

Amendment No. 198

Assembly Amendment to Assembly Bill No. 307	(BDR 14-897)
<b>Proposed by:</b> Assembly Committee on Judiciary	
<b>Amends:</b> Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date	
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.





ASSEMBLY BILL NO. 307—ASSEMBLYMEN FLORES, FUMO, TORRES, NGUYEN; ASSEFA,  
BENITEZ-THOMPSON, DURAN, JAUREGUI AND PETERS

MARCH 18, 2019

Referred to Committee on Judiciary

SUMMARY—~~[Creates the Nevada Database of Gangs;]~~ Establishes provisions governing the use of a gang database by a local law enforcement agency. (BDR 14-897)

FISCAL NOTE: Effect on Local Government: No.  
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 criminal gangs; ~~[creating the Nevada Database of Gangs; establishing provisions regarding the contents, use and operation of the Nevada Database of Gangs; requiring the Director of the Department of Public Safety to adopt regulations relating to the Nevada Database of Gangs;]~~ establishing provisions governing the use of a gang database by a local law enforcement agency; and providing other matters properly relating thereto.

#### Legislative Counsel's Digest:

This bill ~~[creates the Nevada Database of Gangs, a statewide database containing information submitted by law enforcement agencies about the members of criminal gangs in Nevada;~~

— Section 8 of this bill sets forth a statement of legislative findings and declarations about the establishment of a statewide database regarding criminal gangs. Section 9 of this bill: (1) creates the Nevada Database of Gangs within the Central Repository for Nevada Records for Criminal History, which may be known and cited as NDOG; (2) requires the Central Repository to establish and maintain NDOG for the purpose of assisting law enforcement agencies and prosecutors in investigating and prosecuting crimes committed by members of a criminal gang; and (3) requires the Director of the Department of Public Safety to adopt regulations relating to NDOG.

— Section 10 of this bill provides that information contained in NDOG is: (1) confidential; (2) not a public record and not available to the general public; and (3) available only to federal, state and local law enforcement agencies and prosecutors carrying out official duties. Section 11 of this bill requires each law enforcement agency or prosecutor using NDOG to: (1) identify a system administrator who is responsible for auditing the use of NDOG; and (2) ensure that any user of NDOG receives training on its use before being granted access to NDOG. Section 12 of this bill provides that the Director, the Central Repository and its officers and employees, a law enforcement agency and its officer and employees, and an office of a prosecutor and its officers and employees are immune from civil liability for an act or omission relating to information submitted, obtained, maintained or disclosed pursuant to this bill. establishes provisions governing the use of a gang database by a local law enforcement agency. This bill provides that if a local law enforcement agency uses a gang database: (1) the database must be the database used by the largest local law

enforcement agency in Nevada; (2) if a person is registered in the database, written notice and an opportunity to contest the registration must be provided to the person; (3) a person registered in the database must be allowed to request removal of his or her registration in the database; and (4) any file relating to a person must be deleted from the database not later than 5 years after the date on which the person last had contact with the local law enforcement agency.

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

**Section 1.** ~~[Title 14] Chapter 179A~~ of NRS is hereby amended by adding thereto a new ~~[chapter to consist of the provisions set forth as sections 2 to 12, inclusive, of this act.]~~ section to read as follows:

1. If a local law enforcement agency uses a gang database for the purposes of identifying suspected members and affiliates of a criminal gang, the local law enforcement agency must comply with the following requirements:

(a) The database used by the local law enforcement agency must be the database used by the largest local law enforcement agency in this State.

(b) If a person is registered in the database, the local law enforcement agency must provide to the person written notice of his or her registration. Such written notice must include, without limitation, detailed instructions on the process for contesting registration as provided in this section.

(c) A person who wishes to contest registration in the database must be given the following period after receiving notification pursuant to paragraph (b) to contest registration in the database:

(1) For a person who is confined in a state or local correctional or detention facility, 10 calendar days.

(2) For a person who is not confined in a state or local correctional or detention facility, 30 calendar days.

(d) To contest registration in the database, a person must be allowed:

(1) To submit to the local law enforcement agency a written statement or other evidence; or

(2) To request, in writing, an in-person interview with a representative of the local law enforcement agency. The in-person interview must be conducted as soon as reasonably practicable at a date and time convenient to the person who is contesting his or her registration.

