4. A report must be made pursuant to subsection 1 by the following persons:

8 (a) Every physician, dentist, dental hygienist, chiropractor, optometrist,
9 podiatric physician, medical examiner, resident, intern, professional or practical
10 nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS,
11 perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical
12 professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug
13 abuse counselor, music therapist, athletic trainer, driver of an ambulance,
14 paramedic, licensed dietitian or other person providing medical services licensed or
15 certified to practice in this State, who examines, attends or treats an older person
16 who appears to have been abused, neglected, exploited, ~~to~~ isolated ~~to~~ **or**
17 **abandoned**.

18 (b) Any personnel of a hospital or similar institution engaged in the admission,
19 examination, care or treatment of persons or an administrator, manager or other
20 person in charge of a hospital or similar institution upon notification of the
21 suspected abuse, neglect, exploitation, ~~to~~ isolation **or abandonment** of an older
22 person by a member of the staff of the hospital.

23 (c) A coroner.

24 (d) Every person who maintains or is employed by an agency to provide
25 personal care services in the home.

26 (e) Every person who maintains or is employed by an agency to provide
27 nursing in the home.

28 (f) Every person who operates, who is employed by or who contracts to
29 provide services for an intermediary service organization as defined in NRS
30 449.4304.

31 (g) Any employee of the Department of Health and Human Services.

32 (h) Any employee of a law enforcement agency or a county's office for
33 protective services or an adult or juvenile probation officer.

34 (i) Any person who maintains or is employed by a facility or establishment that
35 provides care for older persons.

36 (j) Any person who maintains, is employed by or serves as a volunteer for an
37 agency or service which advises persons regarding the abuse, neglect, exploitation,
38 ~~to~~ isolation **or abandonment** of an older person and refers them to persons and
39 agencies where their requests and needs can be met.

40 (k) Every social worker.

41 (l) Any person who owns or is employed by a funeral home or mortuary.

42 5. A report may be made by any other person.

43 6. If a person who is required to make a report pursuant to subsection 1 knows
44 or has reasonable cause to believe that an older person has died as a result of abuse,
45 neglect, ~~to~~ isolation ~~to~~ **or abandonment**, the person shall, as soon as reasonably
46 practicable, report this belief to the appropriate medical examiner or coroner, who
47 shall investigate the cause of death of the older person and submit to the appropriate
48 local law enforcement agencies, the appropriate prosecuting attorney, the Aging
49 and Disability Services Division of the Department of Health and Human Services
50 and the Unit for the Investigation and Prosecution of Crimes his or her written
51 findings. The written findings must include the information required pursuant to the
52 provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging and Disability Services Division of the Department of Health and Human Services, must be forwarded within 30 days after the completion of the report to the:

- (a) Aging and Disability Services Division;
- (b) Repository for Information Concerning Crimes Against Older Persons created by NRS 179A.450; and
- (c) Unit for the Investigation and Prosecution of Crimes.

8. If the investigation of a report results in the belief that an older person is abused, neglected, exploited, ~~to~~ isolated ~~to~~ *or abandoned*, the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person if the older person is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. As used in this section, "Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes Against Older Persons in the Office of the Attorney General created pursuant to NRS 228.265.

Sec. 5. NRS 200.50935 is hereby amended to read as follows:

200.50935 1. Any person who is described in subsection 3 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that a vulnerable person has been abused, neglected, exploited, ~~to~~ isolated *or abandoned* shall:

(a) Report the abuse, neglect, exploitation, ~~to~~ isolation *or abandonment* of the vulnerable person to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the vulnerable person has been abused, neglected, exploited, ~~to~~ isolated *or abandoned*.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation, ~~to~~ isolation *or abandonment* of the vulnerable person involves an act or omission of a law enforcement agency, the person shall make the report to a law enforcement agency other than the one alleged to have committed the act or omission.

3. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats a vulnerable person who appears to have been abused, neglected, exploited, ~~to~~ isolated *or abandoned*.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation, ~~to~~ isolation *or abandonment* of a vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide nursing in the home.

(e) Any employee of the Department of Health and Human Services.

(f) Any employee of a law enforcement agency or an adult or juvenile probation officer.

(g) Any person who maintains or is employed by a facility or establishment that provides care for vulnerable persons.

(h) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation, ~~isolation~~ *or abandonment* of a vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(i) Every social worker.

(j) Any person who owns or is employed by a funeral home or mortuary.

4. A report may be made by any other person.

5. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a vulnerable person has died as a result of abuse, neglect, ~~isolation~~ *or abandonment*, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the vulnerable person and submit to the appropriate local law enforcement agencies and the appropriate prosecuting attorney his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

6. A law enforcement agency which receives a report pursuant to this section shall immediately initiate an investigation of the report.

7. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 6. NRS 200.5094 is hereby amended to read as follows:

200.5094 1. A person may make a report pursuant to NRS 200.5093 or 200.50935 by telephone or, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, by any other means of oral, written or electronic communication that a reasonable person would believe, under those facts and circumstances, is a reliable and swift means of communicating information to the person who receives the report. If the report is made orally, the person who receives the report must reduce it to writing as soon as reasonably practicable.

2. The report must contain the following information, when possible:

(a) The name and address of the older person or vulnerable person;

(b) The name and address of the person responsible for his or her care, if there is one;

(c) The name and address, if available, of the person who is alleged to have abused, neglected, exploited, ~~isolated~~ *or abandoned* the older person or vulnerable person;

(d) The nature and extent of the abuse, neglect, exploitation, ~~isolation~~ *or abandonment* of the older person or vulnerable person;

(e) Any evidence of previous injuries; and

(f) The basis of the reporter's belief that the older person or vulnerable person has been abused, neglected, exploited, ~~isolated~~ *or abandoned*.

Sec. 7. NRS 200.5095 is hereby amended to read as follows:

200.5095 1. Reports made pursuant to NRS 200.5093, 200.50935 and 200.5094, and records and investigations relating to those reports, are confidential.

2. A person, law enforcement agency or public or private agency, institution or facility who willfully releases data or information concerning the reports and

1 investigation of the abuse, neglect, exploitation , ~~for~~ isolation *or abandonment* of
2 older persons or vulnerable persons, except:

3 (a) Pursuant to a criminal prosecution;

4 (b) Pursuant to NRS 200.50982; or

5 (c) To persons or agencies enumerated in subsection 3,

6 ➤ is guilty of a misdemeanor.

7 3. Except as otherwise provided in subsection 2 and NRS 200.50982, data or
8 information concerning the reports and investigations of the abuse, neglect,
9 exploitation , ~~for~~ isolation *or abandonment* of an older person or a vulnerable
10 person is available only to:

11 (a) A physician who is providing care to an older person or a vulnerable person
12 who may have been abused, neglected, exploited , ~~for~~ isolated ~~for~~ *or abandoned*;

13 (b) An agency responsible for or authorized to undertake the care, treatment
14 and supervision of the older person or vulnerable person;

15 (c) A district attorney or other law enforcement official who requires the
16 information in connection with an investigation of the abuse, neglect, exploitation ,
17 ~~for~~ isolation *or abandonment* of the older person or vulnerable person;

18 (d) A court which has determined, in camera, that public disclosure of such
19 information is necessary for the determination of an issue before it;

20 (e) A person engaged in bona fide research, but the identity of the subjects of
21 the report must remain confidential;

22 (f) A grand jury upon its determination that access to such records is necessary
23 in the conduct of its official business;

24 (g) Any comparable authorized person or agency in another jurisdiction;

25 (h) A legal guardian of the older person or vulnerable person, if the identity of
26 the person who was responsible for reporting the alleged abuse, neglect,
27 exploitation , ~~for~~ isolation *or abandonment* of the older person or vulnerable
28 person to the public agency is protected, and the legal guardian of the older person
29 or vulnerable person is not the person suspected of such abuse, neglect, exploitation
30 , ~~for~~ isolation ~~for~~ *or abandonment*;

31 (i) If the older person or vulnerable person is deceased, the executor or
32 administrator of his or her estate, if the identity of the person who was responsible
33 for reporting the alleged abuse, neglect, exploitation , ~~for~~ isolation *or*
34 *abandonment* of the older person or vulnerable person to the public agency is
35 protected, and the executor or administrator is not the person suspected of such
36 abuse, neglect, exploitation , ~~for~~ isolation ~~for~~ *or abandonment*; or

37 (j) The older person or vulnerable person named in the report as allegedly
38 being abused, neglected, exploited , ~~for~~ isolated ~~for~~ *or abandoned*, if that person is
39 not legally incompetent.

40 4. If the person who is reported to have abused, neglected, exploited , ~~for~~
41 isolated *or abandoned* an older person or a vulnerable person is the holder of a
42 license or certificate issued pursuant to chapters 449, 630 to 641B, inclusive, or 654
43 of NRS, the information contained in the report must be submitted to the board that
44 issued the license.

45 *5. If data or information concerning the reports and investigations of the*
46 *abuse, neglect, exploitation, isolation or abandonment of an older person or a*
47 *vulnerable person is made available pursuant to paragraph (b) or (j) of*
48 *subsection 3 or subsection 4, the name and any other identifying information of*
49 *the person who made the report must be redacted before the data or information*
50 *is made available.*

51 **Sec. 8.** NRS 200.50955 is hereby amended to read as follows:

52 200.50955 A law enforcement agency shall promptly seek to obtain a warrant
53 for the arrest of any person the agency has probable cause to believe is criminally

1 responsible for the abuse, neglect, exploitation , ~~for~~ isolation *or abandonment* of
2 an older person or a vulnerable person.

3 **Sec. 9.** NRS 200.5096 is hereby amended to read as follows:

4 200.5096 Immunity from civil or criminal liability extends to every person
5 who, pursuant to NRS 200.5091 to 200.50995, inclusive, in good faith:

6 1. Participates in the making of a report;

7 2. Causes or conducts an investigation of alleged abuse, neglect, exploitation ,
8 ~~for~~ isolation *or abandonment* of an older person or a vulnerable person; or

9 3. Submits information contained in a report to a licensing board pursuant to
10 subsection 4 of NRS 200.5095.

