

ASSEMBLY BILL NO. 146—ASSEMBLYMEN MILLER, ASSEFA;
BILBRAY-AXELROD, DALY, DURAN, FUMO, GORELOW,
MUNK AND PETERS

FEBRUARY 14, 2019

Referred to Committee on Government Affairs

SUMMARY—Creates the Nevada Office of the Inspector General.
(BDR 18-2)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
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 governmental administration; creating the Nevada Office of the Inspector General; setting forth the powers and duties of the Inspector General and employees of the Office; requiring a state agency or local government to cooperate with and provide assistance to the Inspector General in carrying out those duties; prohibiting retaliation against certain persons who make a lawful complaint concerning fraud, waste, abuse or corruption in a state agency or local government; prohibiting certain acts to deter or prevent the Inspector General or the employees of the Office from performing his or her duty; imposing increased penalties for certain acts of assault or battery of the Inspector General or an employee of the Office; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law creates the Office of Finance in the Office of the Governor
2 consisting of the Director of the Office, the Division of Internal Audits and the
3 Budget Division. (NRS 223.400) This bill creates the Nevada Office of the
4 Inspector General as an independent agency. **Sections 2-6** of this bill define terms
5 related to the Nevada Office of the Inspector General. **Section 7** of this bill creates
6 the Nevada Office of the Inspector General consisting of the Inspector General and
7 any person employed in the Office. **Section 7** also requires the Governor to appoint



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the Inspector General for a term of 4 years from a list of candidates submitted by the Legislative Commission. **Section 8** of this bill requires the Inspector General to administer provisions of law governing the Office of the Inspector General. **Section 9** of this bill: (1) requires the Inspector General to appoint a Deputy Inspector General and a Special Counsel who are in the unclassified service of the State; and (2) authorizes the Inspector General, within the limits of available money, to employ such persons in the classified service of the State as he or she deems necessary to provide an appropriate staff for the Office and to enter into contracts with certain professionals for professional services related to the functions of the Office.

Section 10 of this bill requires the Inspector General to submit a report to the Governor and the Director of the Legislative Counsel Bureau, on at least a quarterly basis or at the Governor's request, setting forth any findings, conclusions or recommendations relating to an audit, investigation, inspection or review conducted by the Inspector General. **Sections 11 and 27** of this bill transfer from the Division of Internal Audits to the Inspector General the requirement to establish a telephone number to receive information relating to abuse, fraud and waste with respect to the use of public money by state agencies. **Section 12** of this bill: (1) requires a state agency or local government, upon request by the Inspector General, to cooperate with and provide assistance to the Inspector General in carrying out his or her duties; and (2) makes any person who willfully prevents, impairs or prohibits the performance of the duties of the Inspector General guilty of a category E felony. **Section 13** of this bill authorizes the Inspector General to issue subpoenas. **Sections 11, 14 and 21** of this bill provide for the confidentiality of: (1) any record maintained by the Inspector General during an investigation; and (2) the identity of any whistleblower. Otherwise, **section 14** requires a report of the Inspector General to be made available to the public annually. **Section 15** of this bill requires the Legislative Auditor to review a representative sample of the audits, investigations and reviews conducted by the Office for conformance with professional standards at least once every 3 years. **Section 16** of this bill creates the Nevada Inspector General's Fund as a special revenue fund without reversion to the State General Fund.

Section 17 of this bill makes it a category E felony to retaliate against certain persons who file a lawful complaint concerning fraud, waste, abuse or corruption within a state agency or local government.

Existing law provides that a person commits a gross misdemeanor if he or she uses any threat, force or violence to prevent an executive or administrative officer from performing his or her duties. (NRS 197.090) **Section 18** of this bill makes it a category E felony for a person to use any threat, force or violence to prevent the Inspector General or an employee of the Nevada Office of the Inspector General from performing his or her duties.

Sections 19 and 20 of this bill provide that the increased penalty for assault or battery of an officer applies to an assault or battery of the Inspector General or an employee of the Nevada Office of the Inspector General. (NRS 200.471, 200.481)

Section 22 of this bill makes the Inspector General and investigators employed by the Office of the Inspector General category II peace officers.

Existing law requires the head of each state agency to periodically review and report to the Director of the Office of Finance whether the agency's system of internal accounting and administrative control is in compliance with the uniform system of internal accounting and administrative control adopted by the Director for state agencies. Existing law further requires the Director to submit a report on the status of internal accounting and administrative controls in state agencies to certain persons. (NRS 353A.020) **Sections 23 and 24** of this bill require the Director to provide this report to the Inspector General.



