

Amendment No. 199

Senate Amendment to Senate Bill No. 25	(BDR 18-385)
Proposed by: Senate Committee on Government Affairs	
Amends: 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.

EMR/HAC



Date: 4/9/2017

S.B. No. 25—Revises provisions governing the organization and functions of the Office of the Attorney General relating to domestic violence and the fictitious address program. (BDR 18-385)



SENATE BILL NO. 25—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 16, 2016

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing the organization and functions of the Office of the Attorney General relating to domestic violence and the fictitious address program. (BDR 18-385)

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 the Office of the Attorney General; transferring authority over the application for a fictitious address from the Attorney General to the ~~[Secretary of State.]~~ ***Division of Child and Family Services of the Department of Health and Human Services;*** revising the duties of the Committee on Domestic Violence; ***revising provisions relating to the appointment of members to the Committee on Domestic Violence;*** transferring the requirement to adopt regulations relating to programs for the treatment of persons who commit domestic violence from the Committee to the ~~[Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors.]~~ ***Division of Public and Behavioral Health of the Department of Health and Human Services;*** abolishing the Nevada Council for the Prevention of Domestic Violence and transferring certain duties of the Council to the Committee on Domestic Violence; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Attorney General to appoint a Committee on Domestic Violence and requires the Committee to adopt regulations to certify programs for the treatment of persons who commit domestic violence. (NRS 228.470) Existing law also creates the Nevada Council for the Prevention of Domestic Violence, and charges the Council with, among other duties, increasing awareness of certain issues relating to domestic violence. (NRS 228.480, 228.490) **Section 29** of this bill abolishes the Nevada Council for the Prevention of Domestic Violence, and **sections 1, 5 and 6** of this bill transfer the duties of the Council ***and any subcommittees of the Council*** to the Committee on Domestic Violence. **Sections 5 and 22.5** of this bill transfer the requirement to adopt regulations relating to programs for treatment of persons who commit domestic violence from the Committee on Domestic Violence to the ~~[Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors.]~~ ***Division of Public and Behavioral Health of the Department of***

Health and Human Services. Sections 1-4, 9, 10 and 13 of this bill make conforming changes.

Section 5 also revises the composition of the Committee on Domestic Violence to authorize the Attorney General to appoint additional members to the Committee. Further, section 5 establishes 2-year terms for each member appointed to the Committee on Domestic Violence and provides that a member may be reappointed for additional terms.

Existing law authorizes the Attorney General to organize or sponsor multidisciplinary teams to review the death of a victim of a crime that constitutes domestic violence under certain circumstances. **Section 7** of this bill transfers the duties of these multidisciplinary teams to the Committee on Domestic Violence. **Sections 8, 11, 12 and 19-23** of this bill make conforming changes to reflect the transfer of these duties to the Committee.

Existing law authorizes the Attorney General 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 14-18** of this bill transfer the authority over this application process to the ~~(Secretary of State.)~~ **Division of Child and Family Services of the Department of Health and Human Services.**

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

Section 1. NRS 228.205 is hereby amended to read as follows:

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

2. The ~~Attorney General shall:~~

~~(a) Appoint a subcommittee of the Nevada Council for the Prevention of Committee on Domestic Violence created by appointed pursuant to NRS 228.480 228.470 to~~ shall serve as the Governance Committee for the System. ~~and~~

~~(b) Consider nominations by the Council Committee on Domestic Violence 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 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.

1 **Sec. 2.** NRS 228.423 is hereby amended to read as follows:

2 228.423 As used in NRS 228.423 to ~~228.490, 228.497~~, inclusive, unless the
3 context otherwise requires, the words and terms defined in NRS 228.427 and
4 228.430 have the meanings ascribed to them in those sections.

5 **Sec. 3.** NRS 228.427 is hereby amended to read as follows:

6 228.427 ~~“Council”~~ **“Committee”** means the ~~Nevada Council for the~~
7 ~~Prevention of~~ **Committee on** Domestic Violence ~~created~~ **appointed** pursuant to
8 NRS ~~228.480, 228.470~~.

9 **Sec. 4.** NRS 228.460 is hereby amended to read as follows:

10 228.460 1. The Account for Programs Related to Domestic Violence is
11 hereby created in the State General Fund. Any administrative assessment imposed
12 and collected pursuant to NRS 200.485 must be deposited with the State Controller
13 for credit to the Account.

14 2. The Ombudsman for Victims of Domestic Violence:

15 (a) Shall administer the Account for Programs Related to Domestic Violence;
16 and

17 (b) May expend money in the Account only to pay for expenses related to:

18 (1) The Committee ; ~~on Domestic Violence created pursuant to NRS~~
19 ~~228.470;~~

20 (2) ~~The Council;~~

21 ~~— (3) Training law enforcement officers, attorneys and members of the~~
22 ~~judicial system about domestic violence;~~

23 ~~(4) (3) Assisting victims of domestic violence and educating the public~~
24 ~~concerning domestic violence; and~~

25 ~~(5) (4) Carrying out the duties and functions of his or her office.~~

26 3. All claims against the Account for Programs Related to Domestic Violence
27 must be paid as other claims against the State are paid.

28 **Sec. 5.** NRS 228.470 is hereby amended to read as follows:

29 228.470 1. The Attorney General shall appoint a Committee on Domestic
30 Violence comprised of ~~H~~ **the Attorney General or a designee of the Attorney**
31 **General and:**

32 (a) One staff member of a program for victims of domestic violence;

33 (b) One staff member of a program for the treatment of persons who commit
34 domestic violence;

35 (c) One representative from an office of the district attorney with experience in
36 prosecuting criminal offenses;

37 (d) One representative from an office of the city attorney with experience in
38 prosecuting criminal offenses;

39 (e) One law enforcement officer;

40 (f) One provider of mental health care;

41 (g) Two victims of domestic violence; ~~and~~

42 (h) One justice of the peace or municipal judge; ~~H~~ ; **and**

43 **(i) Any other person appointed by the Attorney General.**

44 **Each appointed member serves a term of 2 years. Members may be**
45 **reappointed for additional terms of 2 years.** At least two members of the
46 Committee must be residents of a county whose population is less than 100,000.

47 2. The Committee shall:

48 (a) ~~Adopt regulations for the evaluation, certification and monitoring of~~
49 ~~programs for the treatment of persons who commit domestic violence;~~ **Increase**
50 **awareness of the existence and unacceptability of domestic violence in this State;**

51 (b) Review ~~monitor and certify~~ programs for the treatment of persons who
52 commit domestic violence ~~H~~ **and make recommendations to the** ~~Board of~~
53 ~~Examiners for Marriage and Family Therapists and Clinical Professional~~

~~Counselors~~ *Division of Public and Behavioral Health of the Department of Health and Human Services for the certification of such programs pursuant to section ~~22.5~~ 22.5 of this act;*

(c) Review and evaluate existing programs provided to peace officers for training related to domestic violence and make recommendations to the Peace Officers' Standards and Training Commission regarding such training;

(d) To the extent that money is available, ~~arrange~~ *provide financial support to programs* for the ~~provision~~ *prevention* of ~~legal services, including, without limitation, assisting a person~~ *domestic violence* in ~~an action for divorce; and~~ *this State;*

(e) *Study and review all appropriate issues related to the administration of the criminal justice system in rural Nevada with respect to offenses involving domestic violence, including, without limitation, the availability of counseling services; and*