11 **Sec. 10.** NRS 200.5098 is hereby amended to read as follows:

12 200.5098 1. The Aging and Disability Services Division of the Department
13 of Health and Human Services shall:

14 (a) Identify and record demographic information on the older person who is
15 alleged to have been abused, neglected, exploited , ~~for~~ isolated *or abandoned* and
16 the person who is alleged to be responsible for such abuse, neglect, exploitation ,
17 ~~for~~ isolation *or abandonment*.

18 (b) Obtain information from programs for preventing abuse of older persons,
19 analyze and compare the programs, and make recommendations to assist the
20 organizers of the programs in achieving the most efficient and effective service
21 possible.

22 (c) Publicize the provisions of NRS 200.5091 to 200.50995, inclusive.

23 2. The Administrator of the Aging and Disability Services Division of the
24 Department may organize one or more teams to assist in strategic assessment and
25 planning of protective services, issues regarding the delivery of service, programs
26 or individual plans for preventing, identifying, remedying or treating abuse, neglect,
27 exploitation , ~~for~~ isolation *or abandonment* of older persons. Members of the team
28 serve at the invitation of the Administrator and must be experienced in preventing,
29 identifying, remedying or treating abuse, neglect, exploitation , ~~for~~ isolation *or*
30 *abandonment* of older persons. The team may include representatives of other
31 organizations concerned with education, law enforcement or physical or mental
32 health.

33 3. The team may receive otherwise confidential information and records
34 pertaining to older persons to assist in assessing and planning. The confidentiality
35 of any information or records received must be maintained under the terms or
36 conditions required by law. The content of any discussion regarding information or
37 records received by the team pursuant to this subsection is not subject to discovery
38 and a member of the team shall not testify regarding any discussion which occurred
39 during the meeting. Any information disclosed in violation of this subsection is
40 inadmissible in all judicial proceedings.

41 **Sec. 11.** NRS 200.50982 is hereby amended to read as follows:

42 200.50982 1. The provisions of NRS 200.5091 to 200.50995, inclusive, do
43 not prohibit an agency which is investigating a report of abuse, neglect, exploitation
44 , ~~for~~ isolation *or abandonment*, or which provides protective services, from
45 disclosing data or information concerning the reports and investigations of the
46 abuse, neglect, exploitation , ~~for~~ isolation *or abandonment* of an older person or a
47 vulnerable person to other federal, state or local agencies or the legal
48 representatives of the older person or vulnerable person on whose behalf the
49 investigation is being conducted if:

50 (a) The agency making the disclosure determines that the disclosure is in the
51 best interest of the older person or vulnerable person; and

52 (b) Proper safeguards are taken to ensure the confidentiality of the information.

2. If the Aging and Disability Services Division of the Department of Health and Human Services is investigating a report of abuse, neglect, exploitation, ~~for~~ isolation *or abandonment* of an older person, a law enforcement agency shall, upon request of the Aging and Disability Services Division, provide information relating to any suspect in the investigation as soon as possible. The information must include, when possible:

- (a) The records of criminal history of the suspect;
- (b) Whether or not the suspect resides with or near the older person; and
- (c) A summary of any events, incidents or arrests which have occurred at the residence of the suspect or the older person within the past 90 days and which involve physical violence or concerns related to public safety or the health or safety of the older person.

Sec. 12. NRS 200.50984 is hereby amended to read as follows:

200.50984 1. Notwithstanding any other statute to the contrary, the local office of the Aging and Disability Services Division of the Department of Health and Human Services and a county's office for protective services, if one exists in the county where a violation is alleged to have occurred, may for the purpose of investigating an alleged violation of NRS 200.5091 to 200.50995, inclusive, inspect all records pertaining to the older person on whose behalf the investigation is being conducted, including, but not limited to, that person's medical and financial records.

2. Except as otherwise provided in this subsection, if a guardian has not been appointed for the older person, the Aging and Disability Services Division or the county's office for protective services shall obtain the consent of the older person before inspecting those records. If the Aging and Disability Services Division or the county's office for protective services determines that the older person is unable to consent to the inspection, the inspection may be conducted without his or her consent. Except as otherwise provided in this subsection, if a guardian has been appointed for the older person, the Aging and Disability Services Division or the county's office for protective services shall obtain the consent of the guardian before inspecting those records. If the Aging and Disability Services Division or the county's office for protective services has reasonable cause to believe that the guardian is abusing, neglecting, exploiting, ~~for~~ isolating *or abandoning* the older person, the inspection may be conducted without the consent of the guardian, except that if the records to be inspected are in the personal possession of the guardian, the inspection must be approved by a court of competent jurisdiction.

Sec. 13. NRS 200.50986 is hereby amended to read as follows:

200.50986 The local office of the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may petition a court in accordance with NRS 159.185, 159.1853 or 159.1905 for the removal of the guardian of an older person, or the termination or modification of that guardianship, if, based on its investigation, the Aging and Disability Services Division or the county's office of protective services has reasonable cause to believe that the guardian is abusing, neglecting, exploiting, ~~for~~ isolating *or abandoning* the older person in violation of NRS 200.5091 to 200.50995, inclusive.

Sec. 14. ~~NRS 200.5099 is hereby amended to read as follows:~~

~~200.5099 1. Except as otherwise provided in subsection [6.] 7, any person who abuses an older person or a vulnerable person is guilty:~~

~~(a) For the first negligent offense, of a misdemeanor;~~

~~(b) For any subsequent negligent offense, or for the first willful offense, of a gross misdemeanor; or~~

~~1 (b) (e) For any subsequent willful offense, or if the person has been~~
~~2 previously convicted of violating a law of any other jurisdiction that prohibits the~~
~~3 same or similar conduct, of a category B felony and shall be punished by~~
~~4 imprisonment in the state prison for a minimum term of not less than 2 years and a~~
~~5 maximum term of not more than 6 years,~~

~~6 unless a more severe penalty is prescribed by law for the act or omission which~~
~~7 brings about the abuse.~~

~~8 2. Except as otherwise provided in subsection [7,] 8, any person who has~~
~~9 assumed responsibility, legally, voluntarily or pursuant to a contract, to care for an~~
~~10 older person or a vulnerable person and who:~~

~~11 (a) Neglects the older person or vulnerable person, causing the older person or~~
~~12 vulnerable person to suffer physical pain or mental suffering;~~

~~13 (b) Permits or allows the older person or vulnerable person to suffer~~
~~14 unjustifiable physical pain or mental suffering; or~~

~~15 (c) Permits or allows the older person or vulnerable person to be placed in a~~
~~16 situation where the older person or vulnerable person may suffer physical pain or~~
~~17 mental suffering as the result of abuse or neglect;~~

~~18 is guilty of a misdemeanor for a negligent offense or a gross misdemeanor for a~~
~~19 willful offense, unless a more severe penalty is prescribed by law for the act or~~
~~20 omission which brings about the abuse or neglect.~~

~~21 2. Except as otherwise provided in subsection 4, any person who exploits an~~
~~22 older person or a vulnerable person shall be punished, if the value of any money,~~
~~23 assets and property obtained or used:~~

~~24 (a) Is less than \$650, for a gross misdemeanor by imprisonment in the county~~
~~25 jail for not more than 364 days, or by a fine of not more than \$2,000, or by both~~
~~26 fine and imprisonment;~~

~~27 (b) Is at least \$650, but less than \$5,000, for a category B felony by~~
~~28 imprisonment in the state prison for a minimum term of not less than 2 years and a~~
~~29 maximum term of not more than 10 years, or by a fine of not more than \$10,000, or~~
~~30 by both fine and imprisonment; or~~

~~31 (c) Is \$5,000 or more, for a category B felony by imprisonment in the state~~
~~32 prison for a minimum term of not less than 2 years and a maximum term of not~~
~~33 more than 20 years, or by a fine of not more than \$25,000, or by both fine and~~
~~34 imprisonment;~~

~~35 unless a more severe penalty is prescribed by law for the act which brought~~
~~36 about the exploitation. The monetary value of all of the money, assets and property~~
~~37 of the older person or vulnerable person which have been obtained or used, or both,~~
~~38 may be combined for the purpose of imposing punishment for an offense charged~~
~~39 pursuant to this subsection.~~

~~40 4. If a person exploits an older person or a vulnerable person and the~~
~~41 monetary value of any money, assets and property obtained cannot be determined,~~
~~42 the person shall be punished for a gross misdemeanor by imprisonment in the~~
~~43 county jail for not more than 364 days, or by a fine of not more than \$2,000, or by~~
~~44 both fine and imprisonment.~~

~~45 5. Any person who isolates an older person or a vulnerable person is guilty:~~

~~46 (a) For the first offense, of a gross misdemeanor; or~~

~~47 (b) For any subsequent offense, of a category B felony and shall be punished~~
~~48 by imprisonment in the state prison for a minimum term of not less than 2 years and~~
~~49 a maximum term of not more than 10 years, and may be further punished by a fine~~
~~50 of not more than \$5,000.~~

~~51 6. Unless a greater penalty is provided by law, any person who abandons an~~
~~52 older person or a vulnerable person is guilty:~~

~~53 (a) For a negligent offense, of a misdemeanor; and~~

~~(b) For a willful offense, of a gross misdemeanor.~~

~~7. A person who violates any provision of subsection 1, if substantial bodily or mental harm or death results to the older person or vulnerable person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse.~~

~~[7.] 8. A person who violates any provision of subsection 2, if substantial bodily or mental harm or death results to the older person or vulnerable person, shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse or neglect.~~

~~[8.] 9. In addition to any other penalty imposed against a person for a violation of any provision of NRS 200.5091 to 200.50995, inclusive, the court shall order the person to pay restitution.~~

~~[9.] 10. As used in this section:~~

~~(a) "Allow" means to take no action to prevent or stop the abuse or neglect of an older person or a vulnerable person if the person knows or has reason to know that the older person or vulnerable person is being abused or neglected.~~

~~(b) "Permit" means permission that a reasonable person would not grant and which amounts to a neglect of responsibility attending the care and custody of an older person or a vulnerable person.~~

~~(c) "Substantial mental harm" means an injury to the intellectual or psychological capacity or the emotional condition of an older person or a vulnerable person as evidenced by an observable and substantial impairment of the ability of the older person or vulnerable person to function within his or her normal range of performance or behavior.] (Deleted by amendment.)~~

Sec. 15. NRS 207.014 is hereby amended to read as follows:

207.014 1. A person who:

(a) Has been convicted in this State of any felony committed on or after July 1, 1995, of which fraud or intent to defraud is an element; and

(b) Has previously been two times convicted, whether in this State or elsewhere, of any felony of which fraud or intent to defraud is an element before the commission of the felony under paragraph (a),

is a habitually fraudulent felon and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 20 years, if the victim of each offense was an older person, a person with a mental disability or a vulnerable person.