Section 25 of this bill requires the Governor to appoint the Inspector General on or before December 1, 2019.

Section 26 of this bill provides that any provision of this bill requiring a report to be submitted to the Legislature does not expire automatically 5 years after the effective date of this bill.

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

Section 1. Title 18 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 17, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Local government” means any political subdivision of this State that receives any public funding, including, without limitation, any county, city, town, board, airport authority, regional transportation commission, fire protection district, irrigation district, school district or other special district that performs a governmental function and receives any public funding.*

Sec. 4. *“Office” means the Nevada Office of the Inspector General created by section 7 of this act.*

Sec. 5. *“State agency” means an agency, bureau, board, commission, department, division, officer or employee of the Executive Department of the State Government.*

Sec. 6. *“Waste” means the squandering of money or resources, whether or not the activity is unlawful.*

Sec. 7. 1. *The Nevada Office of the Inspector General is hereby created. The Nevada Office of the Inspector General consists of the Inspector General and any person employed in the Office.*

2. *The Governor shall appoint the Inspector General for a term of 4 years, and until a successor is appointed and qualified, from a list of three candidates submitted by the Legislative Commission. The Inspector General may be reappointed, and the Legislative Commission shall include the incumbent Inspector General on its list of candidates unless the Legislative Commission determines that the incumbent should not be recommended for reappointment for cause, including, without limitation, inefficiency, neglect of duty or malfeasance in office. A vacancy in the Office must be filled in the same manner as the original appointment.*



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3. *The Inspector General may be removed from office only by impeachment for misdemeanor or malfeasance in office. The Inspector General shall be deemed to be a state officer for the purposes of NRS 283.140 to 283.290, inclusive.*

4. *The Inspector General must have the demonstrated ability to administer a major public agency in the field of auditing, investigations or inspections or performance reviews of programs of governmental agencies, including, without limitation:*

(a) *Experience in accounting, auditing, financial analysis, law, management analysis, public administration, investigation, criminal justice administration or any other closely related fields;*

(b) *Certification as a Certified Fraud Examiner by the Association of Certified Fraud Examiners, or its successor organization, and as a Certified Inspector General by the Association of Inspectors General, or its successor organization, not later than 18 months after appointment as the Inspector General; and*

(c) *Continued status as a Certified Inspector General by the Association of Inspectors General, or its successor organization, while in office.*

5. *The Inspector General:*

(a) *Is in the unclassified service of the State.*

(b) *Shall devote his or her entire time and attention to the business of his or her office and shall not engage in any other gainful employment or occupation.*

(c) *Is ineligible for elective public office under the government and laws of this State, other than federal office, for 4 years after the date he or she leaves office.*

Sec. 8. *The Inspector General shall administer this chapter and all other provisions of law relating to the functions of the Office.*

Sec. 9. 1. The Inspector General:

(a) *Shall appoint a Deputy Inspector General and a Special Counsel. The Deputy Inspector General and Special Counsel are in the unclassified service of the State.*

(b) *May, within the limits of available money, employ such persons he or she deems necessary to provide an appropriate staff for the Office, including, without limitation, auditors, administrative staff, investigators and sworn peace officers. The Inspector General may employ category II peace officers. Any such persons employed pursuant to this paragraph are in the classified service of the State.*

2. *The Inspector General may enter into contracts for the services of certified public accountants, qualified management consultants or other professional experts necessary to*



1 *independently perform the functions of the Office, within the*
2 *limits of money available for that purpose.*

3 **Sec. 10. 1. The Inspector General shall:**

4 *(a) Establish and maintain a full-time program of auditing,*
5 *investigation, inspection and performance review of each state*
6 *agency and local government to provide increased accountability*
7 *and oversight of each state agency and local government and to*
8 *assist in improving operations and deterring and identifying fraud,*
9 *waste, abuse or corruption; and*

10 *(b) Upon request by the Governor, but not less often than*
11 *quarterly, submit a report to the Governor and to the Director of*
12 *the Legislative Counsel Bureau for transmittal to the Legislature*
13 *setting forth any findings and conclusions relating to an audit,*
14 *investigation, inspection or review specified in subsection 2 and*
15 *any suggested corrective or remedial actions, including, without*
16 *limitation, increased oversight, carrying out or modifying any*
17 *controls for internal management, termination of employment or*
18 *referral to the Commission on Ethics or the Attorney General*
19 *when appropriate.*