(f) Submit on or before March 1 of each odd-numbered year a report to the Director of the Legislative Counsel Bureau for distribution to the regular session of the Legislature. *In preparing the report, the Committee shall solicit comments and recommendations from district judges, municipal judges and justices of the peace in rural Nevada.* The report must include, without limitation ~~the~~ :

(1) *A summary of the work of the Committee and recommendations for any necessary legislation concerning domestic violence* ~~the~~ ; and

(2) *All comments and recommendations received by the Committee.*

3. ~~The regulations governing certification of programs for the treatment of persons who commit domestic violence adopted pursuant to paragraph (a) of subsection 2 must include, without limitation, provisions allowing a program that is located in another state to become certified in this State to provide treatment to persons who:~~

~~—(a) Reside in this State; and~~

~~—(b) Are ordered by a court in this State to participate in a program for the treatment of persons who commit domestic violence.~~

~~4. The Attorney General or the designee of the Attorney General is the Chair of the Committee. It shall, at its first meeting and annually thereafter, elect a Chair from among its members.~~

~~5. 4. The Committee shall annually elect a Vice Chair, Secretary and Treasurer from among its members.~~

5. The Committee shall meet regularly at least ~~semiannually~~ *three times in each calendar year* and may meet at other times upon the call of the Chair. Any ~~five~~ *six* members of the Committee constitute a quorum for the purpose of voting. A majority vote of the quorum is required to take action with respect to any matter.

6. *At least one meeting in each calendar year must be held at a location within the Fourth Judicial District, Fifth Judicial District, Sixth Judicial District, Seventh Judicial District or Eleventh Judicial District.*

7. The Attorney General shall provide the Committee with such staff as is necessary to carry out the duties of the Committee.

~~7. 8.~~ While engaged in the business of the Committee, each member and employee of the Committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 6. NRS 228.490 is hereby amended to read as follows:

228.490 ~~1. For the purpose of preventing and eliminating domestic violence in this State, the Council shall:~~

~~—(a) Increase awareness of the existence and unacceptability of domestic violence in this State;~~

1 ~~—(b) Make recommendations for any necessary legislation relating to domestic~~
2 ~~violence to the Office of the Attorney General; and~~

3 ~~—(c) Provide financial support to programs for the prevention of domestic~~
4 ~~violence in this State.~~

5 ~~2. The Council shall:~~

6 ~~—(a) Study and review all appropriate issues related to the administration of the~~
7 ~~criminal justice system in rural Nevada with respect to offenses involving domestic~~
8 ~~violence, including, without limitation, the availability of counseling services; and~~

9 ~~—(b) With the assistance of the Court Administrator, based upon the study and~~
10 ~~review conducted pursuant to paragraph (a), prepare and submit a report of its~~
11 ~~findings and recommendations to the Director of the Legislative Counsel Bureau,~~
12 ~~on or before February 1 of each odd-numbered year, for transmittal to the next~~
13 ~~regular session of the Legislature. In preparing the report, the Council shall solicit~~
14 ~~comments and recommendations from district judges, municipal judges and justices~~
15 ~~of the peace in rural Nevada and include in its report, as a separate section, all~~
16 ~~comments and recommendations that are received by the Council.~~

17 ~~—3.} The {Council} Committee may apply for and accept gifts, grants,~~
18 ~~donations and contributions from any source for the purpose of carrying out its~~
19 ~~duties pursuant to {this section.} NRS 228.470. Any money that the {Council}~~
20 ~~Committee receives pursuant to this {subsection} section must be deposited in and~~
21 ~~accounted for separately in the Account for Programs Related to Domestic~~
22 ~~Violence created pursuant to NRS 228.460 for use by the {Council} Committee in~~
23 ~~carrying out its duties.~~

24 **Sec. 7. NRS 228.495 is hereby amended to read as follows:**

25 228.495 1. The ~~{Attorney General}~~ **Committee** may ~~{organize or sponsor~~
26 ~~one or more multidisciplinary teams to}~~ review the death of the victim of a crime
27 that constitutes domestic violence pursuant to NRS 33.018 if a court or an agency
28 of a local government does not organize or sponsor a multidisciplinary team
29 pursuant to NRS 217.475 or if the court or agency requests the assistance of the
30 ~~{Attorney General} Committee~~. In addition to the review of a particular case, ~~{a~~
31 ~~multidisciplinary team organized or sponsored by}~~ the ~~{Attorney General pursuant~~
32 ~~to this section} Committee~~ shall:

33 (a) Examine the trends and patterns of deaths of victims of crimes that
34 constitute domestic violence in this State;

35 (b) Determine the number and type of incidents the ~~{team}~~ **Committee** wishes
36 to review;

37 (c) Make policy and other recommendations for the prevention of deaths from
38 crimes that constitute domestic violence;

39 (d) Engage in activities to educate the public, providers of services to victims
40 of domestic violence and policymakers concerning deaths from crimes that
41 constitute domestic violence and strategies for intervention and prevention of such
42 crimes; and

43 (e) Recommend policies, practices and services to encourage collaboration and
44 reduce the number of deaths from crimes that constitute domestic violence.

45 2. ~~{A multidisciplinary team organized or sponsored pursuant to this section~~
46 ~~may include, without limitation, the following members:~~

47 ~~—(a) A representative of the Attorney General;~~

48 ~~—(b) A representative of any law enforcement agency that is involved with a~~
49 ~~case under review;~~

50 ~~—(c) A representative of the district attorney's office in the county where a case~~
51 ~~is under review;~~

52 ~~—(d) A representative of the coroner's office in the county where a case is under~~
53 ~~review;~~

~~—(e) A representative of any agency which provides social services that is involved in a case under review;~~

~~—(f) A person appointed pursuant to subsection 3; and~~

~~—(g) Any other person that the Attorney General determines is appropriate.~~

~~3. An organization that is concerned with domestic violence may apply to the Attorney General or his or her designee for authorization to appoint a member to a multidisciplinary team organized or sponsored pursuant to this section. Such an application must be made in the form and manner prescribed by the Attorney General and is subject to the approval of the Attorney General or his or her designee.~~

~~4. Each organization represented on a multidisciplinary team organized or sponsored pursuant to this section may share with other members of the team information in its possession concerning a victim who is the subject of a review or any person who was in contact with the victim and any other information deemed by the organization to be pertinent to the review. Any information shared by an organization with other members of a team is confidential.~~

~~5. The organizing or sponsoring of a multidisciplinary team~~ *The review of the death of a victim* pursuant to this section does not grant the Attorney General *or the Committee* supervisory authority over, or restrict or impair the statutory authority of, any state or local governmental agency responsible for the investigation or prosecution of the death of a victim of a crime that constitutes domestic violence pursuant to NRS 33.018.

~~6. 3. Before~~ *organizing or sponsoring a multidisciplinary team* *reviewing the death of a victim* pursuant to this section, the ~~Attorney General~~ *Committee* shall adopt a written protocol describing the objectives and structure of the ~~team~~ *review*.

~~7. A multidisciplinary team organized or sponsored pursuant to this section~~

4. The Committee may request any person, agency or organization that is in possession of information or records concerning a victim who is the subject of a review or any person who was in contact with the victim to provide the ~~team~~ *Committee* with any information or records that are relevant to the review. Any information or records provided to ~~the team~~ *the Committee* pursuant to this subsection are confidential.

