

SENATE BILL NO. 60—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED DECEMBER 20, 2014

Referred to Committee on Judiciary

SUMMARY—Revises various provisions related to the Office of the Attorney General. (BDR 16-470)

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 the Office of the Attorney General; transferring authority over the application for a fictitious address from the Secretary of State to the Attorney General; requiring the clerk of the court rather than the prevailing party to deliver any court ruling declaring a provision of the Nevada Constitution or state law in violation of the Nevada Constitution or United States Constitution to the Office of the Attorney General; creating the Office of Military Legal Assistance in the Office of the Attorney General; creating the position of Victim Services Officer within the Office of the Attorney General; extending the date for expiration of the Substance Abuse Working Group; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Secretary of State to issue a fictitious address to a victim, or the parent or guardian of a victim, of domestic violence, human trafficking, sexual assault or stalking who applies for the issuance of a fictitious address. (NRS 217.462-217.471) **Sections 1-5 and 17** of this bill transfer the authority over this application process to the Office of the Attorney General.

Sections 10 and 11 of this bill create the Office of Military Legal Assistance in the Office of the Attorney General. **Section 12** of this bill creates the position of Victim Services Officer within the Office of the Attorney General. **Sections 12-15** of this bill further provide that the Victim Services Officer shall act as the Executive Director of the Committee on Domestic Violence, the Nevada Council for the Prevention of Domestic Violence, the Substance Abuse Working Group and



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the Victim Information Notification Everyday System, as well as carrying out other duties of the Office of the Attorney General. **Section 16** of this bill extends the termination date of the Substance Abuse Working Group from June 30, 2015, to June 30, 2019.

Existing law requires the prevailing party in a proceeding where the Nevada Supreme Court, a district court or a justice court holds that a provision of the Nevada Constitution or Nevada Revised Statutes violates a provision of the Nevada Constitution or the United States Constitution to deliver a copy of the ruling to the Office of the Attorney General. (NRS 2.165, 3.241, 4.235) **Sections 6-8** of this bill transfer this requirement from the prevailing party to the clerk of the court.

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

Section 1. NRS 217.462 is hereby amended to read as follows:

217.462 1. An adult person, a parent or guardian acting on behalf of a child, or a guardian acting on behalf of an incompetent person may apply to the ~~{Secretary of State}~~ **Attorney General** to have a fictitious address designated by the ~~{Secretary of State}~~ **Attorney General** serve as the address of the adult, child or incompetent person.

2. An application for the issuance of a fictitious address must include:

(a) Specific evidence showing that the adult, child or incompetent person has been a victim of domestic violence, human trafficking, sexual assault or stalking before the filing of the application;

(b) The address that is requested to be kept confidential;

(c) A telephone number at which the ~~{Secretary of State}~~ **Attorney General** may contact the applicant;

(d) A question asking whether the person wishes to:

(1) Register to vote; or

(2) Change the address of his or her current registration;

(e) A designation of the ~~{Secretary of State}~~ **Attorney General** as agent for the adult, child or incompetent person for the purposes of:

(1) Service of process; and

(2) Receipt of mail;

(f) The signature of the applicant;

(g) The date on which the applicant signed the application; and

(h) Any other information required by the ~~{Secretary of State.}~~ **Attorney General.**

3. It is unlawful for a person knowingly to attest falsely or provide incorrect information in the application. A person who violates this subsection is guilty of a misdemeanor.



1 4. The ~~{Secretary of State}~~ **Attorney General** shall approve an
2 application if it is accompanied by specific evidence, such as a copy
3 of an applicable record of conviction, a temporary restraining order
4 or other protective order, that the adult, child or incompetent person
5 has been a victim of domestic violence, human trafficking, sexual
6 assault or stalking before the filing of the application.

7 5. The ~~{Secretary of State}~~ **Attorney General** shall approve or
8 disapprove an application for a fictitious address within 5 business
9 days after the application is filed.

