

Amendment No. 394

Assembly Amendment to Assembly Bill No. 207	(BDR 1-648)
<b>Proposed by:</b> Assembly Committee on Judiciary	
<b>Amends:</b> 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.

VG/NCA



Date: 4/20/2017

A.B. No. 207—Revises provisions governing juries. (BDR 1-648)





ASSEMBLY BILL NO. 207—~~ASSEMBLYMAN~~ ASSEMBLYMEN FUMO, MILLER, OHRENSCHALL, THOMPSON; MCCURDY II, MONROE-MORENO AND YEAGER

PREFILED FEBRUARY 13, 2017

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing juries. (BDR 1-648)

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 juries; revising the provisions governing the selection of jurors; requiring the jury commissioner to report certain information about trial jurors to the ~~Office of the Attorney General;~~ Court Administrator; prohibiting certain conduct relating to the use of certain employment information; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, a district court is authorized to assign a jury commissioner to select trial jurors. Existing law provides that the jury commissioner assigned to select trial jurors is required to select jurors from qualified electors of the county not exempt from jury duty, whether registered as voters or not. (NRS 6.045) Existing law further requires the Department of Motor Vehicles to provide a list of registered owners of motor vehicles and a list of licensed drivers for use in selecting jurors. (NRS 482.171, 483.225) Certain public utilities are also required to provide a list of customers for use in the selection of jurors. (NRS 704.206) ~~Section 4.4~~ Section 4.5 of this bill requires the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to provide a list of persons who receive benefits for use in jury selection.

**Section 1** of this bill revises the process for selecting trial jurors by requiring the jury commissioner to compile and maintain a list of qualified electors from information provided by: (1) a list of persons who are registered to vote in the county; (2) the Department of Motor Vehicles; (3) the Employment Security Division of the Department of Employment, Training and Rehabilitation; and (4) certain public utilities. **Section 1** also requires the jury commissioner to ;(1) keep a record of the name, occupation, address and race of each trial juror who is selected and of each trial juror who appears for jury service; and (2) report this information twice ~~once~~ a year to the ~~Office of the Attorney General;~~ Court Administrator.

Existing law makes confidential the employment information collected by the Employment Security Division of the Department of Employment, Training and Rehabilitation and prohibits the release of such information except for limited purposes. (NRS 612.265) Section 4.5 provides that if, in addition to those acts prohibited by existing law, certain persons use information collected by the Division for purposes other than those authorized by the Administrator or by law, or fail to protect and prevent the unauthorized use or dissemination of such information, the person is guilty of a gross misdemeanor.

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

**Section 1.** NRS 6.045 is hereby amended to read as follows:

6.045 1. The district court may by rule of court designate the clerk of the court, one of the clerk's deputies or another person as a jury commissioner, and may assign to the jury commissioner such administrative duties in connection with trial juries and jurors as the court finds desirable for efficient administration.

2. If a jury commissioner is so selected, the jury commissioner shall from time to time estimate the number of trial jurors which will be required for attendance on the district court and shall select that number from the qualified electors of the county not exempt by law from jury duty, whether registered as voters or not. The jurors may be selected by computer whenever procedures to assure random selection from computerized lists are established by the jury commissioner. ~~The jury commissioner shall keep a record of the name, occupation and address of each person selected.~~

3. *The jury commissioner shall, for the purpose of selecting trial jurors, compile and maintain a list of qualified electors from information provided by:*

*(a) A list of persons who are registered to vote in the county;*

*(b) The Department of Motor Vehicles pursuant to NRS 482.171 and 483.225;*

*(c) The Employment Security Division of the Department of Employment, Training and Rehabilitation pursuant to ~~section 4 of this act~~ NRS 612.265; and*

*(d) A public utility pursuant to NRS 704.206.*

4. *In compiling and maintaining the list of qualified electors, the jury commissioner shall avoid duplication of names.*

5. *The jury commissioner shall:*

*(a) Keep a record of the name, occupation, address and race of each trial juror selected ~~;~~ and pursuant to subsection 2;*

*(b) Keep a record of the name, occupation, address and race of each trial juror who appears for jury service; and*

*(c) Prepare and submit a report to the ~~Office of the Attorney General~~ Court Administrator which must:*

*(1) Include statistics from the records required to be maintained by the jury commissioner pursuant to this subsection, including, without limitation, the name, occupation, address and race of each trial juror who is selected ~~;~~ and of each trial juror who appears for jury service;*

*(2) Be submitted at least ~~twice~~ once a year ~~;~~ and*

*(3) Be submitted in the time and manner prescribed by the Court Administrator.*

6. The jury commissioner shall not select the name of any person whose name was selected the previous year, and who actually served on the jury by attending in court in response to the venire from day to day until excused from further attendance by order of the court, unless there are not enough other suitable jurors in the county to do the required jury duty.

