

Amendment No. 310

Senate Amendment to Senate Bill No. 79

(BDR 20-400)

Proposed by: Senate Committee on Government Affairs**Amends:** Summary: Yes 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.

MNM/BAW



Date: 4/23/2017

S.B. No. 79—Revises provisions concerning the personal information of certain persons contained in certain records. (BDR 20-400)



SENATE BILL NO. 79—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE NEVADA SUPREME COURT)

PREFILED NOVEMBER 17, 2016

Referred to Committee on Government Affairs

SUMMARY—Revises provisions concerning the confidentiality of certain personal information of certain persons and entities, ~~contained in certain records.~~ (BDR 20-400)

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 confidential information; revising provisions concerning certain personal information contained in the records of a county assessor; authorizing certain persons and entities to request that certain personal information contained in the records of a county assessor, county recorder, the Secretary of State, ~~or~~ or a county or city clerk ~~for the Department of Motor Vehicles~~ remain confidential; authorizing disclosure of such confidential information in certain circumstances; authorizing the denial of a request for such confidential information in certain circumstances; authorizing certain persons to request that the Department of Motor Vehicles display an alternate address on the person's driver's license, commercial driver's license or identification card; authorizing the Department to adopt regulations; providing civil and criminal penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes: (1) any justice or judge in this State; (2) any peace officer or retired peace officer; (3) the spouse or minor child of any such person; or (4) the surviving spouse or minor child of any such person who was killed in the performance of his or her duties to request that his or her home address or any photograph thereof that is contained in the records of a county assessor be kept confidential. A person who wishes to have such personal information be kept confidential is required to obtain an order of a court, based on a sworn affidavit by the person, requiring the county assessor to maintain the personal information in a confidential manner. A county assessor is authorized to provide such confidential information for use in certain limited circumstances and to deny a request for confidential information if he or she reasonably believes that the information may be used in an unauthorized manner. (NRS 250.120-250.170)

Existing law provides that a person who violates certain provisions relating to obtaining or disclosing any such confidential information is guilty of a misdemeanor. Additionally, a

court may order a person who violates such a provision to pay a civil penalty in an amount not to exceed \$2,500 for each act. (NRS 250.210-250.230)

Section 14 of this bill adds to the list of people authorized to request that personal information contained in the records of a county assessor be kept confidential: (1) any senior justice or senior judge in this State; (2) any court-appointed master ~~for judge pro tempore~~ in this State; (3) any clerk of a court, court administrator, ~~or~~ court executive officer, ~~clerk, deputy clerk or other employee of a court~~ in this State; (4) any prosecutor or state or county public defender; (5) the domestic partner of any such person or any justice, judge, peace officer or retired peace officer; and ~~(5) (6)~~ (6) the surviving domestic partner of any such person or any justice, judge, peace officer or retired peace officer who was killed in the performance of his or her duties. **Section 13** of this bill: (1) includes any telephone number or electronic mail address of a person as personal information that ~~that~~ a person may request to be kept confidential. ~~11~~; (2) removes the photograph of the home of a person and the photograph of the spouse or minor child of a person from personal information that a person may request to be confidential. Sections 13-14 also provide that any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that any information pertaining to such a confidential location that is contained in the records of a county assessor be kept confidential.

Sections 2-12, ~~11~~ and 18-28 ~~and 30-40~~ of this bill, respectively, apply the provisions of existing law relating to personal information contained in the records of a county assessor to personal information contained in the records of: (1) a county recorder; and (2) the Secretary of State or a county or city clerk. ~~11 and (2) the Department of Motor Vehicles.~~ Accordingly, **Sections 2-12**, ~~11~~ and 18-28 ~~and 30-40~~ establish new provisions which are generally modeled after the provisions of existing law relating to personal information contained in the records of a county assessor. Sections 6 and 22 of this bill, respectively, authorize any district attorney or attorney employed by the district attorney or certain state or county public defenders to request that personal information contained in the records of a county recorder or the Secretary of State or county or city clerk be kept confidential. Section 6 additionally authorizes any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence to request that information pertaining to such a confidential location that is contained in the records of a county recorder be kept confidential. Sections 8 and 24 of this bill, respectively, authorize a county recorder or the Secretary of State or a county or city clerk to provide confidential information for use by a title agent or title insurer acting in that capacity.

