

ASSEMBLY BILL NO. 26—COMMITTEE ON
CORRECTIONS, PAROLE, AND PROBATION

(ON BEHALF OF THE DEPARTMENT OF PUBLIC SAFETY)

PREFILED NOVEMBER 16, 2016

Referred to Committee on Corrections,
Parole, and Probation

SUMMARY—Revises provisions governing the dissemination of certain records of criminal history to certain persons by the Central Repository for Nevada Records of Criminal History. (BDR 14-138)

FISCAL NOTE: Effect on Local Government: No.
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 criminal records; revising provisions governing the dissemination of records of criminal history from the Central Repository for Nevada Records of Criminal History pursuant to name-based searches conducted by a service within the Central Repository; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law establishes within the Central Repository for Nevada Records of
- 2 Criminal History a service to conduct a name-based search of records of criminal
- 3 history of an employee, prospective employee, volunteer or prospective volunteer.
- 4 (NRS 179A.103) This bill authorizes an employment screening service which has
- 5 entered into a contract with the Central Repository to inquire about, obtain and
- 6 provide those records of criminal history to the employer or volunteer organization
- 7 if the service maintains records of its dissemination of the records of criminal
- 8 history. This bill also removes the limitation that only allowed employers in this
- 9 state to use the services so that out of state employers also have access.



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

Section 1. NRS 179A.103 is hereby amended to read as follows:

179A.103 1. There is hereby established within the Central Repository a service to conduct a name-based search of records of criminal history of an employee, prospective employee, volunteer or prospective volunteer.

2. An eligible person that wishes to participate in the service must enter into a contract with the Central Repository.

3. The Central Repository may charge a reasonable fee for participation in the service.

4. ~~HA~~ *An authorized* participant of the service may inquire about the records of criminal history of an employee, prospective employee, volunteer or prospective volunteer to determine the suitability of the employee or prospective employee for employment or the suitability of the volunteer or prospective volunteer for volunteering.

5. The Central Repository shall disseminate to ~~HA~~ *an authorized* participant of the service information which:

(a) Reflects convictions only; or

(b) Pertains to an incident for which an employee, prospective employee, volunteer or prospective volunteer is currently within the system of criminal justice, including parole or probation.

6. An employee, prospective employee, volunteer or prospective volunteer who is proposed to be the subject of a name-based search must provide his or her written consent for the Central Repository to perform the search and to release the information to ~~HA~~ *an authorized* participant. The written consent form may be:

(a) A form designated by the Central Repository; or

(b) If the *authorized* participant is an employment screening service, a form that complies with the provisions of 15 U.S.C. § 1681b(b)2 for the procurement of a consumer report.

7. An employment screening service that is designated to receive records of criminal history on behalf of an employer or volunteer organization may provide such records of criminal history to the employer or volunteer organization ~~HA~~ *, if the employment screening service maintains records of its dissemination of the records of criminal history.*

8. The Central Repository may audit ~~HA~~ *an authorized* participant, at such times as the Central Repository deems necessary, to ensure that records of criminal history are securely maintained.



* A B 2 6 R 1 *

1 9. The Central Repository may terminate participation in the
2 service if ~~it~~ *an authorized* participant fails:

- 3 (a) To pay the fees required to participate in the service; or
4 (b) To address, within a reasonable period, deficiencies
5 identified in an audit conducted pursuant to subsection 8.

6 10. As used in this section:

7 (a) *“Authorized participant” means an eligible person who has*
8 *entered into a contract with the Central Repository to participate*
9 *in the service established pursuant to subsection 1.*

10 (b) “Consumer report” has the meaning ascribed to it in 15
11 U.S.C. § 1681a(d).

12 ~~(b)~~ (c) “Eligible person” includes:

- 13 (1) An employer.
14 (2) A volunteer organization.
15 (3) An employment screening service.

16 ~~(c)~~ (d) “Employer” means a person ~~in this State~~ that:

- 17 (1) Employs an employee; or
18 (2) Enters into a contract with an independent contractor.

19 ~~(d)~~ (e) “Employment” includes performing services for an
20 employer as an independent contractor.

21 ~~(e)~~ (f) “Employment screening service” means a person or
22 entity designated by an employer or volunteer organization to
23 provide employment or volunteer screening services to the employer
24 or volunteer organization.

25 **Sec. 2.** This act becomes effective upon passage and approval.