~~8. A multidisciplinary team organized or sponsored pursuant to this section~~

5. The Committee may, if appropriate, meet with any person, agency or organization that the ~~team~~ *Committee* believes may have information relevant to a review conducted by the ~~team~~ *Committee*, including, without limitation, a multidisciplinary team:

(a) To review the death of the victim of a crime that constitutes domestic violence organized or sponsored pursuant to NRS 217.475;

(b) To review any allegations of abuse, neglect, exploitation, isolation or abandonment of an older person or the death of an older person that is alleged to be from abuse, neglect, isolation or abandonment organized pursuant to NRS 228.270;

(c) To review the death of a child organized pursuant to NRS 432B.405; or

(d) To oversee the review of the death of a child organized pursuant to NRS 432B.4075.

~~9. 6. Except as otherwise provided in subsection~~ *10. 7,* each member of ~~a multidisciplinary team organized or sponsored pursuant to this section~~ *the Committee* is immune from civil or criminal liability for an activity related to the review of the death of a victim ~~conducted pursuant to this section.~~

~~10. 7. Each member of a multidisciplinary team organized or sponsored pursuant to this section~~ *the Committee* who discloses any confidential information

concerning the death of a child is personally liable for a civil penalty of not more than \$500.

~~H1-1~~ 8. The Attorney General:

(a) May bring an action to recover a civil penalty imposed pursuant to subsection ~~H0~~ 7 against a member of ~~{a multidisciplinary team organized or sponsored pursuant to this section;}~~ *the Committee*; and

(b) Shall deposit any money received from the civil penalty with the State Treasurer for credit to the State General Fund.

~~H2-1~~ 9. The results of a review of the death of a victim conducted pursuant to this section are not admissible in any civil action or proceeding.

~~H3-1 A multidisciplinary team organized or sponsored pursuant to this section~~

10. *The Committee* shall submit a report of its activities *pursuant to this section* to the Attorney General. The report must include, without limitation, the findings and recommendations of the ~~team~~ *Committee*. The report must not include information that identifies any person involved in a particular case under review. The Attorney General shall make the report available to the public.

11. *Any meeting of the Committee held to review the death of a victim pursuant to this section, or any portion of a meeting of the Committee during which the Committee reviews such a death, is not subject to the provisions of chapter 241 of NRS.*

Sec. 8. NRS 228.497 is hereby amended to read as follows:

228.497 In carrying out its duties pursuant to NRS 228.495, ~~{a multidisciplinary team to review}~~ the ~~{death of the victim of a crime that constitutes domestic violence pursuant to NRS 33.018}~~ *Committee* may have access to:

1. The information that is contained in the Central Repository for Nevada Records of Criminal History pursuant to NRS 179A.075.

2. The records of criminal history maintained by an agency of criminal justice pursuant to NRS 179A.100.

Sec. 9. NRS 4.373 is hereby amended to read as follows:

4.373 1. Except as otherwise provided in subsection 2, NRS 211A.127 or another specific statute, or unless the suspension of a sentence is expressly forbidden, a justice of the peace may suspend, for not more than 2 years, the sentence of a person convicted of a misdemeanor. If the circumstances warrant, the justice of the peace may order as a condition of suspension that the offender:

(a) Make restitution to the owner of any property that is lost, damaged or destroyed as a result of the commission of the offense;

(b) Engage in a program of community service, for not more than 200 hours;

(c) Actively participate in a program of professional counseling at the expense of the offender;

(d) Abstain from the use of alcohol and controlled substances;

(e) Refrain from engaging in any criminal activity;

(f) Engage or refrain from engaging in any other conduct deemed appropriate by the justice of the peace;

(g) Submit to a search and seizure by the chief of a department of alternative sentencing, an assistant alternative sentencing officer or any other law enforcement officer at any time of the day or night without a search warrant; and

(h) Submit to periodic tests to determine whether the offender is using a controlled substance or consuming alcohol.

2. If a person is convicted of a misdemeanor that constitutes domestic violence pursuant to NRS 33.018, the justice of the peace may, after the person has served any mandatory minimum period of confinement, suspend the remainder of the sentence of the person for not more than 3 years upon the condition that the person actively participate in:

1 (a) A program of treatment for the abuse of alcohol or drugs which is certified
2 by the Division of Public and Behavioral Health of the Department of Health and
3 Human Services;

4 (b) A program for the treatment of persons who commit domestic violence that
5 has been certified pursuant to ~~NRS 228.470~~ **section 22.5 of this act**; or

6 (c) The programs set forth in paragraphs (a) and (b),
7 and that the person comply with any other condition of suspension ordered by
8 the justice of the peace.

9 3. The justice of the peace may order reports from a person whose sentence is
10 suspended at such times as the justice of the peace deems appropriate concerning
11 the compliance of the offender with the conditions of suspension. If the offender
12 complies with the conditions of suspension to the satisfaction of the justice of the
13 peace, the sentence may be reduced to not less than the minimum period of
14 confinement established for the offense.

15 4. The justice of the peace may issue a warrant for the arrest of an offender
16 who violates or fails to fulfill a condition of suspension.

17 **Sec. 10.** NRS 5.055 is hereby amended to read as follows:

18 5.055 1. Except as otherwise provided in subsection 2, NRS 211A.127 or
19 another specific statute, or unless the suspension of a sentence is expressly
20 forbidden, a municipal judge may suspend, for not more than 2 years, the sentence
21 of a person convicted of a misdemeanor. If the circumstances warrant, the
22 municipal judge may order as a condition of suspension that the offender:

23 (a) Make restitution to the owner of any property that is lost, damaged or
24 destroyed as a result of the commission of the offense;

25 (b) Engage in a program of community service, for not more than 200 hours;

26 (c) Actively participate in a program of professional counseling at the expense
27 of the offender;

28 (d) Abstain from the use of alcohol and controlled substances;

29 (e) Refrain from engaging in any criminal activity;

30 (f) Engage or refrain from engaging in any other conduct deemed appropriate
31 by the municipal judge;

32 (g) Submit to a search and seizure by the chief of a department of alternative
33 sentencing, an assistant alternative sentencing officer or any other law enforcement
34 officer at any time of the day or night without a search warrant; and

35 (h) Submit to periodic tests to determine whether the offender is using any
36 controlled substance or alcohol.

37 2. If a person is convicted of a misdemeanor that constitutes domestic
38 violence pursuant to NRS 33.018, the municipal judge may, after the person has
39 served any mandatory minimum period of confinement, suspend the remainder of
40 the sentence of the person for not more than 3 years upon the condition that the
41 person actively participate in:

42 (a) A program of treatment for the abuse of alcohol or drugs which is certified
43 by the Division of Public and Behavioral Health of the Department of Health and
44 Human Services;

45 (b) A program for the treatment of persons who commit domestic violence that
46 has been certified pursuant to ~~NRS 228.470~~ **section 22.5 of this act**; or

47 (c) The programs set forth in paragraphs (a) and (b),
48 and that the person comply with any other condition of suspension ordered by
49 the municipal judge.

50 3. The municipal judge may order reports from a person whose sentence is
51 suspended at such times as the municipal judge deems appropriate concerning the
52 compliance of the offender with the conditions of suspension. If the offender
53 complies with the conditions of suspension to the satisfaction of the municipal

judge, the sentence may be reduced to not less than the minimum period of confinement established for the offense.

4. The municipal judge may issue a warrant for the arrest of an offender who violates or fails to fulfill a condition of suspension.