Section 34 of this bill: (1) authorizes certain persons to request that the Department of Motor Vehicles display an alternate address on the person's driver's license, commercial driver's license or identification card; and (2) authorizes the Department to adopt regulations relating to such a procedure.

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

Section 1. Chapter 247 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. *As used in sections 2 to 12, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Confidential information" means personal information deemed confidential pursuant to section 5 of this act.*

Sec. 4. *"Personal information" means:*

1. *The home address of a person;*

2. *The home address of the spouse, domestic partner or minor child of a person;*

3. ~~Any photograph of the home of a person;~~
~~4. Any photograph of the home of the spouse, domestic partner or minor child of a person; and~~
~~5. Any telephone number or electronic mail address of a person ++; and~~
 4. Any information pertaining to a confidential location maintained by a nonprofit entity in this State for the purpose of providing shelter to victims of domestic violence.

but does not include an assessor's parcel number.

Sec. 5. 1. Any person or entity listed in section 6 of this act who wishes to have the personal information ~~about himself or herself~~ of the person or entity that is contained in the records of a county recorder be kept confidential must obtain an order of a court that requires the county recorder to maintain the personal information of the person or entity in a confidential manner. Such an order must be based on a sworn affidavit by the person ++ or, if an entity, a person authorized to sign on behalf of the entity, which affidavit:

(a) States that the affiant qualifies as a person listed in section 6 of this act ~~++~~ and ~~++~~ or that the entity on behalf of whom the person is signing qualifies as an entity listed in section 6 of this act;

(b) Sets forth sufficient justification for the request for confidentiality ~~++~~; and

(c) Sets forth the document numbers of all records of a county recorder that contain confidential information.

2. Upon receipt of such an order, a county recorder shall keep such information confidential and shall not:

(a) Disclose the confidential information to anyone, unless disclosure is specifically authorized in writing by that person ++ or entity; or

(b) Post the confidential information on the Internet or its successor, if any, or make the information available to others in any other way.

Sec. 6. 1. The following persons may request that the personal information described in subsection 1, 2 or 3 of section 4 of this act that is contained in the records of a county recorder be kept confidential:

~~++~~ (a) Any justice or judge in this State.

~~++~~ (b) Any senior justice or senior judge in this State.

~~++~~ (c) Any court-appointed master ~~for judge pro tempore~~ in this State.

~~++~~ (d) Any clerk of a court, court administrator ~~++~~ or court executive officer ~~++~~ clerk, deputy clerk or other employee of a court in this State.

~~++~~ (e) Any district attorney or attorney employed by the district attorney who as part of his or her normal job responsibilities prosecutes persons for:

(1) Crimes that are punishable as category A felonies; or

(2) Domestic violence.

(f) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:

(1) Crimes that are punishable as category A felonies; or

(2) Domestic violence.

(g) The spouse, domestic partner or minor child of a person described in ~~subsections 1 to 4,~~ paragraphs (a) to (f), inclusive.

~~++~~ (h) The surviving spouse, domestic partner or minor child of a person described in ~~subsections 1 to 4,~~ paragraphs (a) to (f), inclusive, who was killed in the performance of his or her duties.

2. Any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that the personal information described in subsection 4 of section 4 of this act that is contained in the records of a county recorder be kept confidential.

1 Sec. 7. *If a person or entity listed in section 6 of this act requests*
2 *confidentiality, the confidential information of that person or entity may only be*
3 *disclosed as provided in NRS 239.0115 or section 8 of this act or as otherwise*
4 *specifically authorized by law.*

5 Sec. 8. 1. *A county recorder may provide confidential information for*
6 *use:*

7 (a) *By any governmental entity, including, without limitation, any court or*
8 *law enforcement agency, in carrying out its functions, or any person acting on*
9 *behalf of a federal, state or local governmental agency in carrying out its*
10 *functions.*