2. The prosecuting attorney shall include a count under this section in any information or shall file a notice of habitually fraudulent felon if an indictment is found, if the prior convictions and the alleged offense committed by the accused are felonies of which fraud or intent to defraud is an element and the victim of each offense was:

(a) An older person;

(b) A person with a mental disability; or

(c) A vulnerable person.

3. The trial judge may not dismiss a count under this section that is included in an indictment or information.

4. As used in this section:

(a) "Older person" means a person who is:

(1) Sixty-five years of age or older if the crime was committed before October 1, 2003.

(2) Sixty years of age or older if the crime was committed on or after October 1, 2003.

(b) "Person with a mental disability" means a person who has a mental impairment which is medically documented and substantially limits one or more of the person's major life activities. The term includes, but is not limited to, a person who:

- (1) Suffers from an intellectual disability;
- (2) Suffers from a severe mental or emotional illness;
- (3) Has a severe learning disability; or
- (4) Is experiencing a serious emotional crisis in his or her life as a result of the fact that the person or a member of his or her immediate family has a catastrophic illness.

(c) "Vulnerable person" has the meaning ascribed to it in ~~subsection 7 of~~ NRS 200.5092.

Sec. 16. NRS 62B.270 is hereby amended to read as follows:

62B.270 1. A public institution or agency to which a juvenile court commits a child or the licensing authority of a private institution to which a juvenile court commits a child, including, without limitation, a facility for the detention of children, shall secure from appropriate law enforcement agencies information on the background and personal history of each employee of the institution or agency to determine whether the employee has been convicted of:

- (a) Murder, voluntary manslaughter or mayhem;
- (b) Any other felony involving the use of a firearm or other deadly weapon;
- (c) Assault with intent to kill or to commit sexual assault or mayhem;
- (d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;
- (e) Abuse or neglect of a child or contributory delinquency;
- (f) 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;
- (g) Abuse, neglect, exploitation, ~~for~~ isolation *or abandonment* 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
- (h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years.

2. An employee of the public or private institution or agency must submit to the public institution or agency or the licensing authority, as applicable, two complete sets of 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.

3. The public institution or agency or the licensing authority, as applicable, may exchange with the Central Repository or the Federal Bureau of Investigation any information concerning the fingerprints submitted.

4. The public institution or agency or the licensing authority, as applicable, may charge an employee investigated pursuant to this section for the reasonable cost of that investigation.

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 public institution or agency or the licensing authority, as applicable, for a determination of whether the employee has been convicted of a crime listed in subsection 1.

6. A person who is required to submit to an investigation required pursuant to this section shall not have contact with a child without supervision in a public or private institution or agency to which a juvenile court commits a child, including, without limitation, a facility for the detention of children, before the investigation of the background and personal history of the person has been conducted.

7. The public institution or agency or the licensing authority, as applicable, shall conduct an investigation of each employee of the institution or agency pursuant to this section at least once every 5 years after the initial investigation.

Sec. 17. NRS 62G.223 is hereby amended to read as follows:

62G.223 1. A department of juvenile justice services shall secure from appropriate law enforcement agencies information on the background and personal history of each applicant for employment with the department of juvenile justice services, and each employee of the department of juvenile justice services, to determine:

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

(1) Murder, voluntary manslaughter, involuntary manslaughter or mayhem;
(2) Any 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, ~~for~~ isolation *or abandonment* 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. A department of juvenile justice services shall request information from:

(a) The Statewide Central Registry concerning an applicant for employment with the department of juvenile justice services, or an employee of the department

1 of juvenile justice services, to determine whether there has been a substantiated
2 report of child abuse or neglect made against the applicant or employee; and

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

7 3. Each applicant for employment with the department of juvenile justice
8 services, and each employee of the department of juvenile justice services, must
9 submit to the department of juvenile justice services:

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

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

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

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

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

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

34 **Sec. 18.** NRS 62G.353 is hereby amended to read as follows:

35 62G.353 1. A department of juvenile justice services shall secure from
36 appropriate law enforcement agencies information on the background and personal
37 history of each applicant for employment with the department of juvenile justice
38 services, and each employee of the department of juvenile justice services, to
39 determine:

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

41 (1) Murder, voluntary manslaughter, involuntary manslaughter or mayhem;
42 (2) Any felony involving the use or threatened use of force or violence or
43 the use of a firearm or other deadly weapon;

44 (3) Assault with intent to kill or to commit sexual assault or mayhem;
45 (4) Battery which results in substantial bodily harm to the victim;
46 (5) Battery that constitutes domestic violence that is punishable as a
47 felony;

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

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

52 (8) A crime involving pandering or prostitution, including, without
53 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, ~~for~~ isolation *or abandonment* 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. A department of juvenile justice services shall request information from:

(a) The Statewide Central Registry concerning an applicant for employment with the department of juvenile justice services, or an employee of the department of juvenile justice services, 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 the department of juvenile justice services, and each employee of the department of juvenile justice services, 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. 19. NRS 159.044 is hereby amended to read as follows:

159.044 1. Except as otherwise provided in NRS 127.045, a proposed ward, a governmental agency, a nonprofit corporation or any interested person may petition the court for the appointment of a guardian.

2. To the extent the petitioner knows or reasonably may ascertain or obtain, the petition must include, without limitation:

(a) The name and address of the petitioner.

(b) The name, date of birth and current address of the proposed ward.

(c) A copy of one of the following forms of identification of the proposed ward which must be placed in the records relating to the guardianship proceeding and, except as otherwise provided in NRS 239.0115 or as otherwise required to carry out a specific statute, maintained in a confidential manner:

(1) A social security number;

(2) A taxpayer identification number;

(3) A valid driver's license number;

(4) A valid identification card number; or

(5) A valid passport number.

➤ If the information required pursuant to this paragraph is not included with the petition, the information must be provided to the court not later than 120 days after the appointment of a guardian or as otherwise ordered by the court.

(d) If the proposed ward is a minor, the date on which the proposed ward will attain the age of majority and:

(1) Whether there is a current order concerning custody and, if so, the state in which the order was issued; and

(2) Whether the petitioner anticipates that the proposed ward will need guardianship after attaining the age of majority.

(e) Whether the proposed ward is a resident or nonresident of this State.

(f) The names and addresses of the spouse of the proposed ward and the relatives of the proposed ward who are within the second degree of consanguinity.

(g) The name, date of birth and current address of the proposed guardian. If the proposed guardian is a private professional guardian, the petition must include proof that the guardian meets the requirements of NRS 159.0595. If the proposed guardian is not a private professional guardian, the petition must include a statement that the guardian currently is not receiving compensation for services as a guardian to more than one ward who is not related to the person by blood or marriage.

(h) A copy of one of the following forms of identification of the proposed guardian which must be placed in the records relating to the guardianship proceeding and, except as otherwise provided in NRS 239.0115 or as otherwise required to carry out a specific statute, maintained in a confidential manner:

(1) A social security number;

(2) A taxpayer identification number;

(3) A valid driver's license number;

(4) A valid identification card number; or

(5) A valid passport number.

(i) Whether the proposed guardian has ever been convicted of a felony and, if so, information concerning the crime for which the proposed guardian was convicted and whether the proposed guardian was placed on probation or parole.

(j) A summary of the reasons why a guardian is needed and recent documentation demonstrating the need for a guardianship. If the proposed ward is an adult, the documentation must include, without limitation:

(1) A certificate signed by a physician who is licensed to practice medicine in this State or who is employed by the Department of Veterans Affairs, a letter signed by any governmental agency in this State which conducts investigations or a certificate signed by any other person whom the court finds qualified to execute a certificate, stating:

(I) The need for a guardian;

(II) Whether the proposed ward presents a danger to himself or herself or others;

(III) Whether the proposed ward's attendance at a hearing would be detrimental to the proposed ward;

(IV) Whether the proposed ward would comprehend the reason for a hearing or contribute to the proceeding; and

(V) Whether the proposed ward is capable of living independently with or without assistance; and

(2) If the proposed ward is determined to have the limited capacity to consent to the appointment of a special guardian, a written consent to the appointment of a special guardian from the ward.

(k) Whether the appointment of a general or a special guardian is sought.

(l) A general description and the probable value of the property of the proposed ward and any income to which the proposed ward is or will be entitled, if the petition is for the appointment of a guardian of the estate or a special guardian. If any money is paid or is payable to the proposed ward by the United States through the Department of Veterans Affairs, the petition must so state.

(m) The name and address of any person or care provider having the care, custody or control of the proposed ward.

(n) If the petitioner is not the spouse or natural child of the proposed ward, a declaration explaining the relationship of the petitioner to the proposed ward or to the proposed ward's family or friends, if any, and the interest, if any, of the petitioner in the appointment.

(o) Requests for any of the specific powers set forth in NRS 159.117 to 159.175, inclusive, necessary to enable the guardian to carry out the duties of the guardianship.

