

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; creating the Office of Military Legal Assistance in 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:

- 1 Existing law authorizes the Secretary of State to issue a fictitious address to a
2 victim, or the parent or guardian of a victim, of domestic violence, human
3 trafficking, sexual assault or stalking who applies for the issuance of a fictitious
4 address. (NRS 217.462-217.471) **Sections 1-5 and 17** of this bill transfer the
5 authority over this application process to the Office of the Attorney General.
6 **Sections 10 and 11** of this bill create the Office of Military Legal Assistance in
7 the Office of the Attorney General. **Section 16** of this bill extends the termination
8 date of the Substance Abuse Working Group from June 30, 2015, to June 30, 2019.

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

- 1 **Section 1.** NRS 217.462 is hereby amended to read as follows:
2 217.462 1. An adult person, a parent or guardian acting on
3 behalf of a child, or a guardian acting on behalf of an incompetent
4 person may apply to the ~~Secretary of State~~ ***Attorney General*** to



1 have a fictitious address designated by the ~~{Secretary of State}~~
2 **Attorney General** serve as the address of the adult, child or
3 incompetent person.

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

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

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

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

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

14 (1) Register to vote; or

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

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

19 (1) Service of process; and

20 (2) Receipt of mail;

21 (f) The signature of the applicant;

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

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

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

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

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

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

38 217.464 1. If the ~~{Secretary of State}~~ **Attorney General**
39 approves an application, the ~~{Secretary of State}~~ **Attorney General**
40 shall:

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

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



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

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

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

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

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

217.466 If a participant indicates to the ~~{Secretary of State}~~ **Attorney General** that the participant wishes to register to vote or change the address of his or her current registration, the ~~{Secretary of State}~~ **Attorney General** shall furnish the participant with the form developed by the Secretary of State pursuant to the provisions 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. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

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

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

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

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

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

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

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

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

2. Any contracts or other agreements entered into by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity are binding upon the officer, agency or other entity to which the responsibility for the administration of the provisions of the contract or other agreement



1 have been transferred. Such contracts and other agreements may be
2 enforced by the officer, agency or other entity to which the
3 responsibility for the enforcement of the provisions of the contract
4 or other agreement have been transferred.

5 3. Any actions taken by an officer, agency, or other entity
6 whose name has been changed or whose responsibilities have been
7 transferred pursuant to the provisions of this act to another officer,
8 agency or other entity remain in effect as if taken by the officer,
9 agency or other entity to which the responsibility for the
10 enforcement of such actions was transferred.

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

13 2. Sections 1 to 5, inclusive, 9, 10, 11 and 17 of this act
14 become effective on July 1, 2015.

