

ASSEMBLY BILL NO. 425—COMMITTEE  
ON GOVERNMENT AFFAIRS

MARCH 25, 2019

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Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing fingerprinting services. (BDR 14-945)

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.

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AN ACT relating to public affairs; requiring the Director to provide for audits to ensure compliance with applicable laws, regulations and standards; requiring persons who wish to establish or own certain fingerprint facilities to enter into certain contracts; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the Director of the Department of Public Safety to adopt certain regulations and provide for certain audits. (NRS 179A.080) **Section 5.5** of this bill requires the Director to provide for certain audits to ensure compliance with all applicable laws, regulations and standards.

Existing law creates the Central Repository for the Nevada Records of Criminal History within the Records, Communications and Compliance Division of the Department of Public Safety. Existing law authorizes the Records, Communications and Compliance Division to request of and receive from the Federal Bureau of Investigation information on the background and personal history of certain persons whose fingerprints the Central Repository submits to the Federal Bureau of Investigation. (NRS 179A.075) **Section 5** of this bill requires a person wishing to establish or own a fingerprint facility that transmits or forwards fingerprints to the Central Repository to enter into a contract with the Central Repository.

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

**Section 1.** Chapter 179A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

**Sec. 2.** *As used in NRS 179A.075 to 179A.160, inclusive, and sections 2 to 5, inclusive of this act, unless the context otherwise requires, the words and terms defined in sections 2.5 and 3 of this act have the meanings ascribed to them in those sections.*

**Sec. 2.3.** (Deleted by amendment.)

**Sec. 2.5. 1.** *“Fingerprint facility” means a facility located in this State which uses fingerprinting and network equipment to provide fingerprinting services. The term includes, without limitation, such a facility that provides mobile fingerprinting services.*

*2. The term does not include:*

*(a) Any local, state or federal agency, including, without limitation, any law enforcement agency; or*

*(b) A facility where fingerprinting services are rendered that does not transmit or forward the biometric data in the form of fingerprints to the Central Repository.*

**Sec. 2.7.** (Deleted by amendment.)

**Sec. 3.** *“Fingerprinting service” means the act of collecting, including, without limitation, collecting electronically, biometric data in the form of fingerprints.*

**Sec. 4.** (Deleted by amendment.)

**Sec. 4.5.** (Deleted by amendment.)

**Sec. 5.** *A person who wishes to establish or own a fingerprint facility that transmits or forwards to the Central Repository the biometric data in the form of fingerprints must enter into a contract with the Central Repository.*

**Sec. 5.5.** NRS 179A.080 is hereby amended to read as follows:

179A.080 The Director of the Department is responsible for administering this chapter and may adopt regulations for that purpose. The Director shall:

1. Adopt regulations for the security of the Central Repository so that it is adequately protected from fire, theft, loss, destruction, other hazards and unauthorized access.

2. Adopt regulations and standards for personnel employed by agencies of criminal justice in positions of responsibility for maintenance and dissemination of information relating to records of criminal history and information disseminated pursuant to federal laws and regulations.



3. Provide for audits of informational systems by qualified public or private agencies, organizations or persons.

*4. Provide for preliminary and periodic audits of fingerprinting and network equipment to ensure compliance with all applicable laws, regulations and standards.*

**Sec. 6.** (Deleted by amendment.)

**Sec. 7.** (Deleted by amendment.)

**Sec. 8.** (Deleted by amendment.)

**Sec. 9.** (Deleted by amendment.)

**Sec. 10.** (Deleted by amendment.)

**Sec. 11.** (Deleted by amendment.)

**Sec. 12.** (Deleted by amendment.)

**Sec. 13.** (Deleted by amendment.)

**Sec. 14.** (Deleted by amendment.)

**Sec. 15.** (Deleted by amendment.)

**Sec. 16.** (Deleted by amendment.)

**Sec. 17.** (Deleted by amendment.)

**Sec. 18.** (Deleted by amendment.)

**Sec. 19.** (Deleted by amendment.)

**Sec. 20.** (Deleted by amendment.)

**Sec. 21.** (Deleted by amendment.)

**Sec. 22.** (Deleted by amendment.)

**Sec. 23.** (Deleted by amendment.)

**Sec. 24.** (Deleted by amendment.)

**Sec. 25.** (Deleted by amendment.)

**Sec. 26.** (Deleted by amendment.)

**Sec. 27.** (Deleted by amendment.)

**Sec. 28.** This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any preliminary and administrative tasks necessary to carry out the provisions of this act and on January 1, 2020, for all other purposes.