10 **Sec. 2.** NRS 217.464 is hereby amended to read as follows:

11 217.464 1. If the ~~{Secretary of State}~~ **Attorney General**
12 approves an application, the ~~{Secretary of State}~~ **Attorney General**
13 shall:

14 (a) Designate a fictitious address for the participant; and

15 (b) Forward mail that the ~~{Secretary of State}~~ **Attorney General**
16 receives for a participant to the participant.

17 2. The ~~{Secretary of State}~~ **Attorney General** shall not make
18 any records containing the name, confidential address or fictitious
19 address of a participant available for inspection or copying, unless:

20 (a) The address is requested by a law enforcement agency, in
21 which case the ~~{Secretary of State}~~ **Attorney General** shall make the
22 address available to the law enforcement agency; or

23 (b) The ~~{Secretary of State}~~ **Attorney General** is directed to do
24 so by lawful order of a court of competent jurisdiction, in which
25 case the ~~{Secretary of State}~~ **Attorney General** shall make the
26 address available to the person identified in the order.

27 3. If a pupil is attending or wishes to attend a public school that
28 is located outside the zone of attendance as authorized by paragraph
29 (c) of subsection 2 of NRS 388.040 or a public school that is located
30 in a school district other than the school district in which the pupil
31 resides as authorized by NRS 392.016, the ~~{Secretary of State}~~
32 **Attorney General** shall, upon request of the public school that the
33 pupil is attending or wishes to attend, inform the public school of
34 whether the pupil is a participant and whether the parent or legal
35 guardian with whom the pupil resides is a participant. The
36 ~~{Secretary of State}~~ **Attorney General** shall not provide any other
37 information concerning the pupil or the parent or legal guardian of
38 the pupil to the public school.

39 **Sec. 3.** NRS 217.466 is hereby amended to read as follows:

40 217.466 If a participant indicates to the ~~{Secretary of State}~~
41 **Attorney General** that the participant wishes to register to vote or
42 change the address of his or her current registration, the ~~{Secretary~~
43 ~~of State}~~ **Attorney General** shall furnish the participant with the
44 form developed by the Secretary of State pursuant to the provisions
45 of NRS 293.5002.



Sec. 4. NRS 217.468 is hereby amended to read as follows:

217.468 1. Except as otherwise provided in subsections 2 and 3, the ~~{Secretary of State}~~ **Attorney General** shall cancel the fictitious address of a participant 4 years after the date on which the ~~{Secretary of State}~~ **Attorney General** approved the application.

2. The ~~{Secretary of State}~~ **Attorney General** shall not cancel the fictitious address of a participant if, before the fictitious address of the participant is cancelled, the participant shows to the satisfaction of the ~~{Secretary of State}~~ **Attorney General** that the participant remains in imminent danger of becoming a victim of domestic violence, human trafficking, sexual assault or stalking.

3. The ~~{Secretary of State}~~ **Attorney General** may cancel the fictitious address of a participant at any time if:

(a) The participant changes his or her confidential address from the one listed in the application and fails to notify the ~~{Secretary of State}~~ **Attorney General** within 48 hours after the change of address;

(b) The ~~{Secretary of State}~~ **Attorney General** determines that false or incorrect information was knowingly provided in the application; or

(c) The participant files a declaration or acceptance of candidacy pursuant to NRS 293.177 or 293C.185.

Sec. 5. NRS 217.471 is hereby amended to read as follows:

217.471 The ~~{Secretary of State}~~ **Attorney General** shall adopt procedures to carry out the provisions of NRS 217.462 to 217.471, inclusive.

Sec. 6. NRS 2.165 is hereby amended to read as follows:

2.165 If the Supreme Court holds that a provision of the Nevada Constitution or the Nevada Revised Statutes violates a provision of the Nevada Constitution or the United States Constitution, the ~~{prevailing party in the proceeding}~~ **Clerk of the Supreme Court** shall provide a copy of the ruling to the Office of the Attorney General.

Sec. 7. NRS 3.241 is hereby amended to read as follows:

3.241 If a district court holds that a provision of the Nevada Constitution or the Nevada Revised Statutes violates a provision of the Nevada Constitution or the United States Constitution, the ~~{prevailing party in the proceeding}~~ **clerk of the district court** shall provide a copy of the ruling to the Office of the Attorney General.