(p) If the guardianship is sought as the result of an investigation of a report of abuse, neglect, ~~for~~ exploitation, *isolation or abandonment* of the proposed ward, whether the referral was from a law enforcement agency or a state or county agency.

(q) Whether the proposed ward or the proposed guardian is a party to any pending criminal or civil litigation.

(r) Whether the guardianship is sought for the purpose of initiating litigation.

(s) Whether the proposed ward has executed a durable power of attorney for health care, a durable power of attorney for financial matters or a written nomination of guardian and, if so, who the named agents are for each document.

(t) Whether the proposed guardian has filed for or received protection under the federal bankruptcy laws within the immediately preceding 7 years.

3. Before the court makes a finding pursuant to NRS 159.054, a petitioner seeking a guardian for a proposed adult ward must provide the court with an assessment of the needs of the proposed adult ward completed by a licensed

1 physician which identifies the limitations of capacity of the proposed adult ward
2 and how such limitations affect the ability of the proposed adult ward to maintain
3 his or her safety and basic needs. The court may prescribe the form in which the
4 assessment of the needs of the proposed adult ward must be filed.

5 **Sec. 20.** NRS 159.0523 is hereby amended to read as follows:

6 159.0523 1. A petitioner may request the court to appoint a temporary
7 guardian for a ward who is an adult and who is unable to respond to a substantial
8 and immediate risk of physical harm or to a need for immediate medical attention.
9 To support the request, the petitioner must set forth in a petition and present to the
10 court under oath:

11 (a) Documentation which shows the proposed ward faces a substantial and
12 immediate risk of physical harm or needs immediate medical attention and lacks
13 capacity to respond to the risk of harm or obtain the necessary medical attention.
14 Such documentation must include, without limitation, a certificate signed by a
15 physician who is licensed to practice medicine in this State or who is employed by
16 the Department of Veterans Affairs, a letter signed by any governmental agency in
17 this State which conducts investigations or a police report indicating:

18 (1) That the proposed ward is unable to respond to a substantial and
19 immediate risk of physical harm or to a need for immediate medical attention;

20 (2) Whether the proposed ward presents a danger to himself or herself or
21 others; and

22 (3) Whether the proposed ward is or has been subjected to abuse, neglect ,
23 ~~for~~ exploitation ~~for~~, *isolation or abandonment*; and

24 (b) Facts which show that:

25 (1) The petitioner has tried in good faith to notify the persons entitled to
26 notice pursuant to NRS 159.047 by telephone or in writing before the filing of the
27 petition;

28 (2) The proposed ward would be exposed to an immediate risk of physical
29 harm if the petitioner were to provide notice to the persons entitled to notice
30 pursuant to NRS 159.047 before the court determines whether to appoint a
31 temporary guardian; or

32 (3) Giving notice to the persons entitled to notice pursuant to NRS 159.047
33 is not feasible under the circumstances.

34 2. The court may appoint a temporary guardian to serve for 10 days if the
35 court:

36 (a) Finds reasonable cause to believe that the proposed ward is unable to
37 respond to a substantial and immediate risk of physical harm or to a need for
38 immediate medical attention; and

39 (b) Is satisfied that the petitioner has tried in good faith to notify the persons
40 entitled to notice pursuant to NRS 159.047 or that giving notice to those persons is
41 not feasible under the circumstances, or determines that such notice is not required
42 pursuant to subparagraph (2) of paragraph (b) of subsection 1.

43 3. Except as otherwise provided in subsection 4, after the appointment of a
44 temporary guardian, the petitioner shall attempt in good faith to notify the persons
45 entitled to notice pursuant to NRS 159.047, including, without limitation, notice of
46 any hearing to extend the temporary guardianship. If the petitioner fails to make
47 such an effort, the court may terminate the temporary guardianship.

48 4. If, before the appointment of a temporary guardian, the court determined
49 that advance notice was not required pursuant to subparagraph (2) of paragraph (b)
50 of subsection 1, the petitioner shall notify the persons entitled to notice pursuant to
51 NRS 159.047 without undue delay, but not later than 48 hours after the
52 appointment of the temporary guardian or not later than 48 hours after the petitioner
53 discovers the existence, identity and location of the persons entitled to notice

pursuant to that section. If the petitioner fails to provide such notice, the court may terminate the temporary guardianship.

5. Not later than 10 days after the date of the appointment of a temporary guardian pursuant to subsection 2, the court shall hold a hearing to determine the need to extend the temporary guardianship. Except as otherwise provided in subsection 7, the court may extend the temporary guardianship until a general or special guardian is appointed pursuant to subsection 8 if:

(a) The court finds by clear and convincing evidence that the proposed ward is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention; and

(b) The extension of the temporary guardianship is necessary and in the best interests of the proposed ward.

6. If the court appoints a temporary guardian or extends the temporary guardianship pursuant to this section, the court shall limit the powers of the temporary guardian to those necessary to respond to the substantial and immediate risk of physical harm or to a need for immediate medical attention.

7. The court may not extend a temporary guardianship pursuant to subsection 5 beyond the initial period of 10 days unless the petitioner demonstrates that:

(a) The provisions of NRS 159.0475 have been satisfied; or

(b) Notice by publication pursuant to N.R.C.P. 4(e) is currently being undertaken.

8. The court may extend the temporary guardianship, for good cause shown, for not more than two successive 60-day periods, except that the court shall not cause the temporary guardianship to continue longer than 5 months unless extraordinary circumstances are shown.

Sec. 21. NRS 159.0525 is hereby amended to read as follows:

159.0525 1. A petitioner may request the court to appoint a temporary guardian for a ward who is unable to respond to a substantial and immediate risk of financial loss. To support the request, the petitioner must set forth in a petition and present to the court under oath:

(a) Documentation which shows that the proposed ward faces a substantial and immediate risk of financial loss and lacks capacity to respond to the risk of loss. Such documentation must include, without limitation, a certificate signed by a physician who is licensed to practice medicine in this State or who is employed by the Department of Veterans Affairs, a letter signed by any governmental agency in this State which conducts investigations or a police report indicating:

(1) That the proposed ward is unable to respond to a substantial and immediate risk of financial loss;

(2) Whether the proposed ward can live independently with or without assistance or services; and

(3) Whether the proposed ward is or has been subjected to abuse, neglect, ~~for~~ exploitation ~~or~~, **isolation or abandonment;**

(b) A detailed explanation of what risks the proposed ward faces, including, without limitation, termination of utilities or other services because of nonpayment, initiation of eviction or foreclosure proceedings, exploitation or loss of assets as the result of fraud, coercion or undue influence; and

(c) Facts which show that:

(1) The petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 by telephone or in writing before the filing of the petition;

(2) The proposed ward would be exposed to an immediate risk of financial loss if the petitioner were to provide notice to the persons entitled to notice pursuant

1 to NRS 159.047 before the court determines whether to appoint a temporary
2 guardian; or

3 (3) Giving notice to the persons entitled to notice pursuant to NRS 159.047
4 is not feasible under the circumstances.

5 2. The court may appoint a temporary guardian to serve for 10 days if the
6 court:

7 (a) Finds reasonable cause to believe that the proposed ward is unable to
8 respond to a substantial and immediate risk of financial loss; and

9 (b) Is satisfied that the petitioner has tried in good faith to notify the persons
10 entitled to notice pursuant to NRS 159.047 or that giving notice to those persons is
11 not feasible under the circumstances, or determines that such notice is not required
12 pursuant to subparagraph (2) of paragraph (c) of subsection 1.

13 3. Except as otherwise provided in subsection 4, after the appointment of a
14 temporary guardian, the petitioner shall attempt in good faith to notify the persons
15 entitled to notice pursuant to NRS 159.047, including, without limitation, notice of
16 any hearing to extend the temporary guardianship. If the petitioner fails to make
17 such an effort, the court may terminate the temporary guardianship.

18 4. If, before the appointment of a temporary guardian, the court determined
19 that advance notice was not required pursuant to subparagraph (2) of paragraph (c)
20 of subsection 1, the petitioner shall notify the persons entitled to notice pursuant to
21 NRS 159.047 without undue delay, but not later than 48 hours after the
22 appointment of the temporary guardian or not later than 48 hours after the petitioner
23 discovers the existence, identity and location of the persons entitled to notice
24 pursuant to that section. If the petitioner fails to provide such notice, the court may
25 terminate the temporary guardianship.

26 5. Not later than 10 days after the date of the appointment of a temporary
27 guardian pursuant to subsection 2, the court shall hold a hearing to determine the
28 need to extend the temporary guardianship. Except as otherwise provided in
29 subsection 7, the court may extend the temporary guardianship until a general or
30 special guardian is appointed pursuant to subsection 8 if:

31 (a) The court finds by clear and convincing evidence that the proposed ward is
32 unable to respond to a substantial and immediate risk of financial loss; and

33 (b) The extension of the temporary guardianship is necessary and in the best
34 interests of the proposed ward.

35 6. If the court appoints a temporary guardian or extends the temporary
36 guardianship pursuant to this section, the court shall limit the powers of the
37 temporary guardian to those necessary to respond to the substantial and immediate
38 risk of financial loss, specifically limiting the temporary guardian's authority to
39 take possession of, close or have access to any accounts of the ward or to sell or
40 dispose of tangible personal property of the ward to only that authority as needed to
41 provide for the ward's basic living expenses until a general or special guardian can
42 be appointed. The court may freeze any or all of the ward's accounts to protect such
43 accounts from loss.

44 7. The court may not extend a temporary guardianship pursuant to subsection
45 5 beyond the initial period of 10 days unless the petitioner demonstrates that:


46 (a) The provisions of NRS 159.0475 have been satisfied; or

47 (b) Notice by publication pursuant to N.R.C.P. 4(e) is currently being
48 undertaken.

49 8. The court may extend the temporary guardianship, for good cause shown,
50 for not more than two successive 60-day periods, except that the court shall not
51 cause the temporary guardianship to continue longer than 5 months unless
52 extraordinary circumstances are shown.