20 **2. The Inspector General may:**

21 *(a) Engage in prevention activities, including, without*
22 *limitation, the review of legislation, rules, regulations, policies and*
23 *procedures of a state agency or local government and*
24 *transactions, training and education conducted by any state*
25 *agency or local government.*

26 *(b) Review the reliability and validity of the information*
27 *provided through the performance measures and standards of any*
28 *state agency or local government.*

29 *(c) Conduct a review of the performance measurement system*
30 *of any state agency or local government.*

31 *(d) Attend any meeting held by any state agency or local*
32 *government.*

33 *(e) Audit the economy, efficiency and effectiveness of the*
34 *operations and functions of any state agency or local government.*

35 *(f) Audit, inspect, investigate and review the activities, records,*
36 *procurements, grants, agreements and other financial*
37 *arrangements undertaken by any state agency, local government,*
38 *contractor, grantee or other recipient of money, property or*
39 *services to be spent or used on behalf of the State or a political*
40 *subdivision, but not including a natural person who is receiving:*

41 *(1) Compensation for employment; or*

42 *(2) An income subsidy with no restriction on his or her use*
43 *of the money or property.*



(g) Recommend remedial actions to be taken by any state agency or local government to overcome or correct operating or maintenance deficiencies or inefficiencies identified by the Office.

(h) Establish a program for receiving, reviewing and investigating any complaint submitted to the Inspector General concerning any fraud, waste, abuse or corruption within any state agency or local government, including, without limitation, deficiencies in the operation and maintenance of facilities, and referral of those complaints to the appropriate state agency or local government.

(i) Conduct civil, criminal and administrative investigations.

(j) Conduct joint investigations and projects with other oversight or law enforcement agencies.

(k) Provide information and evidence relating to criminal acts to appropriate law enforcement officials.

(l) Refer matters for further civil, criminal and administrative action to appropriate administrative and prosecutorial agencies.

(m) Identify any other state agency or local government that is responsible for auditing, investigating, inspecting or reviewing the operation and management of a state agency or local government, including, without limitation, the Inspector General of the Department of Corrections, and coordinate with those state agencies and local governments to share information and avoid any duplication of activities.

(n) Issue public reports.

(o) Adopt regulations to carry out the provisions of this chapter.

(p) Perform any other task relating to his or her duties as he or she determines is necessary.

Sec. 11. 1. The Inspector General shall:

(a) Establish a telephone number at which a person may confidentially report to the Office information relating to abuse, fraud or waste with respect to public money received and used by a state agency or contractor; and

(b) Create a written notice that:

(1) Clearly identifies the telephone number established pursuant to paragraph (a); and

(2) Contains a statement directing any person with any information relating to abuse, fraud or waste with respect to public money received and used by a state agency or contractor to report the information at the telephone number established pursuant to paragraph (a).

2. The written notice created pursuant to paragraph (b) of subsection 1 must be posted conspicuously:



(a) *In each public building of each state agency; and*

(b) *On the Internet website maintained by the Office.*

3. *Upon receipt of information from a person calling the telephone number established pursuant to paragraph (a) of subsection 1, the Office must perform a review and prepare a report of its findings. The report is a public record and:*

(a) *Must include, without limitation, an explanation of:*

(1) *The purpose of the review; and*

(2) *Any resolution or corrective action taken by the Office that resulted from the review.*

(b) *Must not include the identity of the person who reported the information.*

4. *Except as otherwise provided in subsections 3 and 5, any information reported to the Office at the telephone number established pursuant to paragraph (a) of subsection 1, including, without limitation, the identity of the person who reported the information, is confidential.*

5. *The Office shall not disclose information that is confidential pursuant to subsection 4 except:*

(a) *Pursuant to NRS 239.0115;*

(b) *For the purpose of carrying out any duty of the Office or for the purpose of assisting the Director of the Office of Finance or Administrator of the Division of Internal Audits of the Office of Finance in carrying out any duty of the Director or Administrator;*

(c) *Upon the lawful order of a court of competent jurisdiction; or*

(d) *To the Office of the Attorney General or the office of a district attorney within this State for the purpose of investigating the alleged abuse, fraud or waste reported to the Nevada Office of the Inspector General.*

6. *As used in this section:*

(a) *“Contractor” means any person, business, organization or nonprofit corporation that contracts with a state agency or local government to receive public money. The term includes, without limitation, a subcontractor or a third party who receives any portion of the public money from the contractor to carry out any obligation pursuant to a contract between the contractor and the state agency or local government.*

