

Amendment No. 298

Assembly Amendment to Assembly Bill No. 41	(BDR 16-418)
Proposed by: Assembly Committee on Judiciary	
Amends: Summary: No 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.

IK/BAW



Date: 4/14/2019

A.B. No. 41—Revises provisions governing the fictitious address program for victims of certain crimes. (BDR 16-418)



ASSEMBLY BILL NO. 41—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 16, 2018

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the fictitious address program for victims of certain crimes. (BDR 16-418)

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 victims of crime; requiring additional entities to accept fictitious addresses from certain victims of crime; prohibiting the maintenance, use and disclosure of certain identifying information of such victims by the additional entities ~~+~~ except under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Division of Child and Family Services of the Department of Health and Human Services to issue a fictitious address to an adult person, a parent or guardian acting on behalf of a child or a guardian acting on behalf of an incapacitated person who has been a victim of domestic violence, human trafficking, sexual assault or stalking who applies for the issuance of a fictitious address. (NRS 217.462-217.471) Existing law also prohibits the Division from disclosing the name, the confidential address or fictitious address of a participant, except in certain circumstances. (NRS 217.464) **Section 1** of this bill requires ~~any public or private~~ a governmental entity or provider of a utility service in this State to allow the use of a fictitious address upon the request of a participant who has received a fictitious address issued by the Division. **Section 1** also prohibits such entities from disclosing the same information prohibited from disclosure by the Division and expands the protected information to include the telephone number and image of the person with the fictitious address. Additionally, section 1 sets forth the circumstances under which such entities may maintain, use and disclose the confidential address of a participant.

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

Section 1. NRS 217.464 is hereby amended to read as follows:
217.464 1. If the Division approves an application, the Division shall:
(a) Designate a fictitious address for the participant; and
(b) Forward mail that the Division receives for a participant to the participant.

2. Upon request of a participant, ~~[any private or public]~~ a governmental entity or provider of a utility service in this State to which the participant is required to provide an address shall allow the participant to use the fictitious address issued by the Division. ~~[Such entities, include, without limitation.]~~ A governmental entity or provider of a utility service who receives a request pursuant to this subsection shall not maintain a record of the confidential address of the participant, unless:

(a) ~~[Employers.]~~ The governmental entity or provider of a utility service is required to maintain the confidential address of the participant by federal, state, or local law; or

(b) ~~[Schools or institutions of higher education; and~~

~~—(c) Utility and other service providers.]~~ The provision of service by a provider of a utility service is impossible without maintaining the confidential address of the participant.

↪ If a governmental entity or provider of a utility service maintains a record of the confidential address of a participant pursuant to paragraph (a) or (b), the governmental entity or provider of a utility service must maintain and use the confidential address of the participant only to the extent as required by federal, state or local law or as necessary to provide a utility service.

3. The Division ~~[and any entity]~~, governmental entity or provider of a utility service to which a participant provides a fictitious address pursuant to this section shall not make any records containing the name, telephone number, confidential address, ~~[or]~~ fictitious address or image of ~~[a]~~ the participant available for inspection or copying, unless:

(a) The address is requested by a law enforcement agency, in which case the Division ~~[or]~~, governmental entity or provider of a utility service shall make the address available to the law enforcement agency; or

(b) The Division ~~[or]~~, governmental entity or provider of a utility service is directed to do so by lawful order of a court of competent jurisdiction, in which case the Division ~~[or]~~, governmental entity or provider of a utility service shall make the address available to the person identified in the order.

~~[3.]~~ 4. If a pupil is attending or wishes to attend a public school that is located in a school district other than the school district in which the pupil resides as authorized by NRS 392.016, the Division shall, upon request of the public school that the pupil is attending or wishes to attend, inform the public school of whether the pupil is a participant and whether the parent or legal guardian with whom the pupil resides is a participant. The Division shall not provide any other information concerning the pupil or the parent or legal guardian of the pupil to the public school.

5. As used in this section, “governmental entity” means any:

(a) Institution, board, commission, bureau, council, department, division, authority or other unit of government of this State, including, without limitation, an agency of this State or of a political subdivision of this State; and

(b) Incorporated city, county, unincorporated town, township, school district or other public district or agency designed to perform local governmental functions.

Sec. 2. This act becomes effective on July 1, 2019.