1 **Sec. 22.** NRS 159.059 is hereby amended to read as follows:

2 159.059 Except as otherwise provided in NRS 159.0595, any qualified person
3 or entity that the court finds suitable may serve as a guardian. A person is not
4 qualified to serve as a guardian who:

- 5 1. Is an incompetent.
- 6 2. Is a minor.
- 7 3. Has been convicted of a felony, unless the court determines that such
8 conviction should not disqualify the person from serving as the guardian of the
9 ward.
- 10 4. Has been suspended for misconduct or disbarred from:
 - 11 (a) The practice of law;
 - 12 (b) The practice of accounting; or
 - 13 (c) Any other profession which:
 - 14 (1) Involves or may involve the management or sale of money,
15 investments, securities or real property; and
 - 16 (2) Requires licensure in this State or any other state,
17  during the period of the suspension or disbarment.
- 18 5. Is a nonresident of this State and:
 - 19 (a) Has not associated as a coguardian, a resident of this State or a banking
20 corporation whose principal place of business is in this State; and
 - 21 (b) Is not a petitioner in the guardianship proceeding.
- 22 6. Has been judicially determined, by clear and convincing evidence, to have
23 committed abuse, neglect, ~~for~~ exploitation, *isolation or abandonment* of a child,
24 spouse, parent or other adult, unless the court finds that it is in the best interests of
25 the ward to appoint the person as the guardian of the ward.

26 **Sec. 23.** NRS 159.1999 is hereby amended to read as follows:

27 159.1999 1. A court of this State having jurisdiction to appoint a guardian
28 may decline to exercise its jurisdiction if it determines at any time that a court of
29 another state is a more appropriate forum.

30 2. If a court of this State declines to exercise its jurisdiction under subsection
31 1, it shall either dismiss or stay the proceedings. The court may impose any
32 condition the court considers just and proper, including the condition that a petition
33 for the appointment of a guardian be filed promptly in another state.

34 3. In determining whether it is an appropriate forum, the court shall consider
35 all relevant factors, including, without limitation:

- 36 (a) Any expressed preference of the ward;
- 37 (b) Whether abuse, neglect, ~~for~~ exploitation, *isolation or abandonment* of
38 the ward has occurred or is likely to occur and which state could best protect the
39 ward from the abuse, neglect, ~~for~~ exploitation ~~for~~, *isolation or abandonment*;
- 40 (c) The length of time the ward was physically present in or was a legal
41 resident of this State or another state;
- 42 (d) The distance of the ward from the court in each state;
- 43 (e) The financial circumstances of the ward's estate;
- 44 (f) The nature and location of the evidence;
- 45 (g) The ability of the court in each state to decide the issue expeditiously and
46 the procedures necessary to present evidence;
- 47 (h) The familiarity of the court of each state with the facts and issues in the
48 proceeding; and
- 49 (i) If an appointment were made, the court's ability to monitor the conduct of
50 the guardian.

51 **Sec. 24.** NRS 162A.370 is hereby amended to read as follows:

52 162A.370 1. Except as otherwise provided in subsection 2:

1 (a) A person shall either accept an acknowledged power of attorney, or request
2 a certification, a translation or an opinion of counsel pursuant to NRS 162A.360,
3 not later than 10 business days after presentation of the power of attorney for
4 acceptance;

5 (b) If a person requests a certification, a translation or an opinion of counsel
6 pursuant to NRS 162A.360, the person shall accept the power of attorney not later
7 than 5 business days after receipt of the certification, translation or opinion of
8 counsel; and

9 (c) A person may not require an additional or different form of power of
10 attorney for authority granted in the power of attorney presented.

11 2. A person is not required to accept an acknowledged power of attorney if:

12 (a) The person is not otherwise required to engage in a transaction with the
13 principal in the same circumstances;

14 (b) Engaging in a transaction with the agent or the principal in the same
15 circumstances would be inconsistent with federal law;

16 (c) The person has actual knowledge of the termination of the agent's authority
17 or of the power of attorney before exercise of the power;

18 (d) A request for a certification, a translation or an opinion of counsel pursuant
19 to NRS 162A.360 is refused;

20 (e) The person in good faith believes that the power is not valid or that the
21 agent does not have the authority to perform the act requested, whether or not a
22 certification, a translation or an opinion of counsel has been requested or provided
23 pursuant to NRS 162A.360; or

24 (f) The person makes, or has actual knowledge that another person has made, a
25 report pursuant to NRS 200.5093 stating a good faith belief that the principal may
26 be subject to abuse, neglect, exploitation, ~~isolation~~ *or abandonment* by the
27 agent or a person acting for or with the agent.

28 3. A person that refuses in violation of this section to accept an acknowledged
29 power of attorney is subject to:

30 (a) A court order mandating acceptance of the power of attorney; and

31 (b) Liability for reasonable attorney's fees and costs incurred in any action or
32 proceeding that confirms the validity of the power of attorney or mandates
33 acceptance of the power of attorney.

34 **Sec. 25.** NRS 174.175 is hereby amended to read as follows:

35 174.175 1. If it appears that a prospective witness is an older person or a
36 vulnerable person or may be unable to attend or prevented from attending a trial or
37 hearing, that the witness's testimony is material and that it is necessary to take the
38 witness's deposition in order to prevent a failure of justice, the court at any time
39 after the filing of an indictment, information or complaint may, upon motion of a
40 defendant or of the State and notice to the parties, order that the witness's testimony
41 be taken by deposition and that any designated books, papers, documents or
42 tangible objects, not privileged, be produced at the same time and place. If the
43 motion is for the deposition of an older person or a vulnerable person, the court
44 may enter an order to take the deposition only upon good cause shown to the court.
45 If the deposition is taken upon motion of the State, the court shall order that it be
46 taken under such conditions as will afford to each defendant the opportunity to
47 confront the witnesses against him or her.

48 2. If a witness is committed for failure to give bail to appear to testify at a trial
49 or hearing, the court, on written motion of the witness and upon notice to the
50 parties, may direct that the witness's deposition be taken. After the deposition has
51 been subscribed, the court may discharge the witness.

52 3. This section does not apply to the prosecutor, or to an accomplice in the
53 commission of the offense charged.

4. As used in this section:

(a) "Older person" means a person who is 70 years of age or older.

(b) "Vulnerable person" has the meaning ascribed to it in ~~subsection 7 of~~
NRS 200.5092.

Sec. 26. NRS 179A.450 is hereby amended to read as follows:

179A.450 1. The Repository for Information Concerning Crimes Against
Older Persons is hereby created within the Central Repository.

2. The Repository for Information Concerning Crimes Against Older Persons
must contain a complete and systematic record of all reports of the abuse, neglect,
exploitation, ~~and~~ isolation *or abandonment* of older persons in this State. The
record must be prepared in a manner approved by the Director of the Department
and must include, without limitation, the following information:

(a) All incidents that are reported to any entity.

(b) All cases that are currently under investigation and the type of such cases.

(c) All cases that are referred for prosecution and the type of such cases.

(d) All cases in which prosecution is declined or dismissed and any reason for
such action.

(e) All cases that are prosecuted and the final disposition of such cases.

(f) All cases that are resolved by agencies which provide protective services
and the type of such cases.

3. The Director of the Department shall compile and analyze the data
collected pursuant to this section to assess the incidence of the abuse, neglect,
exploitation, ~~and~~ isolation *or abandonment* of older persons.

4. On or before July 1 of each year, the Director of the Department shall
prepare and submit a report to the Director of the Legislative Counsel Bureau for
transmittal to the Legislature that sets forth statistical data on the abuse, neglect,
exploitation, ~~and~~ isolation *or abandonment* of older persons.

5. The data acquired pursuant to this section is confidential and must be used
only for the purpose of research. The data and findings generated pursuant to this
section must not contain information that may reveal the identity of an individual
victim or a person accused of the abuse, neglect, exploitation, ~~and~~ isolation *or*
abandonment of older persons.

6. As used in this section:

(a) *"Abandonment" has the meaning ascribed to it in NRS 200.5092.*

(b) "Abuse" has the meaning ascribed to it in NRS 200.5092.

~~(c)~~ (c) "Exploitation" has the meaning ascribed to it in NRS 200.5092.

~~(d)~~ (d) "Isolation" has the meaning ascribed to it in NRS 200.5092.

~~(e)~~ (e) "Neglect" has the meaning ascribed to it in NRS 200.5092.

~~(f)~~ (f) "Older person" means a person who is 60 years of age or older.

Sec. 27. NRS 217.070 is hereby amended to read as follows:

217.070 "Victim" means:

1. A person who is physically injured or killed as the direct result of a
criminal act;

2. A minor who was involved in the production of pornography in violation
of NRS 200.710, 200.720, 200.725 or 200.730;

3. A minor who was sexually abused, as "sexual abuse" is defined in NRS
432B.100;

4. A person who is physically injured or killed as the direct result of a
violation of NRS 484C.110 or any act or neglect of duty punishable pursuant to
NRS 484C.430 or 484C.440;

5. A pedestrian who is physically injured or killed as the direct result of a
driver of a motor vehicle who failed to stop at the scene of an accident involving
the driver and the pedestrian in violation of NRS 484E.010;

6. An older person who is abused, neglected, exploited , ~~to~~ isolated *or abandoned* in violation of NRS 200.5099 or 200.50995;

7. A resident who is physically injured or killed as the direct result of an act of international terrorism as defined in 18 U.S.C. § 2331(1); or

8. A person who is trafficked in violation of subsection 2 of NRS 201.300.

➔ The term includes a person who was harmed by any of these acts whether the act was committed by an adult or a minor.