(b) *“Public money” means any money deposited with a depository by the State Treasurer and includes, without limitation, money which is received by a state agency or local government from the Federal Government for distribution and use in this State pursuant to a federal law or federal regulation.*

Sec. 12. 1. *Upon request by the Inspector General, each state agency and local government and any employee of a state*



1 *agency or local government shall cooperate with and provide*
2 *assistance to the Inspector General in carrying out the provisions*
3 *of this chapter and shall ensure that the premises, equipment,*
4 *employees, books, papers, contracts, correspondence and other*
5 *records of the state agency or local government are available for*
6 *use by the Inspector General in carrying out those provisions.*

7 2. *A person who willfully prevents, impairs or prohibits the*
8 *Inspector General from initiating, carrying out or completing any*
9 *audit, investigation, inspection or review is guilty of a category E*
10 *felony and shall be punished as provided in NRS 193.130.*

11 **Sec. 13.** 1. *In carrying out the provisions of this chapter,*
12 *the Inspector General may subpoena the attendance of witnesses*
13 *or the production of books, papers and documents,*
14 *notwithstanding any claim of privilege.*

15 2. *If any person refuses to obey a subpoena issued by the*
16 *Inspector General, the Inspector General may present a petition to*
17 *the district court of the county in which the person resides, setting*
18 *forth the facts, and thereupon the court, in a proper case, shall*
19 *issue its subpoena to the person requiring his or her attendance*
20 *before the court to testify or to produce books, papers and*
21 *documents.*

22 3. *Any person failing or refusing to obey the subpoena of a*
23 *district court may be proceeded against in the same manner as for*
24 *a refusal to obey any other order of the court.*

25 **Sec. 14.** 1. *Except as otherwise provided in subsection 2,*
26 *the Inspector General shall make public an annual report of*
27 *audits, investigations, inspections and reviews conducted by the*
28 *Office after such audits, investigations, inspections or reviews are*
29 *concluded.*

30 2. *A report made public pursuant to subsection 1 must not*
31 *include:*

32 (a) *The personal identifying information of an original source*
33 *without his or her written consent; or*

34 (b) *Any information deemed privileged or confidential by law.*

35 3. *As used in this section:*

36 (a) *“Original source” means a person:*

37 (1) *Who voluntarily discloses to a state agency or local*
38 *government the information on which the allegations or*
39 *transactions for an audit, investigation, inspection or review are*
40 *based before the public disclosure of the information; or*

41 (2) *Who has knowledge of information that is independent*
42 *of and materially adds to any allegations or transactions which are*
43 *publicly disclosed and who voluntarily provides such information*
44 *to a state agency or local government.*



(b) "Personal identifying information" has the meaning ascribed to it in NRS 205.4617.

Sec. 15. 1. Audits, investigations, inspections and reviews conducted by the Office must conform to professional standards, including, without limitation, standards promulgated by the Association of Inspectors General or its successor organization.

2. The Legislative Auditor shall, on or before July 1, 2024, and at least once every 3 years thereafter, prepare and make public a report reviewing a representative sample of the audits, investigations, inspections and reviews issued by the Office for that time period for conformance with the professional standards described in subsection 1.

Sec. 16. 1. The Nevada Inspector General's Fund is hereby created in the State Treasury as a special revenue fund to be administered by the Office. All money received by the Office must be deposited in the Fund. The money in the Fund does not revert to the State General Fund at the end of any fiscal year, and the balance in the Fund must be carried forward to the next fiscal year.

2. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund. All claims against the Fund must be paid as other claims against the State are paid.

3. The money in the Fund may be used only to pay the costs of carrying out programs or laws administered by the Office.

Sec. 17. A person who willfully discharges, demotes, suspends, threatens, harasses or discriminates against an employee, contractor or agent as a result of a lawful complaint of the employee, contractor or agent concerning any fraud, waste, abuse or corruption within any state agency or local government is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 18. NRS 197.090 is hereby amended to read as follows:

197.090 1. Except under circumstances where a greater penalty is provided in *subsection 2 or* NRS 200.481, any person who, by means of any threat, force or violence, attempts to deter or prevent any executive or administrative officer from performing any duty imposed upon the officer by law, or who knowingly resists by force or violence any executive or administrative officer in the performance of the officer's duty, is guilty of a gross misdemeanor.