Sec. 11. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the General Services Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime or delinquency of children shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository in the manner approved by the Director of the Department.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates, issues or collects, and any information in its possession relating to the DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913, to the Division. The information must be submitted to the Division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department,

➤ within 60 days after the date of the disposition of the case. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. The Division shall, in the manner prescribed by the Director of the Department:

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Records of criminal history; and

(2) The DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913.

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.

(c) Upon request, provide the information that is contained in the Central Repository to the State Disaster Identification Team of the Division of Emergency Management of the Department.

(d) Upon request, provide, in paper or electronic form, the information that is contained in the Central Repository to ~~a multidisciplinary team to review~~ the *Committee on Domestic Violence appointed pursuant to NRS 228.470 when, pursuant to NRS 228.495, the Committee is reviewing the* death of the victim of a crime that constitutes domestic violence ~~organized or sponsored by the Attorney General~~ pursuant to NRS ~~228.495~~ *33.018*.

5. The Division may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints or other biometric identifier the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required or authorized to be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.123 and 449.4329; or

(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

6. To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to subsection 5, the Central Repository must receive:

(a) The person's complete set of fingerprints for the purposes of:

(1) Booking the person into a city or county jail or detention facility;

(2) Employment;

(3) Contractual services; or

(4) Services related to occupational licensing;

(b) One or more of the person's fingerprints for the purposes of mobile identification by an agency of criminal justice; or

(c) Any other biometric identifier of the person as it may require for the purposes of:

(1) Arrest; or

(2) Criminal investigation,

↳ from the agency of criminal justice or agency of the State of Nevada or any political subdivision thereof and submit the received data to the Federal Bureau of Investigation for its report.

7. The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for the issuance or renewal of a license;

(2) Has applied to a county school district, charter school or private school for employment; or

(3) Is employed by a county school district, charter school or private school,

↳ and notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private

1 school, as appropriate, by providing the superintendent, governing body or
2 administrator with a list of all persons:

3 (1) Investigated pursuant to paragraph (d); or

4 (2) Employed by a county school district, charter school or private school
5 whose fingerprints were sent previously to the Central Repository for investigation,
6 who the Central Repository's records indicate have been convicted of a violation
7 of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony
8 or any offense involving moral turpitude since the Central Repository's initial
9 investigation. The superintendent of each county school district, the governing body
10 of a charter school or the administrator of each private school, as applicable, shall
11 determine whether further investigation or action by the district, charter school or
12 private school, as applicable, is appropriate.

13 (f) Investigate the criminal history of each person who submits one or more
14 fingerprints or other biometric identifier or has such data submitted pursuant to
15 NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183,
16 449.122, 449.123 or 449.4329.

17 (g) On or before July 1 of each year, prepare and post on the Central
18 Repository's Internet website an annual report containing the statistical data
19 relating to crime received during the preceding calendar year. Additional reports
20 may be posted to the Central Repository's Internet website throughout the year
21 regarding specific areas of crime if they are approved by the Director of the
22 Department.

23 (h) On or before July 1 of each year, prepare and post on the Central
24 Repository's Internet website a report containing statistical data about domestic
25 violence in this State.

26 (i) Identify and review the collection and processing of statistical data relating
27 to criminal justice and the delinquency of children by any agency identified in
28 subsection 2 and make recommendations for any necessary changes in the manner
29 of collecting and processing statistical data by any such agency.

30 (j) Adopt regulations governing biometric identifiers and the information and
31 data derived from biometric identifiers, including, without limitation:

32 (1) Their collection, use, safeguarding, handling, retention, storage,
33 dissemination and destruction; and

34 (2) The methods by which a person may request the removal of his or her
35 biometric identifiers from the Central Repository and any other agency where his or
36 her biometric identifiers have been stored.

37 8. The Central Repository may:

38 (a) In the manner prescribed by the Director of the Department, disseminate
39 compilations of statistical data and publish statistical reports relating to crime or the
40 delinquency of children.

41 (b) Charge a reasonable fee for any publication or special report it distributes
42 relating to data collected pursuant to this section. The Central Repository may not
43 collect such a fee from an agency of criminal justice, any other agency dealing with
44 crime or the delinquency of children which is required to submit information
45 pursuant to subsection 2 or the State Disaster Identification Team of the Division of
46 Emergency Management of the Department. All money collected pursuant to this
47 paragraph must be used to pay for the cost of operating the Central Repository.

48 (c) In the manner prescribed by the Director of the Department, use electronic
49 means to receive and disseminate information contained in the Central Repository
50 that it is authorized to disseminate pursuant to the provisions of this chapter.

51 9. As used in this section:

52 (a) "Biometric identifier" means a fingerprint, palm print, scar, bodily mark,
53 tattoo, voiceprint, facial image, retina image or iris image of a person.

(b) "Mobile identification" means the collection, storage, transmission, reception, search, access or processing of a biometric identifier using a handheld device.

(c) "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver's license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) A biometric identifier of a person.

(d) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 12. NRS 179A.100 is hereby amended to read as follows:

179A.100 1. The following records of criminal history may be disseminated by an agency of criminal justice without any restriction pursuant to this chapter:

(a) Any which reflect records of conviction only; and

(b) Any which pertain to an incident for which a person is currently within the system of criminal justice, including parole or probation.

2. Without any restriction pursuant to this chapter, a record of criminal history or the absence of such a record may be:

(a) Disclosed among agencies which maintain a system for the mutual exchange of criminal records.

(b) Furnished by one agency to another to administer the system of criminal justice, including the furnishing of information by a police department to a district attorney.

(c) Reported to the Central Repository.

3. An agency of criminal justice shall disseminate to a prospective employer, upon request, records of criminal history concerning a prospective employee or volunteer which are the result of a name-based inquiry and which:

(a) Reflect convictions only; or

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

4. In addition to any other information to which an employer is entitled or authorized to receive from a name-based inquiry, the Central Repository shall disseminate to a prospective or current employer, or a person or entity designated to receive the information on behalf of such an employer, the information contained in a record of registration concerning an employee, prospective employee, volunteer or prospective volunteer who is a sex offender or an offender convicted of a crime against a child, regardless of whether the employee, prospective employee, volunteer or prospective volunteer gives written consent to the release of that information. The Central Repository shall disseminate such information in a manner that does not reveal the name of an individual victim of an offense or the information described in subsection 7 of NRS 179B.250. A request for information pursuant to this subsection must conform to the requirements of the Central Repository and must include:

(a) The name and address of the employer, and the name and signature of the person or entity requesting the information on behalf of the employer;

(b) The name and address of the employer's facility in which the employee, prospective employee, volunteer or prospective volunteer is employed or volunteers or is seeking to become employed or volunteer; and

(c) The name and other identifying information of the employee, prospective employee, volunteer or prospective volunteer.

5. In addition to any other information to which an employer is entitled or authorized to receive, the Central Repository shall disseminate to a prospective or current employer, or a person or entity designated to receive the information on

1 behalf of such an employer, the information described in subsection 4 of NRS
2 179A.190 concerning an employee, prospective employee, volunteer or prospective
3 volunteer who gives written consent to the release of that information if the
4 employer submits a request in the manner set forth in NRS 179A.200 for obtaining
5 a notice of information. The Central Repository shall search for and disseminate
6 such information in the manner set forth in NRS 179A.210 for the dissemination of
7 a notice of information.

8 6. Except as otherwise provided in subsection 5, the provisions of NRS
9 179A.180 to 179A.240, inclusive, do not apply to an employer who requests
10 information and to whom such information is disseminated pursuant to subsections
11 4 and 5.

