

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 personal information of certain persons 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 to request that certain personal information contained in the records of a county recorder, the Secretary of State, a county or city clerk or 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; 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 or judge pro tempore in this State; (3) any court administrator, court executive officer, clerk, deputy clerk or other employee of a court in this State; (4) the domestic partner of any such person or any justice, judge, peace officer or retired peace officer; and (5) 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 includes any telephone number or electronic mail address of a person as personal information that the person may request to be kept confidential.

Sections 2-12, 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; (2) the Secretary of State or a county or city clerk; and (3) the Department of Motor Vehicles. Accordingly, **Sections 2-12, 18-28 and 30-40** establish new provisions modeled after the provisions of existing law relating to personal information contained in the records of a county assessor.

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

Sec. 5. *1. Any person listed in section 6 of this act who wishes to have personal information about himself or herself that*



1 *is contained in the records of a county recorder be kept*
2 *confidential must obtain an order of a court that requires the*
3 *county recorder to maintain the personal information of the*
4 *person in a confidential manner. Such an order must be based on*
5 *a sworn affidavit by the person, which affidavit:*

6 *(a) States that the affiant qualifies as a person listed in section*
7 *6 of this act; and*

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

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

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

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

17 *Sec. 6. The following persons may request that personal*
18 *information contained in the records of a county recorder be kept*
19 *confidential:*

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

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

22 *3. Any court-appointed master or judge pro tempore in this*
23 *State.*

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

26 *5. The spouse, domestic partner or minor child of a person*
27 *described in subsections 1 to 4, inclusive.*

28 *6. The surviving spouse, domestic partner or minor child of a*
29 *person described in subsections 1 to 4, inclusive, who was killed in*
30 *the performance of his or her duties.*

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

35 *Sec. 8. 1. A county recorder may provide confidential*
36 *information for use:*

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

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



1 *litigation, and execution or enforcement of judgments and orders*
2 *or pursuant to an order of a federal or state court.*

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

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

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

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

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

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

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

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

27 **Sec. 9.** *Except for a request from a governmental entity*
28 *pursuant to paragraph (a) of subsection 1 of section 8 of this act*
29 *or in response to an order of a federal or state court pursuant to*
30 *paragraph (b) of subsection 1 of section 8 of this act, a county*
31 *recorder may deny a request for confidential information if the*
32 *county recorder reasonably believes that the information may be*
33 *used in an unauthorized manner.*

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

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

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

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

42 **Sec. 11.** *If a person discloses confidential information about*
43 *a person listed in section 6 of this act in violation of sections 2 to*
44 *9, inclusive, of this act and the person who makes the disclosure*
45 *knows or reasonably should know that such disclosure will create*



1 *a substantial risk of bodily harm to the person about whom the*
2 *information pertains, the person who makes the disclosure is*
3 *guilty of a misdemeanor.*

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

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

9 250.120 "Personal information" means:

- 10 1. The home address of ~~the~~ a person;
11 2. The home address of the spouse , *domestic partner* or minor
12 child of ~~the~~ a person;
13 3. Any photograph of the home of ~~the~~ a person; ~~and~~
14 4. Any photograph of the home of the spouse , *domestic*
15 *partner* or minor child of ~~the~~ a person ~~;~~ *and*

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

18 ↪ but does not include an assessor's parcel number.

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

20 250.140 1. The following persons may request that personal
21 information contained in the records of a county assessor be kept
22 confidential:

23 (a) Any justice or judge in this State.

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

25 (c) *Any court-appointed master or judge pro tempore in this*
26 *State.*

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

29 (e) Any peace officer or retired peace officer.

30 ~~the~~ (f) The spouse , *domestic partner* or minor child of a
31 person described in ~~paragraph~~ paragraphs (a) ~~or (b).~~
32 ~~(d)~~ to (e), inclusive.

