

CHAPTER.....

AN ACT relating to information concerning persons; requiring a petition for a change of name of a person who has a criminal record to be accompanied by a complete set of fingerprints; requiring a complete set of fingerprints to accompany certain court orders relating to a change of name of a person who has a criminal record; requiring a peace officer to obtain and forward to the Central Repository for Nevada Records of Criminal History a complete set of fingerprints of a person who is detained and cited for domestic violence; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the requirements for a petition by which a natural person may request a change of name. (NRS 41.270) **Section 1** of this bill requires such a petition to be accompanied by a complete set of the person's fingerprints if the person has a criminal record.

Existing law requires a court which grants a change of name to a person who has a criminal record or which rescinds its order granting a change of name of a person who falsely denied having been convicted of a felony to transmit a copy of the applicable order to the Central Repository for Nevada Records of Criminal History for inclusion in that person's record of criminal history. (NRS 41.290) **Section 1.5** of this bill requires the applicable order to be accompanied by a complete set of the person's fingerprints.

Existing law requires a peace officer who detains and cites a person for a violation of an ordinance or state law that is punishable as a misdemeanor and constitutes domestic violence to obtain not less than one fingerprint from the person and forward any fingerprint taken to the Central Repository for Nevada Records of Criminal History. (NRS 171.1229) **Section 2** of this bill requires that a complete set of the person's fingerprints be sent to the Central Repository.

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

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

Section 1. NRS 41.270 is hereby amended to read as follows:

41.270 Any natural person desiring to have his or her name changed may file a verified petition with the clerk of the district court of the district in which the person resides. The petition ~~{shall}~~ ***must*** be addressed to the court and ~~{shall}~~ ***must*** state the applicant's present name, the name which the applicant desires to bear in the future, the reason for desiring the change and whether the applicant has been convicted of a felony. ***If the applicant has a criminal record, the petition must be accompanied by a complete set of the***



applicant's fingerprints taken in the manner prescribed by the Director of the Department of Public Safety.

Sec. 1.5. NRS 41.290 is hereby amended to read as follows:

41.290 1. If, within 10 days after the last publication of the notice, no written objection is filed with the clerk, upon proof of the filing of the petition and publication of notice as required in NRS 41.280, and upon being satisfied by the statements in the petition, or by other evidence, that good reason exists therefor, the court shall make an order changing the name of the applicant as prayed for in the petition. If, within the period an objection is filed, the court shall appoint a day for hearing the proofs, respectively, of the applicant and the objection, upon reasonable notice. Upon that day, the court shall hear the proofs, and grant or refuse the prayer of the petitioner, according to whether the proofs show satisfactory reasons for making the change. Before issuing its order, the court shall specifically take into consideration the applicant's criminal record, if any, which is stated in the petition.

2. Upon the making of an order either granting or denying the prayer of the applicant, the order must be recorded as a judgment of the court. If the petition is granted, the name of the applicant must thereupon be as stated in the order and the clerk shall transmit a certified copy of the order to the State Registrar of Vital Statistics.

3. If an order grants a change of name to a person who has a criminal record, the clerk shall transmit a certified copy of the order to the Central Repository for Nevada Records of Criminal History for inclusion in that person's record of criminal history. *The order must be accompanied by a complete set of the person's fingerprints taken in the manner prescribed by the Director of the Department of Public Safety.*

4. Upon receiving uncontrovertible proof that an applicant in the petition falsely denied having been convicted of a felony, the court shall rescind its order granting the change of name and the clerk shall transmit a certified copy of the order rescinding the previous order to:

(a) The State Registrar of Vital Statistics for inclusion in the State Registrar's records.

(b) The Central Repository for Nevada Records of Criminal History, *accompanied by a complete set of the applicant's fingerprints taken in the manner prescribed by the Director of the Department of Public Safety*, for inclusion in the applicant's record of criminal history.

Sec. 2. NRS 171.1229 is hereby amended to read as follows:

171.1229 If a peace officer:



1. Detains a person for violating a county, city or town ordinance or state law that:

- (a) Is punishable as a misdemeanor; and
- (b) Constitutes domestic violence pursuant to NRS 33.018; and

2. Issues the person a citation in lieu of taking the person before a magistrate,

↳ the peace officer shall , *in the manner prescribed by the Director of the Department of Public Safety*, obtain ~~not less than one fingerprint~~ *a complete set of fingerprints* of the person and ~~shall~~ forward ~~any fingerprint taken~~ *those fingerprints* and the report that the peace officer is required to prepare pursuant to NRS 171.1227 to the Central Repository for Nevada Records of Criminal History.

Sec. 3. This act becomes effective on July 1, 2017.