12 7. Records of criminal history must be disseminated by an agency of criminal
13 justice, upon request, to the following persons or governmental entities:

14 (a) The person who is the subject of the record of criminal history for the
15 purposes of NRS 179A.150.

16 (b) The person who is the subject of the record of criminal history when the
17 subject is a party in a judicial, administrative, licensing, disciplinary or other
18 proceeding to which the information is relevant.

19 (c) The Nevada Gaming Control Board.

20 (d) The State Board of Nursing.

21 (e) The Private Investigator's Licensing Board to investigate an applicant for a
22 license.

23 (f) A public administrator to carry out the duties as prescribed in chapter 253 of
24 NRS.

25 (g) A public guardian to investigate a ward or proposed ward or persons who
26 may have knowledge of assets belonging to a ward or proposed ward.

27 (h) Any agency of criminal justice of the United States or of another state or
28 the District of Columbia.

29 (i) Any public utility subject to the jurisdiction of the Public Utilities
30 Commission of Nevada when the information is necessary to conduct a security
31 investigation of an employee or prospective employee or to protect the public
32 health, safety or welfare.

33 (j) Persons and agencies authorized by statute, ordinance, executive order,
34 court rule, court decision or court order as construed by appropriate state or local
35 officers or agencies.

36 (k) Any person or governmental entity which has entered into a contract to
37 provide services to an agency of criminal justice relating to the administration of
38 criminal justice, if authorized by the contract, and if the contract also specifies that
39 the information will be used only for stated purposes and that it will be otherwise
40 confidential in accordance with state and federal law and regulation.

41 (l) Any reporter for the electronic or printed media in a professional capacity
42 for communication to the public.

43 (m) Prospective employers if the person who is the subject of the information
44 has given written consent to the release of that information by the agency which
45 maintains it.

46 (n) For the express purpose of research, evaluative or statistical programs
47 pursuant to an agreement with an agency of criminal justice.

48 (o) An agency which provides child welfare services, as defined in NRS
49 432B.030.

50 (p) The Division of Welfare and Supportive Services of the Department of
51 Health and Human Services or its designated representative, as needed to ensure the
52 safety of investigators and caseworkers.

(q) The Aging and Disability Services Division of the Department of Health and Human Services or its designated representative, as needed to ensure the safety of investigators and caseworkers.

(r) An agency of this or any other state or the Federal Government that is conducting activities pursuant to Part D of Subchapter IV of Chapter 7 of Title 42 of the Social Security Act, 42 U.S.C. §§ 651 et seq.

(s) The State Disaster Identification Team of the Division of Emergency Management of the Department.

(t) The Commissioner of Insurance.

(u) The Board of Medical Examiners.

(v) The State Board of Osteopathic Medicine.

(w) The Board of Massage Therapists and its Executive Director.

(x) The Board of Examiners for Social Workers.

(y) ~~IA multidisciplinary team to review~~ *The Committee on Domestic Violence appointed pursuant to NRS 228.470 when, pursuant to NRS 228.495, the Committee is reviewing* the death of the victim of a crime that constitutes domestic violence ~~for organized or sponsored by the Attorney General~~ pursuant to NRS ~~228.495~~ *33.018*.

8. Agencies of criminal justice in this State which receive information from sources outside this State concerning transactions involving criminal justice which occur outside Nevada shall treat the information as confidentially as is required by the provisions of this chapter.

Sec. 13. NRS 200.485 is hereby amended to read as follows:

200.485 1. Unless a greater penalty is provided pursuant to subsection 2 or NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018:

(a) For the first offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

➤ The person shall be further punished by a fine of not less than \$200, but not more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur at a time when the person is not required to be at his or her place of employment or on a weekend.

(b) For the second offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

➤ The person shall be further punished by a fine of not less than \$500, but not more than \$1,000.

(c) For the third and any subsequent offense within 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed by strangulation as described in NRS 200.481, is guilty of a category C felony and shall be punished as provided in NRS 193.130 and by a fine of not more than \$15,000.

3. In addition to any other penalty, if a person is convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, the court shall:

(a) For the first offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, but not more than 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to ~~NRS 228.470.~~ *section 22.5 of this act.*

(b) For the second offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to ~~NRS 228.470.~~ *section 22.5 of this act.*

➤ If the person resides in this State but the nearest location at which counseling services are available is in another state, the court may allow the person to participate in counseling in the other state in a program for the treatment of persons who commit domestic violence that has been certified pursuant to ~~NRS 228.470.~~ *section 22.5 of this act.*

4. An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

5. In addition to any other fine or penalty, the court shall order such a person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.

6. In addition to any other penalty, the court may require such a person to participate, at his or her expense, in a program of treatment for the abuse of alcohol or drugs that has been certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

7. If it appears from information presented to the court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence pursuant to NRS 33.018, the court may refer the child to an agency which provides child welfare services. If the court refers a child to an agency which provides child welfare services, the court shall require the person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018 to reimburse the agency for the costs of any services provided, to the extent of the convicted person's ability to pay.

8. If a person is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018, a prosecuting attorney shall not dismiss such a charge in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows, or it is obvious, that the charge is not supported by probable cause or cannot be proved at the time of trial. A court shall not grant probation to and, except as otherwise provided in NRS 4.373 and 5.055, a court shall not suspend the sentence of such a person.

9. As used in this section:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(c) "Offense" includes a battery which constitutes domestic violence pursuant to NRS 33.018 or a violation of the law of any other jurisdiction that prohibits the same or similar conduct.

Sec. 14. 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 ~~Attorney General~~ Secretary of State Division to have a fictitious address designated by the ~~Attorney General~~ Secretary of State Division 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 ~~Attorney General~~ Secretary of State Division 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 ~~Attorney General~~ Secretary of State Division 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 ~~Attorney General~~ Secretary of State Division.

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.

4. The ~~Attorney General~~ Secretary of State Division shall approve an application if it is accompanied by specific evidence, such as a copy of an applicable record of conviction, a temporary restraining order or other protective order, 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.

5. The ~~Attorney General~~ Secretary of State Division shall approve or disapprove an application for a fictitious address within 5 business days after the application is filed.

Sec. 15. NRS 217.464 is hereby amended to read as follows:

217.464 1. If the ~~Attorney General~~ Secretary of State Division approves an application, the ~~Attorney General~~ Secretary of State Division shall:

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

(b) Forward mail that the ~~Attorney General~~ Secretary of State Division receives for a participant to the participant.

2. The ~~Attorney General~~ Secretary of State Division 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 ~~Attorney General~~ Secretary of State Division shall make the address available to the law enforcement agency; or

(b) The ~~Attorney General Secretary of State~~ Division is directed to do so by lawful order of a court of competent jurisdiction, in which case the ~~Attorney General Secretary of State~~ Division 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 ~~Attorney General Secretary of State~~ Division 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 ~~Attorney General Secretary of State~~ Division shall not provide any other information concerning the pupil or the parent or legal guardian of the pupil to the public school.

Sec. 16. NRS 217.466 is hereby amended to read as follows:

217.466 If a participant indicates to the ~~Attorney General Secretary of State~~ Division that the participant wishes to register to vote or change the address of his or her current registration, the ~~Attorney General Secretary of State~~ Division shall furnish the participant with the form developed by the Secretary of State pursuant to the provisions of NRS 293.5002.

Sec. 17. NRS 217.468 is hereby amended to read as follows:

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

2. The ~~Attorney General Secretary of State~~ Division 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 ~~Attorney General Secretary of State~~ Division that the participant remains in imminent danger of becoming a victim of domestic violence, human trafficking, sexual assault or stalking.