**Sec. 2.** NRS 482.171 is hereby amended to read as follows:

482.171 1. The Department shall provide a list of registered owners of motor vehicles in any county upon the request of a district judge *or jury commissioner* of the judicial district in which the county lies for use by the district judge *or jury commissioner* for purposes of jury selection.

2. The court ~~which~~ *or jury commissioner who* requests the list shall reimburse the Department for the reasonable cost of the list.

**Sec. 3.** NRS 483.225 is hereby amended to read as follows:

483.225 1. The Department shall provide a list of licensed drivers in any county upon the request of a district judge *or jury commissioner* of the judicial district in which the county lies for use in selecting jurors.

2. The court ~~which~~ *or jury commissioner who* requests the list shall reimburse the Department for the reasonable cost of the list.

**Sec. 4.** ~~Chapter 612 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. The Division shall provide a list of persons who receive benefits in any county upon the request of any district judge or jury commissioner of the judicial district in which the county lies for use in the selection of jurors.~~

~~2. The court or jury commissioner who requests the list of such persons shall reimburse the Division for the reasonable cost of compiling the list.~~  
(Deleted by amendment.)

**Sec. 4.5.** NRS 612.265 is hereby amended to read as follows:

612.265 1. Except as otherwise provided in this section and NRS 239.0115 and 612.642, information obtained from any employing unit or person pursuant to the administration of this chapter and any determination as to the benefit rights of any person is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's or employing unit's identity.

2. Any claimant or a legal representative of a claimant is entitled to information from the records of the Division, to the extent necessary for the proper presentation of the claimant's claim in any proceeding pursuant to this chapter. A claimant or an employing unit is not entitled to information from the records of the Division for any other purpose.

3. The Administrator may, in accordance with a cooperative agreement among all participants in the statewide longitudinal data system developed pursuant to NRS 400.040, make the information obtained by the Division available to:

(a) The Board of Regents of the University of Nevada for the purpose of complying with the provisions of subsection 4 of NRS 396.531; and

(b) The Director of the Department of Employment, Training and Rehabilitation for the purpose of complying with the provisions of paragraph (d) of subsection 1 of NRS 232.920.

4. Subject to such restrictions as the Administrator may by regulation prescribe, the information obtained by the Division may be made available to:

(a) Any agency of this or any other state or any federal agency charged with the administration or enforcement of laws relating to unemployment compensation, public assistance, workers' compensation or labor and industrial relations, or the maintenance of a system of public employment offices;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation;

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS; and

(f) The Secretary of State to operate the state business portal established pursuant to chapter 75A of NRS for the purposes of verifying that data submitted via the portal has satisfied the necessary requirements established by the Division, and as necessary to maintain the technical integrity and functionality of the state business portal established pursuant to chapter 75A of NRS.

1     ↪ Information obtained in connection with the administration of the Division may  
2     be made available to persons or agencies for purposes appropriate to the operation  
3     of a public employment service or a public assistance program.

4     5. Upon written request made by the State Controller or a public officer of a  
5     local government, the Administrator shall furnish from the records of the Division  
6     the name, address and place of employment of any person listed in the records of  
7     employment of the Division. The request may be made electronically and must set  
8     forth the social security number of the person about whom the request is made and  
9     contain a statement signed by the proper authority of the State Controller or local  
10    government certifying that the request is made to allow the proper authority to  
11    enforce a law to recover a debt or obligation assigned to the State Controller for  
12    collection or owed to the local government, as applicable. Except as otherwise  
13    provided in NRS 239.0115, the information obtained by the State Controller or  
14    local government is confidential and may not be used or disclosed for any purpose  
15    other than the collection of a debt or obligation assigned to the State Controller for  
16    collection or owed to that local government. The Administrator may charge a  
17    reasonable fee for the cost of providing the requested information.