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

36 2. As used in this section, "peace officer" means:

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

40 (b) Any person:

41 (1) Who resides in this State;

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

43 (3) Who is employed by a law enforcement agency of the
44 Federal Government, including, without limitation, a ranger for the
45 National Park Service and an agent employed by the Federal Bureau



1 of Investigation, Secret Service, United States Department of
2 Homeland Security or United States Department of the Treasury.

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

4 250.150 If a person listed in NRS 250.140 requests
5 confidentiality, the confidential information of that person may only
6 be disclosed as provided in NRS 239.0115, 250.087, 250.160 or
7 250.180 **or as otherwise specifically authorized by law.**

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

9 239.010 1. Except as otherwise provided in this section and
10 NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440,
11 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320,
12 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246,
13 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355,
14 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730,
15 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260,
16 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370,
17 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161,
18 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817,
19 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015,
20 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,
21 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160,
22 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651,
23 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040,
24 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350,
25 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270,
26 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300,
27 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140,
28 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020,
29 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130,
30 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195,
31 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438,
32 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558,
33 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,
34 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420,
35 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,
36 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610,
37 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008,
38 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259,
39 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147,
40 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460,
41 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885,
42 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749,
43 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872,
44 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430,
45 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170,



1 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665,
2 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720,
3 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866,
4 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240,
5 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170,
6 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070,
7 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655,
8 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070,
9 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315,
10 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110,
11 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,
12 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336,
13 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301,
14 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085,
15 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,
16 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190,
17 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524,
18 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082,
19 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135,
20 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945,
21 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110,
22 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310,
23 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243,
24 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690,
25 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873,
26 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115,
27 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190,
28 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615,
29 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230,
30 710.159, 711.600, *and sections 6, 7, 8, 21, 22, 23, 33, 34 and 35 of*
31 *this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada
32 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and
33 unless otherwise declared by law to be confidential, all public books
34 and public records of a governmental entity must be open at all
35 times during office hours to inspection by any person, and may be
36 fully copied or an abstract or memorandum may be prepared from
37 those public books and public records. Any such copies, abstracts or
38 memoranda may be used to supply the general public with copies,
39 abstracts or memoranda of the records or may be used in any other
40 way to the advantage of the governmental entity or of the general
41 public. This section does not supersede or in any manner affect the
42 federal laws governing copyrights or enlarge, diminish or affect in
43 any other manner the rights of a person in any written book or
44 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;

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*



1 *requires the Secretary of State or the county clerk or city clerk to*
2 *maintain the personal information of the person in a confidential*
3 *manner. Such an order must be based on a sworn affidavit by the*
4 *person, which affidavit:*

5 *(a) States that the affiant qualifies as a person listed in section*
6 *22 of this act; and*

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

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

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

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

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

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

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

22 *3. Any court-appointed master or judge pro tempore in this*
23 *State.*

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

26 *5. The spouse, domestic partner or minor child of a person*
27 *described in subsections 1 to 4, inclusive.*

28 *6. The surviving spouse, domestic partner or minor child of a*
29 *person described in subsections 1 to 4, inclusive, who was killed in*
30 *the performance of his or her duties.*

31 **Sec. 23.** *If a person listed in section 22 of this act requests*
32 *confidentiality, the confidential information of that person may*
33 *only be disclosed as provided in NRS 239.0115 or section 24 of*
34 *this act or as otherwise specifically authorized by law.*

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

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

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



1 *litigation, and execution or enforcement of judgments and orders*
2 *or pursuant to an order of a federal or state court.*

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

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

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

11 *(f) In the bulk distribution of surveys, marketing material or*
12 *solicitations, if the Secretary of State or the county or city clerk*
13 *has adopted policies and procedures to ensure that the*
14 *information will be used or sold only for use in the bulk*
15 *distribution of surveys, marketing material or solicitations.*

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

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

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

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

27 **Sec. 25.** *Except for a request from a governmental entity*
28 *pursuant to paragraph (a) of subsection 1 of section 24 of this act*
29 *or in response to an order of a federal or state court pursuant to*
30 *paragraph (b) of subsection 1 of section 24 of this act, the*
31 *Secretary of State or a county or city clerk may deny a request for*
32 *confidential information if the Secretary of State or the county or*
33 *city clerk reasonably believes that the information may be used in*
34 *an unauthorized manner.*