2. Any person who, by means of any threat, force or violence, attempts to deter or prevent the Inspector General or an employee of the Nevada Office of the Inspector General from performing any duty imposed by law upon the Inspector General or the Office, or who knowingly resists by force or violence the Inspector



General or an employee of the Office in the performance of his or her duty, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

3. As used in this section:

(a) "Inspector General" means the Inspector General appointed pursuant to section 7 of this act.

(b) "Nevada Office of the Inspector General" or "Office" means the Nevada Office of the Inspector General created by section 7 of this act.

Sec. 19. NRS 200.471 is hereby amended to read as follows:

200.471 1. As used in this section:

(a) "Assault" means:

(1) Unlawfully attempting to use physical force against another person; or

(2) Intentionally placing another person in reasonable apprehension of immediate bodily harm.

(b) "Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.

(c) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard or other correctional officer of a city or county jail;

(5) The Inspector General appointed pursuant to section 7 of this act or an employee of the Nevada Office of the Inspector General created by section 7 of this act;

(6) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including a person acting pro tempore in a capacity listed in this subparagraph;

~~[(6)]~~ (7) An employee of this State or a political subdivision of this State whose official duties require the employee to make home visits;

~~[(7)]~~ (8) A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to law enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency;



~~[(8)]~~ (9) A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to fire fighting or fire prevention; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency; or

~~[(9)]~~ (10) A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to code enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

(d) "Provider of health care" means a physician, a medical student, a perfusionist or a physician assistant licensed pursuant to chapter 630 of NRS, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, a physician assistant licensed pursuant to chapter 633 of NRS, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractor, a chiropractor's assistant, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a medication aide - certified, a dentist, a dental student, a dental hygienist, a dental hygienist student, a pharmacist, a pharmacy student, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist, a marriage and family therapist intern, a clinical professional counselor, a clinical professional counselor intern, a licensed dietitian, an emergency medical technician, an advanced emergency medical technician and a paramedic.

(e) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

(f) "Sporting event" has the meaning ascribed to it in NRS 41.630.

(g) "Sports official" has the meaning ascribed to it in NRS 41.630.

(h) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

(i) "Taxicab driver" means a person who operates a taxicab.



(j) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. A person convicted of an assault shall be punished:

(a) If paragraph (c) or (d) does not apply to the circumstances of the crime and the assault is not made with the use of a deadly weapon or the present ability to use a deadly weapon, for a misdemeanor.

(b) If the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

(c) If paragraph (d) does not apply to the circumstances of the crime and if the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event and the person charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a gross misdemeanor, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

(d) If the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event by a probationer, a prisoner who is in lawful custody or confinement or a parolee, and the probationer, prisoner or parolee charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

Sec. 20. NRS 200.481 is hereby amended to read as follows:
200.481 1. As used in this section:

(a) "Battery" means any willful and unlawful use of force or violence upon the person of another.



(b) "Child" means a person less than 18 years of age.

(c) "Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.

(d) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard, matron or other correctional officer of a city or county jail or detention facility;

(5) *The Inspector General appointed pursuant to section 7 of this act or an employee of the Nevada Office of the Inspector General created by section 7 of this act;*

(6) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including, without limitation, a person acting pro tempore in a capacity listed in this subparagraph;

~~(6)~~ (7) An employee of this State or a political subdivision of this State whose official duties require the employee to make home visits;

~~(7)~~ (8) A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to law enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency;

~~(8)~~ (9) A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to fire fighting or fire prevention; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency; or

~~(9)~~ (10) A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to code enforcement; and



(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

(e) "Provider of health care" has the meaning ascribed to it in NRS 200.471.

(f) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

(g) "Sporting event" has the meaning ascribed to it in NRS 41.630.

(h) "Sports official" has the meaning ascribed to it in NRS 41.630.

(i) "Strangulation" means intentionally impeding the normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of another person in a manner that creates a risk of death or substantial bodily harm.

(j) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

(k) "Taxicab driver" means a person who operates a taxicab.

(l) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. Except as otherwise provided in NRS 200.485, a person convicted of a battery, other than a battery committed by an adult upon a child which constitutes child abuse, shall be punished:

(a) If the battery is not committed with a deadly weapon, and no substantial bodily harm to the victim results, except under circumstances where a greater penalty is provided in this section or NRS 197.090, for a misdemeanor.