Sec. 28. NRS 218E.760 is hereby amended to read as follows:

218E.760 1. The Committee may review, study and comment upon issues relating to senior citizens, veterans and adults with special needs, including, without limitation:

(a) Initiatives to ensure the financial and physical wellness of senior citizens, veterans and adults with special needs;

(b) The abuse, neglect, ~~isolation—and~~ exploitation , *isolation and abandonment* of senior citizens and adults with special needs;

(c) Public outreach and advocacy;

(d) Programs for the provision of services to senior citizens, veterans and adults with special needs in this State and methods to enhance such programs to ensure that services are provided in the most appropriate setting;

(e) Programs that provide services and care in the home which allow senior citizens to remain at home and live independently instead of in institutional care;

(f) The availability of useful information and data as needed for the State of Nevada to effectively make decisions, plan budgets and monitor costs and outcomes of services provided to senior citizens, veterans and adults with special needs;

(g) Laws relating to the appointment of a guardian and the improvement of laws for the protection of senior citizens and adults with special needs who have been appointed a guardian, including, without limitation, the improvement of investigations relating to guardianships and systems for monitoring guardianships; and

(h) The improvement of facilities for long-term care in this State, including, without limitation:

(1) Reducing the number of persons placed in facilities for long-term care located outside this State;

(2) Creating units for acute care and long-term care to treat persons suffering from dementia who exhibit behavioral problems;

(3) Developing alternatives to placement in facilities for long-term care, including, without limitation, units for long-term care located in other types of facilities, and ensuring that such alternatives are available throughout this State for the treatment of persons with psychological needs; and

(4) Creating a program to provide follow-up care and to track the ongoing progress of residents of facilities for long-term care.

2. The Committee may:

(a) Review, study and comment upon matters relating to senior citizens, veterans and adults with special needs;

(b) Conduct investigations and hold hearings in connection with its duties pursuant to this section and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive;

(c) Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and studies of the Committee; and

(d) Make recommendations to the Legislature concerning senior citizens, veterans and adults with special needs.

3. The Committee shall, on or before January 15 of each odd-numbered year, submit to the Director for transmittal to the next regular session a report concerning the study conducted pursuant to subsection 1.

4. As used in this section, “facility for long-term care” has the meaning ascribed to it in NRS 427A.028.

Sec. 29. NRS 228.270 is hereby amended to read as follows:

228.270 1. The Unit may investigate and prosecute any alleged abuse, neglect, exploitation, ~~isolation~~ *or abandonment* of an older person in violation of NRS 200.5099 or 200.50995 and any failure to report such a violation pursuant to NRS 200.5093:

(a) At the request of the district attorney of the county in which the violation occurred;

(b) If the district attorney of the county in which the violation occurred fails, neglects or refuses to prosecute the violation; or

(c) Jointly with the district attorney of the county in which the violation occurred.

2. The Unit may organize or sponsor one or more multidisciplinary teams to review any allegations of abuse, neglect, exploitation, ~~isolation~~ *or abandonment* of an older person or the death of an older person that is alleged to be from abuse, neglect, ~~isolation~~ *or abandonment*. A multidisciplinary team may include, without limitation, the following members:

(a) A representative of the Unit;

(b) Any law enforcement agency that is involved with the case under review;

(c) The district attorney’s office in the county where the case is under review;

(d) The Aging and Disability Services Division of the Department of Health and Human Services or the county’s office of protective services, if one exists in the county where the case is under review;

(e) A representative of the coroner’s office; and

(f) Any other medical professional or financial professional that the Attorney General deems appropriate for the review.

3. Each organization represented on a multidisciplinary team may share with other members of the team information in its possession concerning the older person who is the subject of the review or any person who was in contact with the older person and any other information deemed by the organization to be pertinent to the review. Any information shared by an organization with other members of a team is confidential.

4. The organizing or sponsoring of a multidisciplinary team pursuant to subsection 2 does not grant the Unit supervisory authority over, or restrict or impair the statutory authority of, any state or local agency responsible for the investigation or prosecution of allegations of abuse, neglect, exploitation, ~~isolation~~ *or abandonment* of an older person or the death of an older person that is alleged to be the result of abuse, neglect, ~~isolation~~ *or abandonment*.

Sec. 30. NRS 228.275 is hereby amended to read as follows:

228.275 The Unit may bring an action to enjoin or obtain any other equitable relief to prevent the abuse, neglect, exploitation, ~~isolation~~ *or abandonment* of an older person. The court may award reasonable attorney’s fees and costs if the Unit prevails in such an action.

Sec. 31. NRS 228.280 is hereby amended to read as follows:

228.280 1. In addition to any criminal penalty, a person who is convicted of a crime against an older person for which an additional term of imprisonment may be imposed pursuant to paragraph (h), (i) or (j) of subsection 1 of NRS 193.167 or of the abuse, neglect, exploitation, ~~isolation~~ *or abandonment* of an older person pursuant to NRS 200.5099 or 200.50995 is liable for a civil penalty to be

recovered by the Attorney General in a civil action brought in the name of the State of Nevada:

(a) For the first offense, in an amount which is not less than \$5,000 and not more than \$20,000.

(b) For a second or subsequent offense, in an amount which is not less than \$10,000 and not more than \$30,000.

2. The Attorney General shall deposit any money collected for civil penalties pursuant to subsection 1 in equal amounts to:

(a) A separate account in the Fund for the Compensation of Victims of Crime created pursuant to NRS 217.260 to provide compensation to older persons who are:

(1) Victims of a crime for which an additional term of imprisonment may be imposed pursuant to paragraph (h), (i) or (j) of subsection 1 of NRS 193.167; or

(2) Abused, neglected, exploited, ~~for~~ isolated ~~or~~ *abandoned* in violation of NRS 200.5099 and 200.50995.

(b) The Account for the Unit for the Investigation and Prosecution of Crimes Against Older Persons created pursuant to NRS 228.285.

Sec. 32. NRS 228.495 is hereby amended to read as follows:

228.495 1. The Attorney General may organize or sponsor one or more multidisciplinary teams to review the death of the victim of a crime that constitutes domestic violence pursuant to NRS 33.018 if a court or an agency of a local government does not organize or sponsor a multidisciplinary team pursuant to NRS 217.475 or if the court or agency requests the assistance of the Attorney General. In addition to the review of a particular case, a multidisciplinary team organized or sponsored by the Attorney General pursuant to this section shall:

(a) Examine the trends and patterns of deaths of victims of crimes that constitute domestic violence in this State;

(b) Determine the number and type of incidents the team wishes to review;

(c) Make policy and other recommendations for the prevention of deaths from crimes that constitute domestic violence;

(d) Engage in activities to educate the public, providers of services to victims of domestic violence and policymakers concerning deaths from crimes that constitute domestic violence and strategies for intervention and prevention of such crimes; and

(e) Recommend policies, practices and services to encourage collaboration and reduce the number of deaths from crimes that constitute domestic violence.

2. A multidisciplinary team organized or sponsored pursuant to this section may include, without limitation, the following members:

(a) A representative of the Attorney General;

(b) A representative of any law enforcement agency that is involved with a case under review;

(c) A representative of the district attorney's office in the county where a case is under review;

(d) A representative of the coroner's office in the county where a case is under review;

(e) A representative of any agency which provides social services that is involved in a case under review;

(f) A person appointed pursuant to subsection 3; and

(g) Any other person that the Attorney General determines is appropriate.

3. An organization that is concerned with domestic violence may apply to the Attorney General or his or her designee for authorization to appoint a member to a multidisciplinary team organized or sponsored pursuant to this section. Such an application must be made in the form and manner prescribed by the Attorney

1 General and is subject to the approval of the Attorney General or his or her
2 designee.

3 4. Each organization represented on a multidisciplinary team organized or
4 sponsored pursuant to this section may share with other members of the team
5 information in its possession concerning a victim who is the subject of a review or
6 any person who was in contact with the victim and any other information deemed
7 by the organization to be pertinent to the review. Any information shared by an
8 organization with other members of a team is confidential.

9 5. The organizing or sponsoring of a multidisciplinary team pursuant to this
10 section does not grant the Attorney General supervisory authority over, or restrict
11 or impair the statutory authority of, any state or local governmental agency
12 responsible for the investigation or prosecution of the death of a victim of a crime
13 that constitutes domestic violence pursuant to NRS 33.018.

14 6. Before organizing or sponsoring a multidisciplinary team pursuant to this
15 section, the Attorney General shall adopt a written protocol describing the
16 objectives and structure of the team.

17 7. A multidisciplinary team organized or sponsored pursuant to this section
18 may request any person, agency or organization that is in possession of information
19 or records concerning a victim who is the subject of a review or any person who
20 was in contact with the victim to provide the team with any information or records
21 that are relevant to the review. Any information or records provided to a team
22 pursuant to this subsection are confidential.

23 8. A multidisciplinary team organized or sponsored pursuant to this section
24 may, if appropriate, meet with any person, agency or organization that the team
25 believes may have information relevant to a review conducted by the team,
26 including, without limitation, a multidisciplinary team:

27 (a) To review the death of the victim of a crime that constitutes domestic
28 violence organized or sponsored pursuant to NRS 217.475;

29 (b) To review any allegations of abuse, neglect, exploitation, ~~for~~ isolation *or*
30 *abandonment* of an older person or the death of an older person that is alleged to be
31 from abuse, neglect, ~~for~~ isolation *or* *abandonment* organized pursuant to NRS
32 228.270;

33 (c) To review the death of a child organized pursuant to NRS 432B.405; or

34 (d) To oversee the review of the death of a child organized pursuant to NRS
35 432B.4075.

36 9. Except as otherwise provided in subsection 10, each member of a
37 multidisciplinary team organized or sponsored pursuant to this section is immune
38 from civil or criminal liability for an activity related to the review of the death of a
39 victim.

40 10. Each member of a multidisciplinary team organized or sponsored
41 pursuant to this section who discloses any confidential information concerning the
42 death of a child is personally liable for a civil penalty of not more than \$500.

43 11. The Attorney General:

44 (a) May bring an action to recover a civil penalty imposed pursuant to
45 subsection 10 against a member of a multidisciplinary team organized or sponsored
46 pursuant to this section; and

47 (b) Shall deposit any money received from the civil penalty with the State
48 Treasurer for credit to the State General Fund.