3. The ~~Attorney General Secretary of State~~ Division 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 ~~Attorney General Secretary of State~~ Division within 48 hours after the change of address;

(b) The ~~Attorney General Secretary of State~~ Division 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. 18. NRS 217.471 is hereby amended to read as follows:

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

Sec. 19. NRS 217.475 is hereby amended to read as follows:

217.475 1. A court or an agency of a local government may organize or sponsor one or more multidisciplinary teams to review the death of the victim of a crime that constitutes domestic violence pursuant to NRS 33.018.

2. If a multidisciplinary team is organized or sponsored pursuant to subsection 1, the court or agency shall review the death of a victim upon receiving a written request from a person related to the victim within the third degree of consanguinity, if the request is received by the court or agency within 1 year after the date of death of the victim.

3. Members of a team that is organized or sponsored pursuant to subsection 1 serve at the pleasure of the court or agency that organizes or sponsors the team and must include, without limitation, representatives of organizations concerned with law enforcement, issues related to physical or mental health, or the prevention of domestic violence and assistance to victims of domestic violence.

4. Each organization represented on such a team may share with other members of the team information in its possession concerning the victim who is the subject of the review or any person who was in contact with the victim and any other information deemed by the organization to be pertinent to the review. Any information shared by an organization with other members of a team is confidential.

5. A team organized or sponsored pursuant to this section may, upon request, provide a report concerning its review to a person related to the victim within the third degree of consanguinity.

6. Before establishing a team to review the death of a victim pursuant to this section, a court or an agency shall adopt a written protocol describing its objectives and the structure of the team.

7. A team organized or sponsored pursuant to this section may request any person, agency or organization that is in possession of information or records concerning the victim who is the subject of the review or any person who was in contact with the victim to provide the team with any information or records that are relevant to the team's review. Any information or records provided to a team pursuant to this subsection are confidential.

8. A team organized or sponsored pursuant to this section may, if appropriate, meet with any person, agency or organization that the team believes may have information relevant to the review conducted by the team, including, without limitation : ~~1. a multidisciplinary team;~~

~~(a) To review the death of the victim of a crime that constitutes domestic violence organized or sponsored pursuant to NRS 228.495;~~

~~(b) To~~ *A multidisciplinary team* to review the death of a child organized pursuant to NRS 432B.405; ~~for~~

~~(c) To~~

(b) A multidisciplinary team to oversee the review of the death of a child organized pursuant to NRS 432B.4075 ~~H~~ ; *or*

(c) The Committee on Domestic Violence appointed pursuant to NRS 228.470.

9. Except as otherwise provided in subsection 10, each member of a team organized or sponsored pursuant to this section is immune from civil or criminal liability for an activity related to the review of the death of a victim.

10. Each member of a team organized or sponsored pursuant to this section who discloses any confidential information concerning the death of a child is personally liable for a civil penalty of not more than \$500.

11. The Attorney General:

(a) May bring an action to recover a civil penalty imposed pursuant to subsection 10 against a member of a team organized or sponsored pursuant to this section; and

(b) Shall deposit any money received from the civil penalty with the State Treasurer for credit to the State General Fund.

12. The results of the review of the death of a victim pursuant to this section are not admissible in any civil action or proceeding.

Sec. 20. NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, **228.495**, 239C.140, 281A.350, 281A.440, 281A.550, 284.3629, 286.150, 287.0415, 288.220, 289.387, 295.121, 360.247, 388.261, 388A.495, 388C.150, 392.147, 392.467, 394.1699, 396.3295, 433.534, 435.610, 463.110, 622.320, 622.340, 630.311, 630.336, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding, ➤ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 21. NRS 432B.290 is hereby amended to read as follows:

432B.290 1. Information maintained by an agency which provides child welfare services must be maintained by the agency which provides child welfare services as required by federal law as a condition of the allocation of federal money to this State.

2. Except as otherwise provided in this section and NRS 432B.165, 432B.175 and 432B.513, information maintained by an agency which provides child welfare services may, at the discretion of the agency which provides child welfare services, be made available only to:

(a) A physician, if the physician has before him or her a child who the physician has reasonable cause to believe has been abused or neglected;

(b) A person authorized to place a child in protective custody, if the person has before him or her a child who the person has reasonable cause to believe has been abused or neglected and the person requires the information to determine whether to place the child in protective custody;

(c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:

(1) The child; or

(2) The person responsible for the welfare of the child;

(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the abuse or neglect of a child;

(e) Except as otherwise provided in paragraph (f), a court other than a juvenile court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

(f) A court as defined in NRS 159.015 to determine whether a guardian or successor guardian of a child should be appointed pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive;

(g) A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to the person;

1 (h) The attorney and the guardian ad litem of the child, if the information is
2 reasonably necessary to promote the safety, permanency and well-being of the
3 child;

4 (i) A person who files or intends to file a petition for the appointment of a
5 guardian or successor guardian of a child pursuant to chapter 159 of NRS or NRS
6 432B.466 to 432B.468, inclusive, if the identity of the person responsible for
7 reporting the abuse or neglect of the child to a public agency is kept confidential
8 and the information is reasonably necessary to promote the safety, permanency and
9 well-being of the child;

10 (j) The proposed guardian or proposed successor guardian of a child over
11 whom a guardianship is sought pursuant to chapter 159 of NRS or NRS 432B.466
12 to 432B.468, inclusive, if the identity of the person responsible for reporting the
13 abuse or neglect of the child to a public agency is kept confidential and the
14 information is reasonably necessary to promote the safety, permanency and well-
15 being of the child;

16 (k) A grand jury upon its determination that access to these records and the
17 information is necessary in the conduct of its official business;

18 (l) A federal, state or local governmental entity, or an agency of such an entity,
19 or a juvenile court, that needs access to the information to carry out its legal
20 responsibilities to protect children from abuse and neglect;

21 (m) A person or an organization that has entered into a written agreement with
22 an agency which provides child welfare services to provide assessments or services
23 and that has been trained to make such assessments or provide such services;

24 (n) A team organized pursuant to NRS 432B.350 for the protection of a child;

25 (o) A team organized pursuant to NRS 432B.405 to review the death of a child;

26 (p) A parent or legal guardian of the child and an attorney of a parent or
27 guardian of the child, including, without limitation, the parent or guardian of a child
28 over whom a guardianship is sought pursuant to chapter 159 of NRS or NRS
29 432B.466 to 432B.468, inclusive, if the identity of the person responsible for
30 reporting the abuse or neglect of the child to a public agency is kept confidential
31 and the information is reasonably necessary to promote the safety, permanency and
32 well-being of the child and is limited to information concerning that parent or
33 guardian;

34 (q) The child over whom a guardianship is sought pursuant to chapter 159 of
35 NRS or NRS 432B.466 to 432B.468, inclusive, if:

36 (1) The child is 14 years of age or older; and

37 (2) The identity of the person responsible for reporting the abuse or neglect
38 of the child to a public agency is kept confidential and the information is reasonably
39 necessary to promote the safety, permanency and well-being of the child;

40 (r) The persons or agent of the persons who are the subject of a report, if the
41 information is reasonably necessary to promote the safety, permanency and well-
42 being of the child and is limited to information concerning those persons;

43 (s) An agency that is authorized by law to license foster homes or facilities for
44 children or to investigate persons applying for approval to adopt a child, if the
45 agency has before it an application for that license or is investigating an applicant to
46 adopt a child;