(b) If the battery is not committed with a deadly weapon, and either substantial bodily harm to the victim results or the battery is committed by strangulation, for a category C felony as provided in NRS 193.130.

(c) If:

(1) The battery is committed upon an officer, provider of health care, school employee, taxicab driver or transit operator who was performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event;

(2) The officer, provider of health care, school employee, taxicab driver, transit operator or sports official suffers substantial bodily harm or the battery is committed by strangulation; and

(3) The person charged knew or should have known that the victim was an officer, provider of health care, school employee, taxicab driver, transit operator or sports official,

➤ for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not



1 more than 10 years, or by a fine of not more than \$10,000, or by
2 both fine and imprisonment.

3 (d) If the battery is committed upon an officer, provider of
4 health care, school employee, taxicab driver or transit operator who
5 is performing his or her duty or upon a sports official based on the
6 performance of his or her duties at a sporting event and the person
7 charged knew or should have known that the victim was an officer,
8 provider of health care, school employee, taxicab driver, transit
9 operator or sports official, for a gross misdemeanor, except under
10 circumstances where a greater penalty is provided in this section.

11 (e) If the battery is committed with the use of a deadly weapon,
12 and:

13 (1) No substantial bodily harm to the victim results, for a
14 category B felony by imprisonment in the state prison for a
15 minimum term of not less than 2 years and a maximum term of not
16 more than 10 years, and may be further punished by a fine of not
17 more than \$10,000.

18 (2) Substantial bodily harm to the victim results or the
19 battery is committed by strangulation, for a category B felony by
20 imprisonment in the state prison for a minimum term of not less
21 than 2 years and a maximum term of not more than 15 years, and
22 may be further punished by a fine of not more than \$10,000.

23 (f) If the battery is committed by a probationer, a prisoner who
24 is in lawful custody or confinement or a parolee, without the use of
25 a deadly weapon, whether or not substantial bodily harm results and
26 whether or not the battery is committed by strangulation, for a
27 category B felony by imprisonment in the state prison for a
28 minimum term of not less than 1 year and a maximum term of not
29 more than 6 years.

30 (g) If the battery is committed by a probationer, a prisoner who
31 is in lawful custody or confinement or a parolee, with the use of a
32 deadly weapon, and:

33 (1) No substantial bodily harm to the victim results, for a
34 category B felony by imprisonment in the state prison for a
35 minimum term of not less than 2 years and a maximum term of not
36 more than 10 years.

37 (2) Substantial bodily harm to the victim results or the
38 battery is committed by strangulation, for a category B felony by
39 imprisonment in the state prison for a minimum term of not less
40 than 2 years and a maximum term of not more than 15 years.

41 **Sec. 21.** NRS 239.010 is hereby amended to read as follows:

42 239.010 1. Except as otherwise provided in this section and
43 NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293,
44 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170,
45 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113,



1 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200,
2 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345,
3 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880,
4 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280,
5 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140,
6 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130,
7 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044,
8 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625,
9 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691,
10 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772,
11 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925,
12 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131,
13 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625,
14 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450,
15 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105,
16 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210,
17 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030,
18 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560,
19 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910,
20 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685,
21 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438,
22 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503,
23 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510,
24 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379,
25 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205,
26 ~~[353A.049.]~~ 353A.085, 353A.100, 353C.240, 360.240, 360.247,
27 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180,
28 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495,
29 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259,
30 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035,
31 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315,
32 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698,
33 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535,
34 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484,
35 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350,
36 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175,
37 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902,
38 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170,
39 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735,
40 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140,
41 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050,
42 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,
43 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940,
44 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363,
45 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452,



1 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964,
2 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710,
3 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341,
4 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327,
5 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047,
6 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368,
7 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055,
8 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087,
9 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730,
10 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190,
11 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170,
12 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870,
13 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092,
14 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375,
15 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033,
16 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115,
17 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450,
18 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122,
19 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270,
20 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077,
21 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010,
22 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190,
23 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420,
24 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320,
25 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and sections 11*
26 *and 14 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of
27 Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013
28 and unless otherwise declared by law to be confidential, all public
29 books and public records of a governmental entity must be open at
30 all times during office hours to inspection by any person, and may
31 be fully copied or an abstract or memorandum may be prepared
32 from those public books and public records. Any such copies,
33 abstracts or memoranda may be used to supply the general public
34 with copies, abstracts or memoranda of the records or may be used
35 in any other way to the advantage of the governmental entity or of
36 the general public. This section does not supersede or in any manner
37 affect the federal laws governing copyrights or enlarge, diminish or
38 affect in any other manner the rights of a person in any written book
39 or record which is copyrighted pursuant to federal law.