11 (b) *In connection with any civil, criminal, administrative or arbitration*
12 *proceeding before any federal or state court, regulatory body, board, commission*
13 *or agency, including, without limitation, use for service of process, investigation*
14 *in anticipation of litigation, and execution or enforcement of judgments and*
15 *orders or pursuant to an order of a federal or state court.*

16 (c) *By a private investigator, private patrol officer or security consultant who*
17 *is licensed pursuant to chapter 648 of NRS, for any use authorized pursuant to*
18 *this section.*

19 (d) *In connection with an investigation conducted pursuant to NRS 253.0415*
20 *or 253.220.*

21 (e) *In activities relating to research and the production of statistical reports,*
22 *if the address or information will not be published or otherwise disclosed or used*
23 *to contact any person.*

24 (f) *In the bulk distribution of surveys, marketing material or solicitations, if*
25 *the county recorder has adopted policies and procedures to ensure that the*
26 *information will be used or sold only for use in the bulk distribution of surveys,*
27 *marketing material or solicitations.*

28 (g) *By a reporter or editorial employee who is employed by or affiliated with*
29 *any newspaper, press association or commercially operated, federally licensed*
30 *radio or television station.*

31 (h) *By a title agent or title insurer acting pursuant to chapter 692A of NRS.*

32 2. *Except for a reporter or editorial employee described in paragraph (g) of*
33 *subsection 1, a person who obtains information pursuant to this section and sells*
34 *or discloses that information shall keep and maintain for at least 5 years a record*
35 *of:*

36 (a) *Each person to whom the information is sold or disclosed; and*

37 (b) *The purpose for which that person will use the information.*

38 Sec. 9. *Except for a request from a governmental entity pursuant to*
39 *paragraph (a) of subsection 1 of section 8 of this act or in response to an order of*
40 *a federal or state court pursuant to paragraph (b) of subsection 1 of section 8 of*
41 *this act, a county recorder may deny a request for confidential information if the*
42 *county recorder reasonably believes that the information may be used in an*
43 *unauthorized manner.*

44 Sec. 10. 1. *A person shall not:*

45 (a) *Make a false representation to obtain any information pursuant to*
46 *sections 2 to 9, inclusive, of this act; or*

47 (b) *Knowingly obtain or disclose information pursuant to sections 2 to 9,*
48 *inclusive, of this act for any use not authorized pursuant to sections 2 to 9,*
49 *inclusive, of this act.*

50 2. *A person who violates the provisions of this section is guilty of a*
51 *misdemeanor.*

52 Sec. 11. *If a person discloses confidential information about a person or*
53 *entity listed in section 6 of this act in violation of sections 2 to 9, inclusive, of this*

act and the person who makes the disclosure knows or reasonably should know that such disclosure will create a substantial risk of bodily harm to the person about whom the information pertains ~~or to a person to whom the entity is providing shelter, as applicable, the person who makes the disclosure is guilty of a misdemeanor.~~

Sec. 12. In addition to any penalty imposed pursuant to section 10 or 11 of this act, the court may order a person who commits an act described in those sections to pay a civil penalty in an amount not to exceed \$2,500 for each act.

Sec. 13. NRS 250.120 is hereby amended to read as follows:

250.120 "Personal information" means:

1. The home address of ~~the~~ a person;

2. The home address of the spouse, domestic partner or minor child of ~~the~~ a person;

3. ~~Any photograph of the home of the a person; and~~

4. ~~Any photograph of the home of the spouse, domestic partner or minor child of the a person, and~~

5. ~~Any telephone number or electronic mail address of a person; and~~

4. Any information pertaining to a confidential location maintained by a nonprofit entity in this State for the purpose of providing shelter to victims of domestic violence.

but does not include an assessor's parcel number.

Sec. 13.5. NRS 250.130 is hereby amended to read as follows:

250.130 1. Any person or entity listed in NRS 250.140 who wishes to have the personal information ~~about himself or herself~~ of the person or entity that is contained in the records of a county assessor be kept confidential must obtain an order of a court that requires the county assessor to maintain the personal information of the person or entity in a confidential manner. Such an order must be based on a sworn affidavit by the person ~~or, if an entity, a person authorized to sign on behalf of the entity,~~ which affidavit:

(a) States that the affiant qualifies as a person listed in NRS 250.140 ~~or that the entity on behalf of whom the person is signing qualifies as an entity listed in NRS 250.140;~~ and

(b) Sets forth sufficient justification for the request for confidentiality.