47 (t) Upon written consent of the parent, any officer of this State or a city or
48 county thereof or Legislator authorized by the agency or department having
49 jurisdiction or by the Legislature, acting within its jurisdiction, to investigate the
50 activities or programs of an agency which provides child welfare services if:

51 (1) The identity of the person making the report is kept confidential; and

52 (2) The officer, Legislator or a member of the family of the officer or
53 Legislator is not the person alleged to have committed the abuse or neglect;

(u) The Division of Parole and Probation of the Department of Public Safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court or pursuant to NRS 176.151 in making a general investigation and report;

(v) Any person who is required pursuant to NRS 432B.220 to make a report to an agency which provides child welfare services or to a law enforcement agency;

(w) A local advisory board to expedite proceedings for the placement of children created pursuant to NRS 432B.604;

(x) The panel established pursuant to NRS 432B.396 to evaluate agencies which provide child welfare services;

(y) An employer in accordance with subsection 3 of NRS 432.100;

(z) A team organized or sponsored pursuant to NRS 217.475 ~~for 228.495~~ to review the death of the victim of a crime that constitutes domestic violence; ~~for~~

(aa) *The Committee on Domestic Violence appointed pursuant to NRS 228.470; or*

(bb) The Committee to Review Suicide Fatalities created by NRS 439.5104.

3. An agency investigating a report of the abuse or neglect of a child shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of the child:

(a) A copy of:

(1) Any statement made in writing to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(b) A written summary of the allegations made against the person who is named in the report as allegedly causing the abuse or neglect of the child. The summary must not identify the person responsible for reporting the alleged abuse or neglect or any collateral sources and reporting parties.

4. Except as otherwise provided by subsection 6, before releasing any information maintained by an agency which provides child welfare services pursuant to this section, an agency which provides child welfare services shall take whatever precautions it determines are reasonably necessary to protect the identity and safety of any person who reports child abuse or neglect and to protect any other person if the agency which provides child welfare services reasonably believes that disclosure of the information would cause a specific and material harm to an investigation of the alleged abuse or neglect of a child or the life or safety of any person.

5. The provisions of this section must not be construed to require an agency which provides child welfare services to disclose information maintained by the agency which provides child welfare services if, after consultation with the attorney who represents the agency, the agency determines that such disclosure would cause a specific and material harm to a criminal investigation.

6. A person who is the subject of an unsubstantiated report of child abuse or neglect made pursuant to this chapter and who believes that the report was made in bad faith or with malicious intent may petition a district court to order the agency which provides child welfare services to release information maintained by the agency which provides child welfare services. The petition must specifically set forth the reasons supporting the belief that the report was made in bad faith or with malicious intent. The petitioner shall provide notice to the agency which provides child welfare services so that the agency may participate in the action through its counsel. The district court shall review the information which the petitioner requests to be released and the petitioner shall be allowed to present evidence in

support of the petition. If the court determines that there is a reasonable question of fact as to whether the report was made in bad faith or with malicious intent and that the disclosure of the identity of the person who made the report would not be likely to endanger the life or safety of the person who made the report, the court shall provide a copy of the information to the petitioner and the original information is subject to discovery in a subsequent civil action regarding the making of the report.

7. If an agency which provides child welfare services receives any information that is deemed confidential by law, the agency which provides child welfare services shall maintain the confidentiality of the information as prescribed by applicable law.

8. Pursuant to this section, a person may authorize the release of information maintained by an agency which provides child welfare services about himself or herself, but may not waive the confidentiality of such information concerning any other person.

9. An agency which provides child welfare services may provide a summary of the outcome of an investigation of the alleged abuse or neglect of a child to the person who reported the suspected abuse or neglect.

10. Except as otherwise provided in this subsection, any person who is provided with information maintained by an agency which provides child welfare services and who further disseminates the information or makes the information public is guilty of a gross misdemeanor. This subsection does not apply to:

(a) A district attorney or other law enforcement officer who uses the information solely for the purpose of initiating legal proceedings;

(b) An employee of the Division of Parole and Probation of the Department of Public Safety making a presentence investigation and report to the district court pursuant to NRS 176.135 or making a general investigation and report pursuant to NRS 176.151; or

(c) An employee of a juvenile justice agency who provides the information to the juvenile court.

11. An agency which provides child welfare services may charge a fee for processing costs reasonably necessary to prepare information maintained by the agency which provides child welfare services for release pursuant to this section.

12. An agency which provides child welfare services shall adopt rules, policies or regulations to carry out the provisions of this section.

13. As used in this section, "juvenile justice agency" means the Youth Parole Bureau or a director of juvenile services.

Sec. 22. NRS 432B.407 is hereby amended to read as follows:

432B.407 1. A multidisciplinary team to review the death of a child is entitled to access to:

(a) All investigative information of law enforcement agencies regarding the death;

(b) Any autopsy and coroner's investigative records relating to the death;

(c) Any medical or mental health records of the child; and

(d) Any records of social and rehabilitative services or of any other social service agency which has provided services to the child or the child's family.

2. Each organization represented on a multidisciplinary team to review the death of a child shall share with other members of the team information in its possession concerning the child who is the subject of the review, any siblings of the child, any person who was responsible for the welfare of the child and any other information deemed by the organization to be pertinent to the review.

3. A multidisciplinary team to review the death of a child may, if appropriate, meet and share information with ~~the~~ :

(a) A multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored pursuant to NRS 217.475 ; or ~~228.495.~~

(b) *The Committee on Domestic Violence appointed pursuant to NRS 228.470.*

4. A multidisciplinary team to review the death of a child may petition the district court for the issuance of, and the district court may issue, a subpoena to compel the production of any books, records or papers relevant to the cause of any death being investigated by the team. Except as otherwise provided in NRS 239.0115, any books, records or papers received by the team pursuant to the subpoena shall be deemed confidential and privileged and not subject to disclosure.

5. A multidisciplinary team to review the death of a child may use data collected concerning the death of a child for the purpose of research or to prevent future deaths of children if the data is aggregated and does not allow for the identification of any person.

6. Except as otherwise provided in this section, information acquired by, and the records of, a multidisciplinary team to review the death of a child are confidential, must not be disclosed, and are not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding.

Sec. 22.5. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division shall evaluate, certify and monitor programs for the treatment of persons who commit domestic violence in accordance with the regulations adopted pursuant to subsection 2.

2. The Division shall adopt regulations governing the evaluation, certification and monitoring of programs for the treatment of persons who commit domestic violence.

3. The regulations adopted pursuant to subsection 2 must include, without limitation, provisions allowing a program that is located in another state to become certified in this State to provide treatment to persons who:

(a) Reside in this State; and

(b) Are ordered by a court in this State to participate in a program for the treatment of persons who commit domestic violence.

Sec. 23. NRS 439.5106 is hereby amended to read as follows:

439.5106 1. The Committee:

(a) Except as otherwise provided in this paragraph, shall adopt a written protocol setting forth the suicide fatalities in this State which must be reported to the Committee and screened for review by the Committee and the suicide fatalities in this State which the Committee may reject for review. The Committee shall not review any case in which litigation is pending.

(b) May review any accidental death which the Committee determines may assist in suicide prevention efforts in this State.

(c) May establish differing levels of review, including, without limitation, a comprehensive or limited review depending upon the nature of the incident or the purpose of the review.