Sec. 8. NRS 4.235 is hereby amended to read as follows:

4.235 If a justice court holds that a provision of the Nevada Constitution or the Nevada Revised Statutes violates a provision of the Nevada Constitution or the United States Constitution, the ~~{prevailing party in the proceeding}~~ **clerk of the court** shall provide a copy of the ruling to the Office of the Attorney General.



1 **Sec. 9.** Chapter 228 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 10, 11 and 12 of this act.

3 **Sec. 10.** *The Office of Military Legal Assistance is hereby*
4 *created in the Office of the Attorney General.*

5 **Sec. 11.** 1. *The Office of Military Legal Assistance may*
6 *facilitate the delivery of legal assistance programs, pro bono*
7 *services and self-help services to current and former military*
8 *personnel in this State.*

9 2. *The Attorney General may apply for and accept grants,*
10 *gifts, donations, bequests or devises on behalf of the Office of*
11 *Military Legal Assistance which must be used to carry out the*
12 *functions of the Office of Military Legal Assistance.*

13 **Sec. 12.** 1. *The position of Victim Services Officer is hereby*
14 *created within the Office of the Attorney General.*

15 2. *The Attorney General shall appoint a person to serve as the*
16 *Victim Services Officer.*

17 3. *The Victim Services Officer is in the unclassified service of*
18 *the State.*

19 4. *The Victim Services Officer shall serve as the Executive*
20 *Director of:*

21 (a) *The Committee on Domestic Violence appointed pursuant*
22 *to NRS 228.470;*

23 (b) *The Nevada Council for the Prevention of Domestic*
24 *Violence created pursuant to NRS 228.480;*

25 (c) *The Substance Abuse Working Group created pursuant to*
26 *NRS 228.800;*

27 (d) *The Victim Information Notification Everyday System*
28 *created by NRS 228.205; and*

29 (e) *A multidisciplinary team to review the death of the victim*
30 *of a crime that constitutes domestic violence organized or*
31 *sponsored by the Attorney General pursuant to NRS 228.495.*

32 5. *Under the direction of the Attorney General, the Victim*
33 *Services Officer shall carry out the provisions of NRS 217.462 to*
34 *217.471, inclusive.*

35 **Sec. 13.** NRS 228.205 is hereby amended to read as follows:

36 228.205 1. There is hereby created in the Office of the
37 Attorney General the Victim Information Notification Everyday
38 System, which consists of a toll-free telephone number and an
39 Internet website through which victims of crime and members of the
40 public may register to receive automated information and
41 notification concerning changes in the custody status of an offender.

42 2. The Attorney General shall:

43 (a) Appoint a subcommittee of the Nevada Council for the
44 Prevention of Domestic Violence created by NRS 228.480 to serve
45 as the Governance Committee for the System; and



(b) Consider nominations by the Council when appointing members of the Governance Committee.

3. The Governance Committee may adopt policies, protocols and regulations for the operation and oversight of the System.

4. The Attorney General may apply for and accept gifts, grants and donations for use in carrying out the provisions of this section.

5. To the extent of available funding, each sheriff and chief of police, the Department of Corrections, the Department of Public Safety and the State Board of Parole Commissioners shall cooperate with the *Office of the* Attorney General to establish and maintain the System.

6. The failure of the System to notify a victim of a crime of a change in the custody status of an offender does not establish a basis for any cause of action by the victim or any other party against the State, its political subdivisions, or the agencies, boards, commissions, departments, officers or employees of the State or its political subdivisions.

7. As used in this section:

(a) "Custody status" means the transfer of the custody of an offender or the release or escape from custody of an offender.

(b) "Offender" means a person convicted of a crime and sentenced to imprisonment in a county jail or in the state prison.

Sec. 14. NRS 228.800 is hereby amended to read as follows:

228.800 1. The Substance Abuse Working Group is hereby created within the Office of the Attorney General.

2. The Working Group consists of the ~~Attorney General~~ *Victim Services Officer appointed pursuant to section 12 of this act* and nine members appointed by the Attorney General.