2. Upon receipt of such an order, a county assessor shall keep such information confidential and shall not:

(a) Disclose the confidential information to anyone, unless disclosure is specifically authorized in writing by that person ~~or entity;~~ or

(b) Post the confidential information on the Internet or its successor, if any, or make the information available to others in any other way.

Sec. 14. NRS 250.140 is hereby amended to read as follows:

250.140 1. The following persons may request that personal information described in subsection 1, 2 or 3 of NRS 250.120 that is contained in the records of a county assessor be kept confidential:

(a) Any justice or judge in this State.

(b) Any senior justice or senior judge in this State.

(c) Any court-appointed master ~~for judge pro tempore~~ in this State.

(d) Any clerk of a court, court administrator ~~or court executive officer~~ ~~clerk, deputy clerk or other employee of a court~~ in this State.

(e) Any peace officer or retired peace officer.

~~(e)~~ (f) Any prosecutor.

(g) Any state or county public defender.

(h) The spouse, domestic partner or minor child of a person described in ~~paragraph~~ paragraphs (a) ~~or (b).~~

~~(d)~~ ~~to~~ ~~(e)~~ ~~(g)~~, inclusive.

~~(g)~~ ~~(i)~~ The surviving spouse, domestic partner or minor child of a person described in ~~paragraphs~~ (a) ~~for~~ ~~(b)~~ ~~to~~ ~~(e)~~ ~~(g)~~, inclusive, who was killed in the performance of his or her duties.

2. Any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that the personal information described in subsection 4 of NRS 250.120 that is contained in the records of a county assessor be kept confidential.

3. As used in this section, ~~“peace”~~:

(a) “Peace officer” means:

~~(1)~~ (I) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive; and

~~(2)~~ (2) Any person:

~~(1)~~ (I) Who resides in this State;

~~(2)~~ (II) Whose primary duties are to enforce the law; and

~~(3)~~ (III) Who is employed by a law enforcement agency of the Federal Government, including, without limitation, a ranger for the National Park Service and an agent employed by the Federal Bureau of Investigation, Secret Service, United States Department of Homeland Security or United States Department of the Treasury.

(b) “Prosecutor” has the meaning ascribed to it in NRS 241A.030.

Sec. 15. NRS 250.150 is hereby amended to read as follows:

250.150 If a person or entity listed in NRS 250.140 requests confidentiality, the confidential information of that person or entity may only be disclosed as provided in NRS 239.0115, 250.087, 250.160 or 250.180 ~~or as otherwise specifically authorized by law.~~

Sec. 15.5. NRS 250.220 is hereby amended to read as follows:

250.220 If a person discloses confidential information about a person or entity listed in NRS 250.140 in violation of NRS 250.100 to 250.180, inclusive, and the person who makes the disclosure knows or reasonably should know that such disclosure will create a substantial risk of bodily harm to the person about whom the information pertains ~~or to a person to whom the entity is providing shelter, as applicable,~~ the person who makes the disclosure is guilty of a misdemeanor.

Sec. 16. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438,

289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and sections 6, 7, 8, 21, 22, 23, 33, 34 and 35 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public

book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 17. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 18 to 28, inclusive, of this act.