(e) A person who is registered in the database must be allowed to request removal of his or her registration in the database:

(1) By submitting to the local law enforcement agency a written statement or other evidence; or

(2) By requesting, in writing, an in-person interview with a representative of the local law enforcement agency. The in-person interview must be conducted as soon as reasonably practicable at a date and time convenient to the person who is requesting removal of his or registration from the database.

(f) The file relating to any person who is registered in the database must be deleted from the database not later than 5 years after the date on which the person last had contact with the local law enforcement agency.

2. As used in this section:

(a) "Contact" means contact with a local law enforcement agency during the investigation of a crime or report of an alleged crime.

1 (b) "Criminal gang" means any combination of persons, organized formally  
2 or informally, so constructed that the organization will continue its operation  
3 even if individual members enter or leave the organization, which:

4 (1) Has a common name or identifying symbol;

5 (2) Has particular conduct, status and customs indicative of it; and

6 (3) Has as one of its common activities engaging in criminal activity  
7 punishable as a felony.

8 (c) "Local law enforcement agency" means:

9 (1) The sheriff's office of a county;

10 (2) A metropolitan police department; or

11 (3) A police department of an incorporated city.

12 ~~Sec. 2. [As used in this chapter, unless the context otherwise requires, the~~  
13 ~~words and terms defined in sections 3 to 7, inclusive, of this act have the~~  
14 ~~meanings ascribed to them in those sections.] (Deleted by amendment.)~~

15 ~~Sec. 3. ["Central Repository" means the Central Repository for Nevada~~  
16 ~~Records of Criminal History.] (Deleted by amendment.)~~

17 ~~Sec. 4. ["Criminal gang" means any combination of persons, organized~~  
18 ~~formally or informally, so constructed that the organization will continue its~~  
19 ~~operation even if individual members enter or leave the organization, which:~~

20 ~~1. Has a common name or identifying symbol;~~

21 ~~2. Has particular conduct, status and customs indicative of it; and~~

22 ~~3. Has as one of its common activities engaging in criminal activity~~  
23 ~~punishable as a felony.] (Deleted by amendment.)~~

24 ~~Sec. 5. ["Director" means the Director of the Department of Public Safety.]~~  
25 ~~(Deleted by amendment.)~~

26 ~~Sec. 6. ["NDOG" means the Nevada Database of Gangs created pursuant~~  
27 ~~to section 9 of this act.] (Deleted by amendment.)~~

28 ~~Sec. 7. ["Prosecutor" has the meaning ascribed to it in NRS 241A.030.]~~  
29 ~~(Deleted by amendment.)~~

30 ~~Sec. 8. [The Legislature hereby finds and declares that:~~

31 ~~1. The proliferation of criminal gangs and crimes committed by criminal~~  
32 ~~gangs is a matter of statewide concern that affects both urban and rural areas of~~  
33 ~~this State;~~

34 ~~2. Local law enforcement agencies bear primary responsibility for~~  
35 ~~combating crimes committed by criminal gangs, and this responsibility has~~  
36 ~~placed a burden on the existing resources of local law enforcement agencies~~  
37 ~~throughout this State. Therefore, the State of Nevada has an obligation to make~~  
38 ~~additional support available to local law enforcement agencies and prosecutors~~  
39 ~~by increasing assistance in the investigation and prosecution of crimes committed~~  
40 ~~by criminal gangs and enhancing the ability to collect, analyze and disseminate~~  
41 ~~information on the activities and membership of criminal gangs;~~

42 ~~3. To help in containing the spread of crimes committed by criminal gangs,~~  
43 ~~the development of a computerized statewide database will improve the amount,~~  
44 ~~quality and consistency of data available to law enforcement agencies about the~~  
45 ~~activities and membership of criminal gangs.] (Deleted by amendment.)~~

46 ~~Sec. 9. [1. There is hereby created within the Central Repository the~~  
47 ~~Nevada Database of Gangs, which may be known and cited as NDOG.~~

48 ~~2. The Central Repository shall establish and maintain NDOG for the~~  
49 ~~purpose of assisting law enforcement agencies and prosecutors in this State in~~  
50 ~~investigating and prosecuting criminal activity by members of a criminal gang.~~

51 ~~3. The Director shall adopt regulations that:~~

~~(a) Set forth policies, procedures and criteria for a law enforcement agency to follow for submitting names of persons believed to be members of a criminal gang and information regarding those persons for inclusion in NDOG.~~

~~(b) Establish a process for a person whose name and information are submitted for inclusion in NDOG to receive:~~

~~(1) Notice of the submission of his or her name and information for inclusion in NDOG; and~~