49 12. The results of a review of the death of a victim conducted pursuant to this
50 section are not admissible in any civil action or proceeding.

51 13. A multidisciplinary team organized or sponsored pursuant to this section
52 shall submit a report of its activities to the Attorney General. The report must
53 include, without limitation, the findings and recommendations of the team. The

1 report must not include information that identifies any person involved in a
2 particular case under review. The Attorney General shall make the report available
3 to the public.

4 **Sec. 33.** NRS 289.510 is hereby amended to read as follows:

5 289.510 1. The Commission:

6 (a) Shall meet at the call of the Chair, who must be elected by a majority vote
7 of the members of the Commission.

8 (b) Shall provide for and encourage the training and education of persons
9 whose primary duty is law enforcement to ensure the safety of the residents of and
10 visitors to this State.

11 (c) Shall adopt regulations establishing minimum standards for the certification
12 and decertification, recruitment, selection and training of peace officers. The
13 regulations must establish:

14 (1) Requirements for basic training for category I, category II and category
15 III peace officers and reserve peace officers;

16 (2) Standards for programs for the continuing education of peace officers,
17 including minimum courses of study and requirements concerning attendance;

18 (3) Qualifications for instructors of peace officers; and

19 (4) Requirements for the certification of a course of training.

20 (d) Shall, when necessary, present courses of training and continuing education
21 courses for category I, category II and category III peace officers and reserve peace
22 officers.

23 (e) May make necessary inquiries to determine whether the agencies of this
24 State and of the local governments are complying with standards set forth in its
25 regulations.

26 (f) Shall carry out the duties required of the Commission pursuant to NRS
27 432B.610 and 432B.620.

28 (g) May perform any other acts that may be necessary and appropriate to the
29 functions of the Commission as set forth in NRS 289.450 to 289.600, inclusive.

30 (h) May enter into an interlocal agreement with an Indian tribe to provide
31 training to and certification of persons employed as police officers by that Indian
32 tribe.

33 2. Regulations adopted by the Commission:

34 (a) Apply to all agencies of this State and of local governments in this State
35 that employ persons as peace officers;

36 (b) Must require that all peace officers receive training in the handling of cases
37 involving abuse or neglect of children or missing children;

38 (c) Must require that all peace officers receive training in the handling of cases
39 involving abuse, neglect, exploitation , ~~land~~ isolation *and abandonment* of older
40 persons; and

41 (d) May require that training be carried on at institutions which it approves in
42 those regulations.

43 **Sec. 34.** NRS 424.031 is hereby amended to read as follows:

44 424.031 1. The licensing authority or a person or entity designated by the
45 licensing authority shall obtain from appropriate law enforcement agencies
46 information on the background and personal history of each applicant for a license
47 to conduct a foster home, person who is licensed to conduct a foster home,
48 employee of that applicant or licensee, and resident of a foster home who is 18
49 years of age or older, other than a resident who remains under the jurisdiction of a
50 court pursuant to NRS 432B.594, to determine whether the person investigated has
51 been arrested for, has charges pending for or has been convicted of:

52 (a) Murder, voluntary manslaughter or mayhem;

(b) Any other felony involving the use or threatened use of force or violence against the victim or the use of a firearm or other deadly weapon;

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

(d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime or a felony relating to prostitution;

(e) Abuse or neglect of a child or contributory delinquency;

(f) 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;

(g) Abuse, neglect, exploitation, ~~test~~ isolation *or abandonment* 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;

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

(i) Any offense relating to pornography involving minors, including, without limitation, a violation of any provision of NRS 200.700 to 200.760, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

(j) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punishable as a misdemeanor, within the immediately preceding 7 years;

(k) A crime involving domestic violence that is punishable as a felony;

(l) A crime involving domestic violence that is punishable as a misdemeanor, within the immediately preceding 7 years;

(m) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;

(n) Any offense involving the sale, furnishing, purchase, consumption or possession of alcoholic beverages by a minor including, without limitation, a violation of any provision of NRS 202.015 to 202.067, inclusive, or driving a vehicle under the influence of alcohol or a controlled substance in violation of chapter 484C of NRS or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years; or

(o) An attempt or conspiracy to commit any of the offenses listed in this subsection within the immediately preceding 7 years.

2. The licensing authority or its approved designee may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

3. Unless a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history has been conducted pursuant to NRS 424.039, a person who is required to submit to an investigation pursuant to this section shall not have contact with a child in a foster home without supervision before the investigation of the background and personal history of the person has been conducted.

4. The licensing authority or its designee shall conduct an investigation of each licensee, employee and resident pursuant to this section at least once every 5 years after the initial investigation.

Sec. 35. NRS 424.145 is hereby amended to read as follows:

424.145 1. The licensing authority or a person designated by the licensing authority shall obtain from appropriate law enforcement agencies information on the background and personal history of each applicant for or holder of a license to conduct a foster care agency and each owner, member of the governing body, employee, paid consultant, contractor, volunteer or vendor of that applicant or licensee who may come into direct contact with a child placed by the foster care

1 agency, to determine whether the person investigated has been arrested for, has
2 charges pending for or has been convicted of:

3 (a) Murder, voluntary manslaughter or mayhem;

4 (b) Any other felony involving the use or threatened use of force or violence
5 against the victim or the use of a firearm or other deadly weapon;

6 (c) Assault with intent to kill or to commit sexual assault or mayhem;

7 (d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent
8 exposure or any other sexually related crime or a felony relating to prostitution;

9 (e) Abuse or neglect of a child or contributory delinquency;

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

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

17 (h) Any offense involving fraud, theft, embezzlement, burglary, robbery,
18 fraudulent conversion or misappropriation of property within the immediately
19 preceding 7 years;

20 (i) Any offense relating to pornography involving minors, including, without
21 limitation, a violation of any provision of NRS 200.700 to 200.760, inclusive, or a
22 law of any other jurisdiction that prohibits the same or similar conduct;

23 (j) Prostitution, solicitation, lewdness or indecent exposure, or any other
24 sexually related crime that is punishable as a misdemeanor, within the immediately
25 preceding 7 years;

26 (k) A crime involving domestic violence that is punishable as a felony;

27 (l) A crime involving domestic violence that is punishable as a misdemeanor,
28 within the immediately preceding 7 years;

29 (m) A criminal offense under the laws governing Medicaid or Medicare, within
30 the immediately preceding 7 years;

31 (n) Any offense involving the sale, furnishing, purchase, consumption or
32 possession of alcoholic beverages by a minor, including, without limitation, a
33 violation of any provision of NRS 202.015 to 202.067, inclusive, or driving a
34 vehicle under the influence of alcohol or a controlled substance in violation of
35 chapter 484C of NRS or a law of any other jurisdiction that prohibits the same or
36 similar conduct, within the immediately preceding 7 years; or

37 (o) An attempt or conspiracy to commit any of the offenses listed in this
38 subsection within the immediately preceding 7 years.

39 2. Unless a preliminary Federal Bureau of Investigation Interstate
40 Identification Index name-based check of the records of criminal history has been
41 conducted pursuant to NRS 424.039, a person who is required to submit to an
42 investigation pursuant to this section shall not have contact with a child in a foster
43 home without supervision before the investigation of the background and personal
44 history of the person is completed.

45 3. The licensing authority or its designee shall conduct an investigation of
46 each holder of a license to conduct a foster care agency and each owner, member of
47 a governing body, employee, paid consultant, contractor, volunteer or vendor who
48 may come into direct contact with a child placed by the foster care agency pursuant
49 to this section at least once every 5 years after the initial investigation.

50 **Sec. 36.** NRS 427A.1234 is hereby amended to read as follows:

51 427A.1234 1. The Specialist for the Rights of Elderly Persons shall:

(a) Provide advocacy and education relating to the legal rights of elderly persons and shall facilitate the development of legal services to assist elderly persons in securing and maintaining their legal rights.

(b) Provide, upon request, technical assistance, training and other support relating to the legal rights of elderly persons to:

(1) An attorney who is providing legal services for an elderly person;

(2) An employee of a law enforcement agency;

(3) The Ombudsman or an advocate;

(4) An employee of an office for protective services of any county; and

(5) An employee of the Division.

(c) Review existing and proposed policies, legislation and regulations that affect elderly persons and make recommendations as appropriate to the Administrator.

(d) Review and analyze information relating to the nature and extent of abuse, neglect, exploitation, ~~and~~ isolation *and abandonment* of elderly persons to identify services that need to be provided, including, without limitation:

(1) Methods of intervening on behalf of an elderly person to protect the elderly person from abuse, neglect, exploitation, ~~and~~ isolation *or abandonment*; and

(2) Enforcing the laws of this state governing abuse, neglect, exploitation, ~~and~~ isolation *and abandonment* of elderly persons.

2. The Specialist for the Rights of Elderly Persons may:

(a) Have access to, inspect, copy and subpoena all records in the possession of any clerk of a court, law enforcement agency or public or private institution, wherever situated, that relate to the abuse, neglect, exploitation, ~~and~~ isolation *or abandonment* of an elderly person.

(b) Have access to all written records in the possession of any person, government, governmental agency or political subdivision of a government that relate to the abuse, neglect, exploitation, ~~and~~ isolation *or abandonment* of an elderly person.

(c) Represent and assist any incompetent person until a guardian is appointed for that person.

(d) Use the information obtained pursuant to paragraphs (a) and (b) to resolve complaints relating to the abuse, neglect, exploitation, ~~and~~ isolation *or abandonment* of an elderly person.

(e) Develop services relating to financial management for an elderly person who is at risk of having a guardian or conservator appointed by a court to manage his or her property.

(f) Appear as amicus curiae on behalf of elderly persons in any court in this state.

(g) Perform such other functions as are necessary to carry out the duties and the functions of the office of the Specialist for the Rights of Elderly Persons.