Sec. 18. *As used in sections 18 to 28, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 19 and 20 of this act have the meanings ascribed to them in those sections.*

Sec. 19. *“Confidential information” means personal information deemed confidential pursuant to section 21 of this act.*

Sec. 20. *“Personal information” means:*

1. *The home address of a person;*

2. *The home address of the spouse, domestic partner or minor child of a person; and*

3. ~~*Any photograph of the home of a person;*~~

~~4. *Any photograph of the home of the spouse, domestic partner or minor child of a person; and*~~

~~5. *Any telephone number or electronic mail address of a person,*~~

~~*but does not include an assessor’s parcel number.*~~

Sec. 21. 1. *Any person listed in section 22 of this act who wishes to have personal information about himself or herself that is contained in the records of the Secretary of State or a county or city clerk be kept confidential must obtain an order of a court that requires the Secretary of State or the county clerk or city clerk to maintain the personal information of the person in a confidential manner. Such an order must be based on a sworn affidavit by the person, which affidavit:*

(a) *States that the affiant qualifies as a person listed in section 22 of this act; and*

(b) *Sets forth sufficient justification for the request for confidentiality.*

2. *Upon receipt of such an order, the Secretary of State or a county or city clerk shall keep such information confidential and shall not:*

(a) *Disclose the confidential information to anyone, unless disclosure is specifically authorized in writing by that person; or*

(b) *Post the confidential information on the Internet or its successor, if any, or make the information available to others in any other way.*

Sec. 22. *The following persons may request that personal information contained in the records of the Secretary of State or a county or city clerk be kept confidential:*

1. *Any justice or judge in this State.*

2. *Any senior justice or senior judge in this State.*

3. *Any court-appointed master ~~for judge pro tempore~~ in this State.*

4. *Any clerk of a court, court administrator ~~or court executive officer~~ ~~clerk, deputy clerk or other employee of a court~~ in this State.*

1 5. Any district attorney or attorney employed by the district attorney who as
2 part of his or her normal job responsibilities prosecutes persons for:

3 (a) Crimes that are punishable as category A felonies; or

4 (b) Domestic violence.

5 6. Any state or county public defender who as part of his or her normal job
6 responsibilities defends persons for:

7 (a) Crimes that are punishable as category A felonies; or

8 (b) Domestic violence.

9 7. The spouse, domestic partner or minor child of a person described in
10 subsections 1 to ~~44~~ 6, inclusive.

11 ~~44~~ 8. The surviving spouse, domestic partner or minor child of a person
12 described in subsections 1 to ~~44~~ 6, inclusive, who was killed in the performance
13 of his or her duties.

14 Sec. 23. If a person listed in section 22 of this act requests confidentiality,
15 the confidential information of that person may only be disclosed as provided in
16 NRS 239.0115 or section 24 of this act or as otherwise specifically authorized by
17 law.

18 Sec. 24. 1. The Secretary of State or a county or city clerk may provide
19 confidential information for use:

20 (a) By any governmental entity, including, without limitation, any court or
21 law enforcement agency, in carrying out its functions, or any person acting on
22 behalf of a federal, state or local governmental agency in carrying out its
23 functions.

24 (b) In connection with any civil, criminal, administrative or arbitration
25 proceeding before any federal or state court, regulatory body, board, commission
26 or agency, including, without limitation, use for service of process, investigation
27 in anticipation of litigation, and execution or enforcement of judgments and
28 orders or pursuant to an order of a federal or state court.

29 (c) By a private investigator, private patrol officer or security consultant who
30 is licensed pursuant to chapter 648 of NRS, for any use authorized pursuant to
31 this section.

32 (d) In connection with an investigation conducted pursuant to NRS 253.0415
33 or 253.220.

34 (e) In activities relating to research and the production of statistical reports,
35 if the address or information will not be published or otherwise disclosed or used
36 to contact any person.

37 (f) In the bulk distribution of surveys, marketing material or solicitations, if
38 the Secretary of State or the county or city clerk has adopted policies and
39 procedures to ensure that the information will be used or sold only for use in the
40 bulk distribution of surveys, marketing material or solicitations.

41 (g) By a reporter or editorial employee who is employed by or affiliated with
42 any newspaper, press association or commercially operated, federally licensed
43 radio or television station.

44 (h) By a title agent or title insurer acting pursuant to chapter 692A of NRS.

45 2. Except for a reporter or editorial employee described in paragraph (g) of
46 subsection 1, a person who obtains information pursuant to this section and sells
47 or discloses that information shall keep and maintain for at least 5 years a record
48 of:

49 (a) Each person to whom the information is sold or disclosed; and

50 (b) The purpose for which that person will use the information.