~~(2) If the person wishes to challenge the inclusion of his or her name and information in NDOG, an opportunity to be heard and to dispute the inclusion of his or her name and information in NDOG.~~

~~(c) Ensure that NDOG is operated in accordance with all applicable federal regulations governing state law enforcement databases that are shared with other law enforcement agencies, including, without limitation, provisions relating to auditing and access to the data.] (Deleted by amendment.)~~

~~Sec. 10. [All information contained in NDOG is:~~

~~1. Confidential;~~

~~2. Not a public record and not available to the general public; and~~

~~3. Available only to federal, state and local law enforcement agencies and prosecutors for carrying out official duties.] (Deleted by amendment.)~~

~~Sec. 11. [Each law enforcement agency or prosecutor using NDOG shall:~~

~~1. Identify a system administrator who is responsible for annually auditing the use of NDOG within his or her respective agency or office to ensure compliance with policies established for the use of the database; and~~

~~2. Ensure that any user of NDOG receives training on the use of NDOG before being granted access to NDOG.] (Deleted by amendment.)~~

~~Sec. 12. [The Director, the Central Repository and its officers and employees, a law enforcement agency and its officers and employees, and an office of a prosecutor and its officers and employees are immune from criminal or civil liability for an act or omission relating to information submitted, obtained, maintained or disclosed pursuant to the provisions of this chapter, including, without limitation, an act or omission relating to:~~

~~1. The inclusion of or failure to include in NDOG the name or other information pertaining to a specific person;~~

~~2. The accuracy of information in NDOG; or~~

~~3. The disclosure of or the failure to disclose information in NDOG.] (Deleted by amendment.)~~

~~Sec. 13. [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, 231.173, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140,~~

~~239C.210, 239C.220, 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, 268.005, 268.400, 268.910, 271A.105, 281.195, 281.805, 281A.250,  
281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.068, 286.110,  
287.0438, 289.025, 289.080, 289.287, 289.820, 292.4855, 292.5002, 292.502,  
293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110,  
332.061, 332.351, 332.322, 332.325, 338.070, 338.1379, 338.1592, 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.820, 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, 391.925,  
392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.325,  
392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405,  
396.525, 396.525, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484,  
412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236,  
427A.872, 422.028, 422.205, 432B.175, 432B.280, 432B.290, 432B.407,  
432B.430, 432B.560, 432B.5902, 433.534, 433A.360, 437.145, 439.840, 439B.420,  
440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.725, 445A.665,  
445B.570, 449.209, 449.245, 449A.112, 450.140, 453.164, 453.720, 453A.610,  
453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846,  
463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365,  
480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.263,  
483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452, 522.040,  
534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110,  
599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015,  
616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110,  
624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047,  
629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125,  
632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158,  
636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,  
640A.220, 640B.730, 640C.400, 640C.600, 640C.620, 640C.745, 640C.760,  
640D.190, 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170,  
641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625,  
645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130,  
645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945,  
647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105,  
661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450,  
673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159,  
679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410,  
681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110,  
687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117,  
692C.190, 692C.2507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480,  
693A.615, 696B.550, 696C.120, 703.196, 704B.320, 704B.325, 706.1725,  
706A.230, 710.159, 711.600, and section 10 of this act, sections 35, 38 and 41 of  
chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of  
Nevada 2013 and unless otherwise declared by law to be confidential, all public  
books and public records of a governmental entity must be open at all times during  
office hours to inspection by any person, and may be fully copied or an abstract or  
memorandum may be prepared from those public books and public records. Any  
such copies, abstracts or memoranda may be used to supply the general public with  
copies, abstracts or memoranda of the records or may be used in any other way to  
the advantage of the governmental entity or of the general public. This section does~~

1 ~~not supersede or in any manner affect the federal laws governing copyrights or~~  
2 ~~enlarge, diminish or affect in any other manner the rights of a person in any written~~  
3 ~~book or record which is copyrighted pursuant to federal law.~~

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

6 ~~3. A governmental entity that has legal custody or control of a public book or~~  
7 ~~record shall not deny a request made pursuant to subsection 1 to inspect or copy or~~  
8 ~~receive a copy of a public book or record on the basis that the requested public~~  
9 ~~book or record contains information that is confidential if the governmental entity~~  
10 ~~can redact, delete, conceal or separate the confidential information from the~~  
11 ~~information included in the public book or record that is not otherwise confidential.~~

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

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

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

21 **Sec. 14.** This act becomes effective on July 1, 2019.