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

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



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

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

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

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

17 **Sec. 22.** NRS 289.470 is hereby amended to read as follows:

18 289.470 "Category II peace officer" means:

19 1. The bailiffs of the district courts, justice courts and
20 municipal courts whose duties require them to carry weapons and
21 make arrests;

22 2. Subject to the provisions of NRS 258.070, constables and
23 their deputies;

24 3. Inspectors employed by the Nevada Transportation
25 Authority who exercise those powers of enforcement conferred by
26 chapters 706 and 712 of NRS;

27 4. Special investigators who are employed full-time by the
28 office of any district attorney or the Attorney General;

29 5. Investigators of arson for fire departments who are specially
30 designated by the appointing authority;

31 6. The brand inspectors of the State Department of Agriculture
32 who exercise the powers of enforcement conferred by chapter 565
33 of NRS;

34 7. The field agents and inspectors of the State Department of
35 Agriculture who exercise the powers of enforcement conferred by
36 NRS 561.225;

37 8. Investigators for the State Forester Firewarden who are
38 specially designated by the State Forester Firewarden and whose
39 primary duties are related to the investigation of arson;

40 9. School police officers employed by the board of trustees of
41 any county school district;

42 10. Agents of the Nevada Gaming Control Board who exercise
43 the powers of enforcement specified in NRS 289.360, 463.140 or
44 463.1405, except those agents whose duties relate primarily to



auditing, accounting, the collection of taxes or license fees, or the investigation of applicants for licenses;

11. Investigators and administrators of the Division of Compliance Enforcement of the Department of Motor Vehicles who perform the duties specified in subsection 2 of NRS 481.048;

12. Officers and investigators of the Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel of the Department of Motor Vehicles who perform the duties specified in subsection 3 of NRS 481.0481;

13. Legislative police officers of the State of Nevada;

14. Parole counselors of the Division of Child and Family Services of the Department of Health and Human Services;

15. Juvenile probation officers and deputy juvenile probation officers employed by the various judicial districts in the State of Nevada or by a department of juvenile justice services established by ordinance pursuant to NRS 62G.210 whose official duties require them to enforce court orders on juvenile offenders and make arrests;

16. Field investigators of the Taxicab Authority;

17. Security officers employed full-time by a city or county whose official duties require them to carry weapons and make arrests;

18. The chief of a department of alternative sentencing created pursuant to NRS 211A.080 and the assistant alternative sentencing officers employed by that department;

19. Criminal investigators who are employed by the Secretary of State; ~~and~~

20. The Inspector General of the Department of Corrections and any person employed by the Department as a criminal investigator ~~and~~; and

21. The Inspector General appointed pursuant to section 7 of this act and any person employed as an investigator by the Nevada Office of the Inspector General created by section 7 of this act.

Sec. 23. NRS 353A.010 is hereby amended to read as follows:

353A.010 As used in this chapter, unless the context otherwise requires:

1. "Agency" means every agency, department, division, board, commission or similar body, or elected officer, of the Executive Branch of the State.

2. "Committee" means the Executive Branch Audit Committee created pursuant to NRS 353A.038.

3. "Director" means the Director of the Office of Finance.

4. *"Inspector General" means the Inspector General appointed by the Governor pursuant to section 7 of this act.*

5. "Internal accounting and administrative control" means a method through which agencies can safeguard assets, check the



1 accuracy and reliability of their accounting information, promote
2 efficient operations and encourage adherence to prescribed
3 managerial policies.

4 **Sec. 24.** NRS 353A.025 is hereby amended to read as follows:
5 353A.025 1. The head of each agency shall periodically
6 review the agency's system of internal accounting and
7 administrative control to determine whether it is in compliance with
8 the uniform system of internal accounting and administrative control
9 for agencies adopted pursuant to subsection 1 of NRS 353A.020.

10 2. On or before July 1 of each even-numbered year, the head of
11 each agency shall report to the Director whether the agency's
12 system of internal accounting and administrative control is in
13 compliance with the uniform system adopted pursuant to subsection
14 1 of NRS 353A.020. The reports must be made available for
15 inspection by the members of the Legislature.

16 3. For the purposes of this section, "agency" does not include:
17 (a) A board created by the provisions of NRS 590.485 and
18 chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648,
19 654 and 656 of NRS.