51 Sec. 25. Except for a request from a governmental entity pursuant to
52 paragraph (a) of subsection 1 of section 24 of this act or in response to an order
53 of a federal or state court pursuant to paragraph (b) of subsection 1 of section 24

of this act, the Secretary of State or a county or city clerk may deny a request for confidential information if the Secretary of State or the county or city clerk reasonably believes that the information may be used in an unauthorized manner.

Sec. 26. 1. A person shall not:

(a) Make a false representation to obtain any information pursuant to sections 18 to 25, inclusive, of this act; or

(b) Knowingly obtain or disclose information pursuant to sections 18 to 25, inclusive, of this act for any use not authorized pursuant to sections 18 to 25, inclusive, of this act.

2. A person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 27. If a person discloses confidential information about a person listed in section 22 of this act in violation of sections 18 to 25, inclusive, of this act and the person who makes the disclosure knows or reasonably should know that such disclosure will create a substantial risk of bodily harm to the person about whom the information pertains, the person who makes the disclosure is guilty of a misdemeanor.

Sec. 28. In addition to any penalty imposed pursuant to section 26 or 27 of this act, the court may order a person who commits an act described in those sections to pay a civil penalty in an amount not to exceed \$2,500 for each act.

Sec. 29. Chapter 481 of NRS is hereby amended by adding thereto the provisions set forth as sections 30 to 40, inclusive, of this act.

Sec. 30. ~~As used in sections 30 to 40, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 31 and 32 of this act have the meanings ascribed to them in those sections.~~ (Deleted by amendment.)

Sec. 31. ~~“Confidential information” means personal information deemed confidential pursuant to section 33 of this act.~~ (Deleted by amendment.)

Sec. 32. ~~“Personal”~~ As used in sections 32 to 40, inclusive, of this act, unless the context otherwise requires, “personal information” means:

1. The home address of a person; and

2. The home address of the spouse, domestic partner or minor child of a person. ~~+~~

~~3. Any photograph of the home of a person;~~

~~4. Any photograph of the home of the spouse, domestic partner or minor child of a person; and~~

~~5. Any telephone number or electronic mail address of a person,~~

~~but does not include an assessor’s parcel number.~~

Sec. 33. ~~[1. Any person listed in section 34 of this act who wishes to have personal information about himself or herself that is contained in the records of the Department be kept confidential must obtain an order of a court that requires the Department to maintain the personal information of the person in a confidential manner. Such an order must be based on a sworn affidavit by the person, which affidavit:~~

~~(a) States that the affiant qualifies as a person listed in section 34 of this act; and~~

~~(b) Sets forth sufficient justification for the request for confidentiality.~~

~~2. Upon receipt of such an order, the Department shall keep such information confidential and shall not:~~

~~(a) Disclose the confidential information to anyone, unless disclosure is specifically authorized in writing by that person; or~~

~~(b) Post the confidential information on the Internet or its successor, if any, or make the information available to others in any other way. (Deleted by amendment.)~~

Sec. 34. 1. The following persons may request that personal information contained in the records of the Department be kept confidential; display an alternate address on the person's driver's license, commercial driver's license or identification card:

- ~~1.1~~ (a) Any justice or judge in this State.
- ~~1.2~~ (b) Any senior justice or senior judge in this State.
- ~~1.3~~ (c) Any court-appointed master for judge pro tempore in this State.
- ~~1.4~~ (d) Any clerk of the court, court administrator, or court executive officer, clerk, deputy clerk or other employee of a court in this State.
- ~~1.5~~ (e) Any district attorney or attorney employed by the district attorney who as part of his or her normal job responsibilities prosecutes persons for:
 - (1) Crimes that are punishable as category A felonies; or
 - (2) Domestic violence.
- (f) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:
 - (1) Crimes that are punishable as category A felonies; or
 - (2) Domestic violence.
- (g) The spouse, domestic partner or minor child of a person described in subsections 1 to 4, paragraphs (a) to (f), inclusive.
- ~~1.6~~ (h) The surviving spouse, domestic partner or minor child of a person described in subsections 1 to 4, paragraphs (a) to (f), inclusive, who was killed in the performance of his or her duties.

