

ASSEMBLY BILL NO. 45—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE INVESTIGATION DIVISION
OF THE DEPARTMENT OF PUBLIC SAFETY)

PREFILED NOVEMBER 16, 2018

Referred to Committee on Judiciary

SUMMARY—Creates the Nevada Threat Analysis Center and the Nevada Threat Analysis Center Advisory Committee in the Investigation Division of the Department of Public Safety. (BDR 43-348)

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 public safety; creating and setting forth the duties of the Nevada Threat Analysis Center and the Nevada Threat Analysis Center Advisory Committee in the Investigation Division of the Department of Public Safety; making certain information relating to the Center and the Advisory Committee confidential; authorizing the Advisory Committee to hold a closed meeting for certain purposes; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 5 of this bill creates the Nevada Threat Analysis Center in the Investigation Division of the Department of Public Safety. **Section 5** requires the Center to: (1) collect and maintain certain information regarding potential threats to public safety; and (2) analyze and disseminate the information collected to a public safety agency or other governmental agencies or a private entity as the Center determines is necessary to detect, prevent, investigate or respond to criminal activity or acts of terrorism. **Section 6** of this bill provides that any information collected by the Center is confidential and must not be disclosed except when the Center determines such disclosure is necessary. **Section 6** makes the disclosure of such confidential information a gross misdemeanor or a category C felony, depending on the intent of the person disclosing the information.



Section 7 of this bill creates the Nevada Threat Analysis Center Advisory Committee within the Investigation Division to advise the Nevada Threat Analysis Center on best practices for the collection, maintenance, analysis and dissemination of certain information relating to criminal activity or acts of terrorism. **Section 8** of this bill: (1) requires the Advisory Committee to generally comply with the Open Meeting Law; and (2) authorizes the Advisory Committee to hold a closed meeting to receive or provide security briefings or to discuss certain topics. **Section 8** provides that all information and materials received or prepared by the Advisory Committee during a closed meeting and all minutes or audiovisual or electronic reproductions of such a meeting are confidential. **Section 8** also provides that if a criminal proceeding is initiated as a result of information or materials received or prepared by the Advisory Committee during such a closed meeting, such information or materials are subject to discovery and disclosure in accordance with applicable law. **Sections 10 and 11** of this bill make conforming changes.

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

Section 1. Chapter 480 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. *“Act of terrorism” has the meaning ascribed to it in NRS 202.4415.*

Sec. 3. *“Criminal intelligence information” means any information about an identifiable person or group of persons that is collected by a natural person, a private entity or a public safety agency or another federal, state or local governmental agency in an effort to detect, prevent, investigate or respond to criminal activity or acts of terrorism.*

Sec. 4. *“Public safety agency” means:*

1. A public fire department, fire protection district or other agency of this State or a political subdivision of this State, the primary functions of which are to control, extinguish and suppress fires;

2. A law enforcement agency as defined in NRS 277.035;

3. An emergency medical service;

4. The Division of Emergency Management of the Department; or

5. A local organization for emergency management, as defined in NRS 414.036.

Sec. 5. 1. *The Nevada Threat Analysis Center is hereby created within the Investigation Division.*

2. The Chief of the Investigation Division shall appoint a Director of the Center who is in the classified service of the State.

3. The Center shall:

(a) Collect and maintain criminal intelligence information and other information regarding actual or potential threats to public safety; and



(b) Analyze the criminal intelligence information and other information collected pursuant to paragraph (a) and disseminate the information to a public safety agency or other federal, state or local governmental agency or a private entity as the Center determines is necessary to detect, prevent, investigate or respond to criminal activity or acts of terrorism.

Sec. 6. 1. Except as otherwise provided in subsection 3 of section 5 of this act, any criminal intelligence information or other information collected by the Nevada Threat Analysis Center, including, without limitation, any papers, records, documents, reports, materials, databases or other evidence related to actual or suspected criminal activity or acts of terrorism is confidential and must not be disclosed.

2. A person who knowingly violates any provision of this section or who assists, solicits or conspires with another person to violate any provision of this section is guilty of:

(a) A category C felony and shall be punished as provided in NRS 193.130 if the person acted with intent to:

(1) Commit, cause, aid, further or conceal, or attempt to commit, cause, aid, further or conceal, any act of terrorism; or

(2) Assist, solicit or conspire with another person to commit, cause, aid, further or conceal any act of terrorism; or

(b) If paragraph (a) does not apply, a gross misdemeanor.

Sec. 7. 1. The Nevada Threat Analysis Center Advisory Committee is hereby created within the Investigation Division. Except as otherwise provided in subsection 2, the Advisory Committee consists of 2 ex officio nonvoting members pursuant to subsection 2 and not more than 15 voting members, which must include, without limitation:

(a) The Chief of the Investigation Division;

(b) The Chief of the Nevada Highway Patrol of the Department;

(c) The Chief of the Division of Emergency Management of the Department or another person designated by the Director of the Department who has experience relating to homeland security;

(d) Three members appointed by the Nevada Sheriffs' and Chiefs' Association or its legal successor who are representatives of the Association or its legal successor;

(e) One member appointed by the Director of the Department who is a representative of the Nevada Fire Chiefs' Association or its legal successor;

(f) One member appointed by the Director of the Department who is employed as a police officer by an Indian tribe;

(g) One member appointed by the sheriff of each county in which a metropolitan police department has been established who is a representative of the metropolitan police department; and



(h) Any other members appointed by the Director of the Department based on their experience or knowledge.