Sec. 37. NRS 432A.170 is hereby amended to read as follows:

432A.170 1. The Division may, upon receipt of an application for a license to operate a child care facility, conduct an investigation into the:

(a) Buildings or premises of the facility and, if the application is for an outdoor youth program, the area of operation of the program;

(b) Qualifications and background of the applicant or the employees of the applicant;

(c) Method of operation for the facility; and

(d) Policies and purposes of the applicant.

2. The Division shall secure from appropriate law enforcement agencies information on the background and personal history of every applicant, licensee or

employee of an applicant or licensee, or every resident of a child care facility who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, to determine whether the person has been convicted of:

- (a) Murder, voluntary manslaughter or mayhem;
- (b) Any other felony involving the use of a firearm or other deadly weapon;
- (c) Assault with intent to kill or to commit sexual assault or mayhem;
- (d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;
- (e) Abuse or neglect of a child or contributory delinquency;
- (f) 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;
- (g) Abuse, neglect, exploitation, ~~for~~ isolation *or abandonment* 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
- (h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years.

3. The Division shall request information concerning every applicant, licensee or employee of an applicant or licensee, or every resident of a child care facility who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, from:

- (a) The Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report pursuant to NRS 432A.175; and
- (b) The Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100 to determine whether there has been a substantiated report of child abuse or neglect made against any of them.

4. The Division may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

5. The information required to be obtained pursuant to subsections 2 and 3 must be requested concerning an:

- (a) Employee of an applicant or licensee, resident of a child care facility who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older not later than 3 days after the employee is hired, the residency begins or the participant begins participating in the program, and then at least once every 5 years thereafter.

- (b) Applicant at the time that an application is submitted for licensure, and then at least once every 5 years after the license is issued.

6. A person who is required to submit to an investigation required pursuant to this section shall not have contact with a child in a child care facility without supervision before the investigation of the background and personal history of the person has been conducted.

Sec. 38. NRS 432B.198 is hereby amended to read as follows:

432B.198 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, to determine:

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

(1) Murder, voluntary manslaughter, involuntary manslaughter or mayhem;
(2) Any 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, ~~for~~ isolation *or abandonment* 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, 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, 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

1 Criminal History for submission to the Federal Bureau of Investigation for its
2 report; and

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

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

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

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

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

22 **Sec. 39.** NRS 433B.183 is hereby amended to read as follows:

23 433B.183 1. A division facility which provides residential treatment to
24 children shall secure from appropriate law enforcement agencies information on the
25 background and personal history of an employee of the facility to determine
26 whether the employee has been convicted of:

27 (a) Murder, voluntary manslaughter or mayhem;

28 (b) Any other felony involving the use of a firearm or other deadly weapon;

29 (c) Assault with intent to kill or to commit sexual assault or mayhem;

30 (d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent
31 exposure or any other sexually related crime;

32 (e) Abuse or neglect of a child or contributory delinquency;

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

36 (g) Abuse, neglect, exploitation, ~~isolation~~ *or abandonment* of older
37 persons or vulnerable persons, including, without limitation, a violation of any
38 provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other
39 jurisdiction that prohibits the same or similar conduct; or

40 (h) Any offense involving fraud, theft, embezzlement, burglary, robbery,
41 fraudulent conversion or misappropriation of property within the immediately
42 preceding 7 years.

43 2. An employee must submit to the Division two complete sets of fingerprints
44 and written authorization to forward those fingerprints to the Central Repository for
45 Nevada Records of Criminal History for submission to the Federal Bureau of
46 Investigation for its report.

47 3. The Division may exchange with the Central Repository or the Federal
48 Bureau of Investigation any information concerning the fingerprints submitted.

49 4. The Division may charge an employee investigated pursuant to this section
50 for the reasonable cost of that investigation.

51 5. An employee who is required to submit to an investigation required
52 pursuant to this section shall not have contact with a child in a division facility

1 without supervision before the investigation of the background and personal history
2 of the employee has been conducted.

3 6. The division facility shall conduct an investigation of each employee
4 pursuant to this section at least once every 5 years after the initial investigation.

5 **Sec. 40.** NRS 449.172 is hereby amended to read as follows:

6 449.172 If the Division suspends or revokes the license of a person who
7 operates a residential facility for groups for abuse, neglect, ~~for~~ **exploitation,**
8 isolation **or abandonment** of the occupants of the facility, the Division shall
9 suspend or revoke the license of all residential facilities for groups operated by that
10 person. The person who operates the facility shall move all of the persons who are
11 receiving services in the residential facilities for groups to other licensed residential
12 facilities for groups at his or her own expense.

13 **Sec. 41.** NRS 449.174 is hereby amended to read as follows:

14 449.174 1. In addition to the grounds listed in NRS 449.160, the Division
15 may deny a license to operate a facility, hospital, agency, program or home to an
16 applicant or may suspend or revoke the license of a licensee to operate such a
17 facility, hospital, agency, program or home if:

18 (a) The applicant or licensee has been convicted of:

19 (1) Murder, voluntary manslaughter or mayhem;
20 (2) Assault or battery with intent to kill or to commit sexual assault or
21 mayhem;

22 (3) Sexual assault, statutory sexual seduction, incest, lewdness or indecent
23 exposure, or any other sexually related crime that is punished as a felony;

24 (4) Prostitution, solicitation, lewdness or indecent exposure, or any other
25 sexually related crime that is punished as a misdemeanor, within the immediately
26 preceding 7 years;

27 (5) A crime involving domestic violence that is punished as a felony;

28 (6) A crime involving domestic violence that is punished as a
29 misdemeanor, within the immediately preceding 7 years;

30 (7) Abuse or neglect of a child or contributory delinquency;

31 (8) A violation of any federal or state law regulating the possession,
32 distribution or use of any controlled substance or any dangerous drug as defined in
33 chapter 454 of NRS, within the immediately preceding 7 years;

34 (9) Abuse, neglect, exploitation, ~~for~~ isolation **or abandonment** of older
35 persons or vulnerable persons, including, without limitation, a violation of any
36 provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other
37 jurisdiction that prohibits the same or similar conduct;

38 (10) A violation of any provision of law relating to the State Plan for
39 Medicaid or a law of any other jurisdiction that prohibits the same or similar
40 conduct, within the immediately preceding 7 years;

41 (11) A violation of any provision of NRS 422.450 to 422.590, inclusive;

42 (12) A criminal offense under the laws governing Medicaid or Medicare,
43 within the immediately preceding 7 years;

44 (13) Any offense involving fraud, theft, embezzlement, burglary, robbery,
45 fraudulent conversion or misappropriation of property, within the immediately
46 preceding 7 years;

47 (14) Any other felony involving the use or threatened use of force or
48 violence against the victim or the use of a firearm or other deadly weapon; or

49 (15) An attempt or conspiracy to commit any of the offenses listed in this
50 paragraph, within the immediately preceding 7 years;

51 (b) The licensee has, in violation of NRS 449.125, continued to employ a
52 person who has been convicted of a crime listed in paragraph (a); or

(c) The applicant or licensee has had a substantiated report of child abuse or neglect made against him or her and if the facility, hospital, agency, program or home provides residential services to children.

2. In addition to the grounds listed in NRS 449.160, the Division may suspend or revoke the license of a licensee to operate an agency to provide personal care services in the home or an agency to provide nursing in the home if the licensee has, in violation of NRS 449.125, continued to employ a person who has been convicted of a crime listed in paragraph (a) of subsection 1.

3. As used in this section:

(a) "Domestic violence" means an act described in NRS 33.018.

(b) "Facility, hospital, agency, program or home" has the meaning ascribed to it in NRS 449.119.

(c) "Medicaid" has the meaning ascribed to it in NRS 439B.120.

(d) "Medicare" has the meaning ascribed to it in NRS 439B.130.

Sec. 42. NRS 657.240 is hereby amended to read as follows:
657.240 "Exploitation" has the meaning ascribed to it in ~~subsection 2 of~~
NRS 200.5092.

Sec. 43. NRS 657.250 is hereby amended to read as follows:
657.250 "Older person" has the meaning ascribed to it in ~~subsection 5 of~~
NRS 200.5092.

Sec. 44. NRS 657.270 is hereby amended to read as follows:
657.270 "Vulnerable person" has the meaning ascribed to it in ~~subsection 7 of~~
NRS 200.5092.

Sec. 45. NRS 673.783 is hereby amended to read as follows:
673.783 "Exploitation" has the meaning ascribed to it in ~~subsection 2 of~~
NRS 200.5092.

Sec. 46. NRS 673.787 is hereby amended to read as follows:
673.787 "Older person" has the meaning ascribed to it in ~~subsection 5 of~~
NRS 200.5092.

Sec. 47. NRS 673.797 is hereby amended to read as follows:
673.797 "Vulnerable person" has the meaning ascribed to it in ~~subsection 7 of~~
NRS 200.5092.

Sec. 48. NRS 677.683 is hereby amended to read as follows:
677.683 "Exploitation" has the meaning ascribed to it in ~~subsection 2 of~~
NRS 200.5092.

Sec. 49. NRS 677.687 is hereby amended to read as follows:
677.687 "Older person" has the meaning ascribed to it in ~~subsection 5 of~~
NRS 200.5092.

Sec. 50. NRS 677.697 is hereby amended to read as follows:
677.697 "Vulnerable person" has the meaning ascribed to it in ~~subsection 7 of~~
NRS 200.5092.

Sec. 51. NRS 678.771 is hereby amended to read as follows:
678.771 "Exploitation" has the meaning ascribed to it in ~~subsection 2 of~~
NRS 200.5092.

Sec. 52. NRS 678.773 is hereby amended to read as follows:
678.773 "Older person" has the meaning ascribed to it in ~~subsection 5 of~~
NRS 200.5092.

Sec. 53. NRS 678.777 is hereby amended to read as follows:
678.777 "Vulnerable person" has the meaning ascribed to it in ~~subsection 7 of~~
NRS 200.5092.