

Amendment No. 826

Senate Amendment to Assembly Bill No. 307 First Reprint	(BDR 14-897)
Proposed by: Senate Committee on Judiciary	
Amends: Summary: No Title: No 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—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; 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 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; ~~and~~ (2) a person  
registered in the database must be allowed to request removal of his or her registration in the  
database; and ~~and~~ (3) 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.** Chapter 179A of NRS is hereby amended by adding thereto a new  
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.***

~~1~~ ~~(b)~~ *A person who wishes to contest registration in the database must be*  
~~2~~ *given the following period after receiving notification pursuant to paragraph* ~~(b)~~  
~~3~~ *(a) to contest registration in the database:*

~~4~~ *(1) For a person who is confined in a state or local correctional or*  
~~5~~ *detention facility, 10 calendar days.*

~~6~~ *(2) For a person who is not confined in a state or local correctional or*  
~~7~~ *detention facility, 30 calendar days.*

~~8~~ ~~(c)~~ *To contest registration in the database, a person must be allowed:*

~~9~~ *(1) To submit to the local law enforcement agency a written statement or*  
~~10~~ *other evidence; or*

~~11~~ *(2) To request, in writing, an in-person interview with a representative of*  
~~12~~ *the local law enforcement agency. The in-person interview must be conducted as*  
~~13~~ *soon as reasonably practicable at a date and time convenient to the person who is*  
~~14~~ *contesting his or her registration.*

~~15~~ ~~(d)~~ *A person who is registered in the database must be allowed to*  
~~16~~ *request removal of his or her registration in the database:*

~~17~~ *(1) By submitting to the local law enforcement agency a written*  
~~18~~ *statement or other evidence; or*

~~19~~ *(2) By requesting, in writing, an in-person interview with a representative*  
~~20~~ *of the local law enforcement agency. The in-person interview must be conducted*  
~~21~~ *as soon as reasonably practicable at a date and time convenient to the person who*  
~~22~~ *is requesting removal of his or registration from the database.*

~~23~~ ~~(e)~~ *The file relating to any person who is registered in the database must*  
~~24~~ *be deleted from the database not later than 5 years after the date on which the*  
~~25~~ *person last had contact with the local law enforcement agency.*

~~26~~ *2. As used in this section:*

~~27~~ *(a) "Contact" means contact with a local law enforcement agency during the*  
~~28~~ *investigation of a crime or report of an alleged crime.*

~~29~~ *(b) "Criminal gang" means any combination of persons, organized formally*  
~~30~~ *or informally, so constructed that the organization will continue its operation*  
~~31~~ *even if individual members enter or leave the organization, which:*

~~32~~ *(1) Has a common name or identifying symbol;*

~~33~~ *(2) Has particular conduct, status and customs indicative of it; and*

~~34~~ *(3) Has as one of its common activities engaging in criminal activity*  
~~35~~ *punishable as a felony.*

~~36~~ *(c) "Local law enforcement agency" means:*

~~37~~ *(1) The sheriff's office of a county;*

~~38~~ *(2) A metropolitan police department; or*

~~39~~ *(3) A police department of an incorporated city.*

~~40~~ **Sec. 2.** (Deleted by amendment.)

~~41~~ **Sec. 3.** (Deleted by amendment.)

~~42~~ **Sec. 4.** (Deleted by amendment.)

~~43~~ **Sec. 5.** (Deleted by amendment.)

~~44~~ **Sec. 6.** (Deleted by amendment.)

~~45~~ **Sec. 7.** (Deleted by amendment.)

~~46~~ **Sec. 8.** (Deleted by amendment.)

~~47~~ **Sec. 9.** (Deleted by amendment.)

~~48~~ **Sec. 10.** (Deleted by amendment.)

~~49~~ **Sec. 11.** (Deleted by amendment.)

~~50~~ **Sec. 12.** (Deleted by amendment.)

~~51~~ **Sec. 13.** (Deleted by amendment.)

~~52~~ **Sec. 13.5.** The provisions of this act apply to a person whose registration  
~~53~~ is added to a gang database on or after July 1, 2019.

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