3. The ~~Attorney General~~ *Victim Services Officer* is the ex officio Chair of the Working Group.

4. The Working Group shall annually elect a Vice Chair and Secretary from among its members.

5. Each member who is appointed to the Working Group serves a term of 2 years. Members may be reappointed for additional terms of 2 years. Any vacancy occurring in the membership of the Working Group must be filled not later than 30 days after the vacancy occurs.

6. The members of the Working Group serve without compensation and are not entitled to the per diem and travel expenses provided for state officers and employees generally.

7. Each member of the Working Group who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation so that the officer or employee may prepare for and attend meetings of the Working Group and perform any work necessary to carry out



1 the duties of the Working Group in the most timely manner
2 practicable. A state agency or political subdivision of this State shall
3 not require an officer or employee who is a member of the Working
4 Group to make up the time the officer or employee is absent from
5 work to carry out duties as a member of the Working Group or use
6 annual leave or compensatory time for the absence.

7 8. The Attorney General shall provide such administrative
8 support to the Working Group as is necessary to carry out the duties
9 of the Working Group.

10 **Sec. 15.** Section 12 of this act is hereby amended to read as
11 follows:

12 Sec. 12. 1. The position of Victim Services Officer is
13 hereby created within the Office of the Attorney General.

14 2. The Attorney General shall appoint a person to serve
15 as the Victim Services Officer.

16 3. The Victim Services Officer is in the unclassified
17 service of the State.

18 4. The Victim Services Officer shall serve as the
19 Executive Director of:

20 (a) The Committee on Domestic Violence appointed
21 pursuant to NRS 228.470;

22 (b) The Nevada Council for the Prevention of Domestic
23 Violence created pursuant to NRS 228.480;

24 (c) ~~[The Substance Abuse Working Group created~~
25 ~~pursuant to NRS 228.800;~~

26 ~~—(d)—~~ The Victim Information Notification Everyday
27 System created by NRS 228.205; and

28 ~~(e)~~ (d) A multidisciplinary team to review the death of
29 the victim of a crime that constitutes domestic violence
30 organized or sponsored by the Attorney General pursuant to
31 NRS 228.495.

32 5. Under the direction of the Attorney General, the
33 Victim Services Officer shall carry out the provisions of NRS
34 217.462 to 217.471, inclusive.

35 **Sec. 16.** Section 5 of chapter 89, Statutes of Nevada 2011, at
36 page 367, is hereby amended to read as follows:

37 Sec. 5. This act becomes effective on July 1, 2011, and
38 expires by limitation on June 30, ~~2015.~~ 2019.

39 **Sec. 17.** 1. Any administrative regulations adopted by an
40 officer, agency or other entity whose name has been changed or
41 whose responsibilities have been transferred pursuant to the
42 provisions of this act to another officer, agency or other entity
43 remain in force until amended by the officer, agency or other entity
44 to which the responsibility for the adoption of regulations is
45 transferred.



1 2. Any contracts or other agreements entered into by an officer,
2 agency or other entity whose name has been changed or whose
3 responsibilities have been transferred pursuant to the provisions of
4 this act to another officer, agency or other entity are binding upon
5 the officer, agency or other entity to which the responsibility for the
6 administration of the provisions of the contract or other agreement
7 have been transferred. Such contracts and other agreements may be
8 enforced by the officer, agency or other entity to which the
9 responsibility for the enforcement of the provisions of the contract
10 or other agreement have been transferred.

11 3. Any actions taken by an officer, agency, or other entity
12 whose name has been changed or whose responsibilities have been
13 transferred pursuant to the provisions of this act to another officer,
14 agency or other entity remain in effect as if taken by the officer,
15 agency or other entity to which the responsibility for the
16 enforcement of such actions was transferred.

17 **Sec. 18.** 1. This section and section 16 of this act become
18 effective upon passage and approval.

19 2. Sections 1 to 14, inclusive, and 17 of this act become
20 effective on October 1, 2015.

21 3. Section 15 of this act becomes effective on July 1, 2019.