18    6. The Administrator may publish or otherwise provide information on the  
19    names of employers, their addresses, their type or class of business or industry, and  
20    the approximate number of employees employed by each such employer, if the  
21    information released will assist unemployed persons to obtain employment or will  
22    be generally useful in developing and diversifying the economic interests of this  
23    State. Upon request by a state agency which is able to demonstrate that its intended  
24    use of the information will benefit the residents of this State, the Administrator  
25    may, in addition to the information listed in this subsection, disclose the number of  
26    employees employed by each employer and the total wages paid by each employer.  
27    The Administrator may charge a fee to cover the actual costs of any administrative  
28    expenses relating to the disclosure of this information to a state agency. The  
29    Administrator may require the state agency to certify in writing that the agency will  
30    take all actions necessary to maintain the confidentiality of the information and  
31    prevent its unauthorized disclosure.

32    7. Upon request therefor, the Administrator shall furnish to any agency of the  
33    United States charged with the administration of public works or assistance through  
34    public employment, and may furnish to any state agency similarly charged, the  
35    name, address, ordinary occupation and employment status of each recipient of  
36    benefits and the recipient's rights to further benefits pursuant to this chapter.

37    8. To further a current criminal investigation, the chief executive officer of  
38    any law enforcement agency of this State may submit a written request to the  
39    Administrator that the Administrator furnish, from the records of the Division, the  
40    name, address and place of employment of any person listed in the records of  
41    employment of the Division. The request must set forth the social security number  
42    of the person about whom the request is made and contain a statement signed by the  
43    chief executive officer certifying that the request is made to further a criminal  
44    investigation currently being conducted by the agency. Upon receipt of such a  
45    request, the Administrator shall furnish the information requested. The  
46    Administrator may charge a fee to cover the actual costs of any related  
47    administrative expenses.

48    9. In addition to the provisions of subsection 6, the Administrator shall  
49    provide lists containing the names and addresses of employers, and information  
50    regarding the wages paid by each employer to the Department of Taxation, upon  
51    request, for use in verifying returns for the taxes imposed pursuant to chapters  
52    363A, 363B and 363C of NRS. The Administrator may charge a fee to cover the  
53    actual costs of any related administrative expenses.

10. Upon the request of any district judge or jury commissioner of the judicial district in which the county is located, the Administrator shall, in accordance with other agreements entered into with other district courts and in compliance with 20 C.F.R. Part 603, and any other applicable federal laws and regulations governing the Division, furnish the name, address and date of birth of persons who receive benefits in any county, for use in the selection of trial jurors pursuant to NRS 6.045. The court or jury commissioner who requests the list of such persons shall reimburse the Division for the reasonable cost of providing the requested information.

11. The Division of Industrial Relations of the Department of Business and Industry shall periodically submit to the Administrator, from information in the index of claims established pursuant to NRS 616B.018, a list containing the name of each person who received benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS. Upon receipt of that information, the Administrator shall compare the information so provided with the records of the Employment Security Division regarding persons claiming benefits pursuant to this chapter for the same period. The information submitted by the Division of Industrial Relations must be in a form determined by the Administrator and must contain the social security number of each such person. If it appears from the information submitted that a person is simultaneously claiming benefits under this chapter and under chapters 616A to 616D, inclusive, or chapter 617 of NRS, the Administrator shall notify the Attorney General or any other appropriate law enforcement agency.

~~12.~~ 12. The Administrator may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter, and may in connection with the request transmit any such report or return to the Comptroller of the Currency of the United States as provided in section 3305(c) of the Internal Revenue Code of 1954.

~~12. If any employee or member of the Board of Review, the~~

13. The Administrator, ~~for~~ any employee or other person acting on behalf of the Administrator, ~~in violation of the provisions of this section, discloses~~ or any employee or other person acting on behalf of an agency or entity allowed to access information obtained from any employing unit or person in the administration of this chapter, or ~~for~~ any person who has obtained a list of applicants for work, or of claimants or recipients of benefits pursuant to this chapter ~~loses~~, is guilty of a gross misdemeanor if he or she:

(a) Uses or permits the use of the list for any political purpose ~~for~~ he or she is guilty of a gross misdemeanor.

~~13.~~ :

(b) Uses or permits the use of the list for any purpose other than one authorized by the Administrator or by law; or

(c) Fails to protect and prevent the unauthorized use or dissemination of information derived from the list.

14. All letters, reports or communications of any kind, oral or written, from the employer or employee to each other or to the Division or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of this chapter.

Sec. 5. This act becomes effective on July 1, 2017.