20 (b) The Nevada System of Higher Education.

21 (c) The Public Employees' Retirement System.

22 (d) The Housing Division of the Department of Business and
23 Industry.

24 (e) The Colorado River Commission of Nevada.

25 4. The Director shall, on or before the first Monday in
26 February of each odd-numbered year, submit a report on the status
27 of internal accounting and administrative controls in agencies to the:

28 (a) Director of the Legislative Counsel Bureau for transmittal to
29 the:

30 (1) Senate Standing Committee on Finance; and

31 (2) Assembly Standing Committee on Ways and Means;

32 (b) Governor; ~~and~~

33 (c) *Inspector General; and*

34 *(d) Legislative Auditor.*

35 5. The report submitted by the Director pursuant to subsection
36 4 must include, without limitation:

37 (a) The identification of each agency that has not complied with
38 the requirements of subsections 1 and 2;

39 (b) The identification of each agency that does not have an
40 effective method for reviewing its system of internal accounting and
41 administrative control; and

42 (c) The identification of each agency that has weaknesses in its
43 system of internal accounting and administrative control, and the
44 extent and types of such weaknesses.



1 **Sec. 25.** 1. On or before December 1, 2019, the Governor
2 shall appoint an Inspector General pursuant to section 7 of this act.

3 2. The Administrator of the Division of Internal Audits of the
4 Office of Finance is the acting Inspector General until the Governor
5 appoints the initial Inspector General pursuant to section 7 of this
6 act.

7 **Sec. 26.** The provisions of subsection 1 of NRS 218D.380 do
8 not apply to any provision of this act which adds or revises a
9 requirement to submit a report to the Legislature.

10 **Sec. 27.** NRS 353A.049 is hereby repealed.

11 **Sec. 28.** This act becomes effective:

12 1. Upon passage and approval for the purpose of adopting
13 regulations and performing preparatory administrative tasks that are
14 necessary to carry out the provisions of this act; and

15 2. On October 1, 2019, for all other purposes.

TEXT OF REPEALED SECTION

**353A.049 Reports of abuse, fraud or waste regarding
public money received and used by agency or contractor:
Establishment of telephone number by Director; notice; action
by Division; confidentiality; disclosure.**

1. The Director shall:

(a) Establish a telephone number at which a person may
confidentially report to the Division information relating to abuse,
fraud or waste with respect to public money received and used by an
agency or contractor; and

(b) Create a written notice that:

(1) Clearly identifies the telephone number established
pursuant to paragraph (a); and

(2) Contains a statement directing any person with any
information relating to abuse, fraud or waste with respect to public
money received and used by an agency or contractor to report the
information at the telephone number established pursuant to
paragraph (a).

2. The written notice created pursuant to paragraph (b) of
subsection 1 must be posted conspicuously:

(a) In each public building of an agency; and

(b) On the Internet website maintained by the Office of Finance.

3. Upon receipt of information from a person calling the
telephone number established pursuant to paragraph (a) of



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subsection 1, the Division shall perform a review and prepare a report of its findings. The report is a public record and:

(a) Must include, without limitation, an explanation of:

(1) The purpose of the review; and

(2) Any resolution or corrective action taken by the Division that resulted from the review.

(b) Must not include the identity of the person who reported the information.

4. Except as otherwise provided in subsections 3 and 5, any information reported to the Division at the telephone number established pursuant to paragraph (a) of subsection 1, including, without limitation, the identity of the person who reported the information, is confidential.

5. The Division shall not disclose information that is confidential pursuant to subsection 4 except:

(a) Pursuant to NRS 239.0115;

(b) For the purpose of carrying out any duty of the Division prescribed by NRS 353A.031 to 353A.100, inclusive, or for the purpose of assisting the Director or Administrator in carrying out any duty of the Director or Administrator prescribed by this chapter;

(c) Upon the lawful order of a court of competent jurisdiction; or

(d) To the Office of the Attorney General or the office of a district attorney within this State for the purpose of investigating the alleged abuse, fraud or waste reported to the Division.

6. As used in this section:

(a) "Contractor" means any person, business, organization or nonprofit corporation that contracts with an agency to receive public money. The term includes a subcontractor or a third party who receives any portion of the public money from the contractor to carry out any obligation pursuant to a contract between the contractor and the agency.

(b) "Public money" means any money deposited with a depository by the State Treasurer and includes money which is received by an agency from the Federal Government for distribution and use in this State pursuant to a federal law or federal regulation.