35 **Sec. 26.** *1. A person shall not:*

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

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

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

43 **Sec. 27.** *If a person discloses confidential information about*
44 *a person listed in section 22 of this act in violation of sections 18*
45 *to 25, inclusive, of this act and the person who makes the*



1 *disclosure knows or reasonably should know that such disclosure*
2 *will create a substantial risk of bodily harm to the person about*
3 *whom the information pertains, the person who makes the*
4 *disclosure is guilty of a misdemeanor.*

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

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

12 **Sec. 30.** *As used in sections 30 to 40, inclusive, of this act,*
13 *unless the context otherwise requires, the words and terms defined*
14 *in sections 31 and 32 of this act have the meanings ascribed to*
15 *them in those sections.*

16 **Sec. 31.** *“Confidential information” means personal*
17 *information deemed confidential pursuant to section 33 of this act.*

18 **Sec. 32.** *“Personal information” means:*

- 19 1. *The home address of a person;*
20 2. *The home address of the spouse, domestic partner or minor*
21 *child of a person;*
22 3. *Any photograph of the home of a person;*
23 4. *Any photograph of the home of the spouse, domestic*
24 *partner or minor child of a person; and*
25 5. *Any telephone number or electronic mail address of a*
26 *person,*

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

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

35 (a) *States that the affiant qualifies as a person listed in section*
36 *34 of this act; and*

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

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

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

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



1 **Sec. 34.** *The following persons may request that personal*
2 *information contained in the records of the Department be kept*
3 *confidential:*

- 4 1. *Any justice or judge in this State.*
- 5 2. *Any senior justice or senior judge in this State.*
- 6 3. *Any court-appointed master or judge pro tempore in this*
7 *State.*
- 8 4. *Any court administrator, court executive officer, clerk,*
9 *deputy clerk or other employee of a court in this State.*
- 10 5. *The spouse, domestic partner or minor child of a person*
11 *described in subsections 1 to 4, inclusive.*
- 12 6. *The surviving spouse, domestic partner or minor child of a*
13 *person described in subsections 1 to 4, inclusive, who was killed in*
14 *the performance of his or her duties.*

15 **Sec. 35.** *If a person listed in section 34 of this act requests*
16 *confidentiality, the confidential information of that person may*
17 *only be disclosed as provided in NRS 239.0115 or section 36 of*
18 *this act or as otherwise specifically authorized by law.*

19 **Sec. 36.** 1. *The Department may provide confidential*
20 *information for use:*

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

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

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

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

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

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



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

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

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

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

12 **Sec. 37.** *Except for a request from a governmental entity*
13 *pursuant to paragraph (a) of subsection 1 of section 36 of this act*
14 *or in response to an order of a federal or state court pursuant to*
15 *paragraph (b) of subsection 1 of section 36 of this act, the*
16 *Department may deny a request for confidential information if the*
17 *Department reasonably believes that the information may be used*
18 *in an unauthorized manner.*

19 **Sec. 38.** 1. *A person shall not:*

20 (a) *Make a false representation to obtain any information*
21 *pursuant to sections 30 to 37, inclusive, of this act; or*

22 (b) *Knowingly obtain or disclose information pursuant to*
23 *sections 30 to 37, inclusive, of this act for any use not authorized*
24 *pursuant to sections 30 to 37, inclusive, of this act.*

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

27 **Sec. 39.** *If a person discloses confidential information about*
28 *a person listed in section 34 of this act in violation of sections 30*
29 *to 37, inclusive, of this act and the person who makes the*
30 *disclosure knows or reasonably should know that such disclosure*
31 *will create a substantial risk of bodily harm to the person about*
32 *whom the information pertains, the person who makes the*
33 *disclosure is guilty of a misdemeanor.*

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