2. Except as otherwise provided in this subsection, the following persons are ex officio nonvoting members of the Advisory Committee:

(a) The Director of the Nevada Threat Analysis Center created by section 5 of this act.

(b) The Director of the Department or his or her designee except, in the case of a tie vote on any question, the Director or his or her designee shall cast the deciding vote.

3. The Director of the Department or his or her designee shall:

(a) Serve as the Chair of the Committee; and

(b) Select from the members a Vice Chair.

4. Appointed members of the Advisory Committee serve at the pleasure of the appointing authority.

5. The Advisory Committee shall meet at least twice annually at the call of the Chair and in conformance with section 8 of this act.

6. Members of the Advisory Committee serve without compensation and are not entitled to receive a per diem allowance or travel expenses.

7. The Advisory Committee shall advise the Nevada Threat Analysis Center created by section 5 of this act on best practices for the collection, maintenance, analysis and dissemination of criminal intelligence information.

Sec. 8. 1. Except as otherwise provided in this section, the Nevada Threat Analysis Center Advisory Committee created by section 7 of this act shall comply with the provisions of chapter 241 of NRS.

2. The Advisory Committee may hold a closed meeting:

(a) To receive or provide security briefings; or

(b) To discuss:

(1) Active criminal investigations;

(2) Criminal intelligence information;

(3) Actual or suspected acts of terrorism;

(4) Suspected or confirmed threats to public safety;

(5) Deficiencies in security with respect to public services, public facilities or infrastructure; or

(6) Deficiencies in security with respect to handling criminal intelligence information.

3. All information and materials received or prepared by the Advisory Committee during a closed meeting pursuant to subsection 2 and all minutes and audiovisual or electronic reproductions of such a meeting are confidential and not subject to inspection by the general public. If a criminal proceeding is initiated as a result of



information or materials received or prepared by the Advisory Committee during such a closed meeting, such information or materials are subject to discovery and disclosure in accordance with applicable law.

Sec. 9. NRS 480.400 is hereby amended to read as follows:
480.400 As used in NRS 480.400 to 480.520, inclusive, *and sections 2 to 8, inclusive, of this act*, unless the context otherwise requires, the words and terms defined in NRS 480.410 to 480.440, inclusive, *and sections 2, 3 and 4 of this act* have the meanings ascribed to them in those sections.

Sec. 10. NRS 239.010 is hereby amended to read as follows:
239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035, 391.120,



1 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317,
2 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698, 394.447,
3 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685,
4 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153,
5 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400,
6 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280,
7 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 433.534,
8 433A.360, 437.145, 439.840, 439B.420, 440.170, 441A.195,
9 441A.220, 441A.230, 442.330, 442.395, 442.735, 445A.665,
10 445B.570, 449.209, 449.245, 449A.112, 450.140, 453.164, 453.720,
11 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866,
12 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240,
13 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940, 481.063,
14 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575,
15 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452, 522.040,
16 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098,
17 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265,
18 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425,
19 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425,
20 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069,
21 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125,
22 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185,
23 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485,
24 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.600,
25 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090,
26 641.325, 641A.191, 641A.289, 641B.170, 641B.460, 641C.760,
27 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625,
28 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225,
29 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320,
30 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067,
31 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275,
32 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340,
33 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190,
34 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410,
35 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306,
36 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490,
37 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536,
38 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550,
39 696C.120, 703.196, 704B.320, 704B.325, 706.1725, 706A.230,
40 710.159, 711.600, *and sections 6 and 8 of this act*, sections 35, 38
41 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of
42 chapter 391, Statutes of Nevada 2013 and unless otherwise declared
43 by law to be confidential, all public books and public records of a
44 governmental entity must be open at all times during office hours to
45 inspection by any person, and may be fully copied or an abstract or



1 memorandum may be prepared from those public books and public
2 records. Any such copies, abstracts or memoranda may be used to
3 supply the general public with copies, abstracts or memoranda of the
4 records or may be used in any other way to the advantage of the
5 governmental entity or of the general public. This section does not
6 supersede or in any manner affect the federal laws governing
7 copyrights or enlarge, diminish or affect in any other manner the
8 rights of a person in any written book or record which is copyrighted
9 pursuant to federal law.

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

12 3. A governmental entity that has legal custody or control of a
13 public book or record shall not deny a request made pursuant to
14 subsection 1 to inspect or copy or receive a copy of a public book or
15 record on the basis that the requested public book or record contains
16 information that is confidential if the governmental entity can redact,
17 delete, conceal or separate the confidential information from the
18 information included in the public book or record that is not otherwise
19 confidential.

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

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

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

32 **Sec. 11.** NRS 241.016 is hereby amended to read as follows:

33 241.016 1. The meetings of a public body that are quasi-
34 judicial in nature are subject to the provisions of this chapter.

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

37 (a) The Legislature of the State of Nevada.

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

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



1 3. Any provision of law, including, without limitation, NRS
2 91.270, 219A.210, 228.495, 239C.140, 281A.350, 281A.690,
3 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345,
4 287.338, 288.220, 289.387, 295.121, 360.247, 388.261, 388A.495,
5 388C.150, 388G.710, 388G.730, 392.147, 392.467, 394.1699,
6 396.3295, 433.534, 435.610, 463.110, 622.320, 622.340, 630.311,
7 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550,
8 703.196 and 706.1725 ~~§~~ *and section 8 of this act*, which:

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

11 (b) Otherwise authorizes or requires a closed meeting, hearing or
12 proceeding,

13 ➤ prevails over the general provisions of this chapter.

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

19 **Sec. 12.** This act becomes effective on July 1, 2019.