2. A person who wishes to have an alternate address displayed on his or her driver's license, commercial driver's license or identification card pursuant to this section must submit to the Department satisfactory proof:

- (a) That he or she is a person described in subsection 1; and
- (b) Of the person's address of principal residence and mailing address, if different from the address of principal residence.

3. A person who obtains a driver's license, commercial driver's license or identification card that displays an alternate address pursuant to this section may subsequently submit a request to the Department to have his or her address of principal residence displayed on his or her driver's license, commercial driver's license or identification card instead of the alternate address.

4. The Department may adopt regulations to carry out the provisions of this section.

Sec. 35. ~~If a person listed in requests pursuant to section 34 of this act requests confidentiality, to have an alternate address displayed on the person's driver's license, commercial driver's license or identification card, the confidential personal information of that person may only be disclosed as provided in NRS 239.0115 or section 36 of this act 481.063 or as otherwise specifically authorized by law.~~

Sec. 36. ~~1. The Department may provide confidential information for use:~~

~~(a) By any governmental entity, including, without limitation, any court or law enforcement agency, in carrying out its functions, or any person acting on behalf of a federal, state or local governmental agency in carrying out its functions.~~

~~(b) In connection with any civil, criminal, administrative or arbitration proceeding before any federal or state court, regulatory body, board, commission or agency, including, without limitation, use for service of process, investigation~~

~~in anticipation of litigation, and execution or enforcement of judgments and orders or pursuant to an order of a federal or state court.~~

~~(c) By a private investigator, private patrol officer or security consultant who is licensed pursuant to chapter 648 of NRS, for any use authorized pursuant to this section.~~

~~(d) In connection with an investigation conducted pursuant to NRS 253.0415 or 253.220.~~

~~(e) In activities relating to research and the production of statistical reports, if the address or information will not be published or otherwise disclosed or used to contact any person.~~

~~(f) In the bulk distribution of surveys, marketing material or solicitations, if the Department has adopted policies and procedures to ensure that the information will be used or sold only for use in the bulk distribution of surveys, marketing material or solicitations.~~

~~(g) By a reporter or editorial employee who is employed by or affiliated with any newspaper, press association or commercially operated, federally licensed radio or television station.~~

~~2. Except for a reporter or editorial employee described in paragraph (g) of subsection 1, a person who obtains information pursuant to this section and sells or discloses that information shall keep and maintain for at least 5 years a record of:~~

~~(a) Each person to whom the information is sold or disclosed; and~~

~~(b) The purpose for which that person will use the information. (Deleted by amendment.)~~

~~Sec. 37. Except for a request from a governmental entity pursuant to paragraph (a) of subsection 1 of section 36 of this act or in response to an order of a federal or state court pursuant to paragraph (b) of subsection 1 of section 36 of this act, the Department may deny a request for confidential information if the Department reasonably believes that the information may be used in an unauthorized manner. (Deleted by amendment.)~~

~~Sec. 38. 1. A person shall not:~~

~~(a) Make a false representation to obtain any information pursuant to sections ~~304~~ 32 to ~~37~~ 35, inclusive, of this act; or~~

~~(b) Knowingly obtain or disclose information pursuant to sections ~~304~~ 32 to ~~37~~ 35, inclusive, of this act for any use not authorized pursuant to sections ~~304~~ 32 to ~~37~~ 35, inclusive, of this act.~~

~~2. A person who violates the provisions of this section is guilty of a misdemeanor.~~

~~Sec. 39. If a person discloses ~~confidential~~ personal information about a person listed in section 34 of this act in violation of sections ~~304~~ 32 to ~~37~~ 35, inclusive, of this act and the person who makes the disclosure knows or reasonably should know that such disclosure will create a substantial risk of bodily harm to the person about whom the information pertains, the person who makes the disclosure is guilty of a misdemeanor.~~

~~Sec. 40. In addition to any penalty imposed pursuant to section 38 or 39 of this act, the court may order a person who commits an act described in those sections to pay a civil penalty in an amount not to exceed \$2,500 for each act.~~