2. The Committee shall obtain and use any data or other information to:

(a) Review suicide fatalities in this State to determine trends, risk factors and strategies for prevention;

(b) Determine and prepare reports concerning trends and patterns of suicide fatalities in this State;

(c) Identify and evaluate the prevalence of risk factors for preventable suicide fatalities in this State;

(d) Evaluate and prepare reports concerning high-risk factors, current practices, lapses in systematic responses and barriers to the safety and well-being of persons who are at risk of suicide in this State; and

(e) Recommend any improvement in sources of information relating to investigating reported suicide fatalities and preventing suicide in this State.

3. In conducting a review of a suicide fatality in this State, the Committee shall, to the greatest extent practicable, consult and cooperate with:

(a) The Coordinator of the Statewide Program for Suicide Prevention employed pursuant to NRS 439.511;

(b) Each trainer for suicide prevention employed pursuant to NRS 439.513; ~~and;~~

(c) *The Committee on Domestic Violence appointed pursuant to NRS 228.470; and*

(d) A multidisciplinary team:

(1) To review the death of the victim of a crime that constitutes domestic violence organized or sponsored pursuant to NRS 217.475 ; ~~for 228.495;~~

(2) To review the death of a child organized pursuant to NRS 432B.405; and

(3) To oversee the review of the death of a child organized pursuant to NRS 432B.4075.

4. Any review conducted by the Committee pursuant to NRS 439.5102 to 439.5108, inclusive, is separate from, independent of and in addition to any investigation or review which is required or authorized by law to be conducted, including, without limitation, any investigation conducted by a coroner or coroner's deputy pursuant to NRS 259.050.

5. To conduct a review pursuant to NRS 439.5102 to 439.5108, inclusive, the Committee may access information, including, without limitation:

(a) Any investigative information obtained by a law enforcement agency relating to a death;

(b) Any records from an autopsy or an investigation conducted by a coroner or coroner's deputy relating to a death;

(c) Any medical or mental health records of a decedent;

(d) Any records relating to social or rehabilitative services provided to a decedent; and

(e) Any records of a social services agency which has provided services to a decedent.

Sec. 24. NRS 440.170 is hereby amended to read as follows:

440.170 1. All certificates in the custody of the State Registrar are open to inspection subject to the provisions of this chapter. It is unlawful for any employee of the State to disclose data contained in vital statistics, except as authorized by this chapter or by the Board.

2. Information in vital statistics indicating that a birth occurred out of wedlock must not be disclosed except upon order of a court of competent jurisdiction.

3. The Board:

(a) Shall allow the use of data contained in vital statistics to carry out the provisions of NRS 442.300 to 442.330, inclusive;

(b) Shall allow the use of certificates of death by a multidisciplinary team:

(1) To review the death of the victim of a crime that constitutes domestic violence organized or sponsored pursuant to NRS 217.475 ; ~~for 228.495;~~ and

(2) To review the death of a child established pursuant to NRS 432B.405 and 432B.406;

(c) Shall allow the use of certificates of death by the :

1 *(1) Committee on Domestic Violence appointed pursuant to NRS*
2 *228.470; and*

3 *(2) Committee to Review Suicide Fatalities created by NRS 439.5104; and*
4 (d) May allow the use of data contained in vital statistics for other research
5 purposes, but without identifying the persons to whom the records relate.

6 **Sec. 25.** ~~[Chapter 641A of NRS is hereby amended by adding thereto a new~~
7 ~~section to read as follows:~~

8 ~~1. The Board shall evaluate, certify and monitor programs for the treatment~~
9 ~~of persons who commit domestic violence in accordance with the regulations~~
10 ~~adopted pursuant to subsection 2.~~

11 ~~2. The Board shall adopt regulations governing the evaluation, certification~~
12 ~~and monitoring of programs for the treatment of persons who commit domestic~~
13 ~~violence.~~

14 ~~3. The regulations adopted pursuant to subsection 2 must include, without~~
15 ~~limitation, provisions allowing a program that is located in another state to~~
16 ~~become certified in this State to provide treatment to persons who:~~

17 ~~(a) Reside in this State; and~~

18 ~~(b) Are ordered by a court in this State to participate in a program for the~~
19 ~~treatment of persons who commit domestic violence.] (Deleted by amendment.)~~

20 **Sec. 26.** 1. Any administrative regulations adopted by an officer, agency or
21 other entity whose name has been changed or whose responsibilities have been
22 transferred pursuant to the provisions of this act to another officer, agency or other
23 entity remain in force until amended by the officer, agency or other entity to which
24 the responsibility for the adoption of regulations is transferred. On and after July 1,
25 2017, any such regulations must be interpreted in a manner so that all references to
26 an officer, agency or other entity whose name has been changed or whose
27 responsibilities have been transferred pursuant to the provisions of this act are read
28 and interpreted as being references to the officer, agency or other entity to which
29 the responsibility set forth in the regulations is transferred, regardless of whether
30 those references have been conformed pursuant to section 27 of this act at the time
31 of interpretation.

32 2. Any contracts or other agreements entered into by an officer, agency or
33 other entity whose name has been changed or whose responsibilities have been
34 transferred pursuant to the provisions of this act to another officer, agency or other
35 entity are binding upon the officer, agency or other entity to which the
36 responsibility for the administration of the provisions of the contract or other
37 agreement have been transferred. Such contracts and other agreements may be
38 enforced by the officer, agency or other entity to which the responsibility for the
39 enforcement of the provisions of the contract or other agreement have been
40 transferred.

41 3. Any action taken by an officer, agency or other entity whose name has
42 been changed or whose responsibilities have been transferred pursuant to the
43 provisions of this act to another officer, agency or other entity remain in effect as if
44 taken by the officer, agency or other entity to which the responsibility for the
45 enforcement of such actions was transferred.

46 **Sec. 27.** The Legislative Counsel shall in preparing supplements to the
47 Nevada Administrative Code, appropriately change any references to an officer,
48 agency or other entity whose name has been changed or whose responsibilities are
49 transferred pursuant to the provisions of this act to refer to the appropriate officer,
50 agency or other entity.

51 **Sec. 28.** The provisions of subsection 1 of NRS 218D.380 do not apply to
52 any provision of this act which adds or revises a requirement to submit a report to
53 the Legislature.

- 1 **Sec. 29.** NRS 228.480 and 228.485 are hereby repealed.
2 **Sec. 30.** This act becomes effective on July 1, 2017.

TEXT OF REPEALED SECTIONS

228.480 Creation; appointment of members; terms; vacancies; allowances and expenses.

1. The Nevada Council for the Prevention of Domestic Violence is hereby created within the Office of the Attorney General.
2. The Council must consist of not more than 30 members appointed by the Attorney General from the various geographical regions of the State.
3. The term of office of a member of the Council is 3 years.
4. A vacancy on the Council must be filled in the same manner as the original appointment for the remainder of the unexpired term.
5. Each member of the Council:
 - (a) Serves without compensation; and
 - (b) While engaged in the business of the Council, is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

228.485 Officers; meetings; rules.

1. The Attorney General or a designee of the Attorney General is the Chair of the Council.
2. The Council shall annually elect a Vice Chair, Secretary and Treasurer from among its members.
3. The Council shall meet at least three times in each calendar year and may meet at other times upon the call of the Chair. At least one meeting in each calendar year must be held at a location within the Fourth Judicial District, Fifth Judicial District, Sixth Judicial District, Seventh Judicial District or Eleventh Judicial District.
4. The Council shall adopt rules for its own management and government.