

ASSEMBLY BILL NO. 21—COMMITTEE
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE DIVISION OF CHILD AND
FAMILY SERVICES OF THE DEPARTMENT
OF HEALTH AND HUMAN SERVICES)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing the confidentiality of
personal information of certain persons.
(BDR 20-304)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 confidential information; authorizing a person
for whom a fictitious address is issued by the Division of
Child and Family Services of the Department of Health
and Human Services to request a county recorder or
county assessor to maintain certain personal information
in a confidential manner; revising the personal
information that must be maintained in a confidential
manner when such a person is a registered voter;
authorizing such a person to request the Department of
Motor Vehicles display an alternate address on the
person's driver's license, commercial driver's license or
identification card; and providing other matters properly
relating thereto.

Legislative Counsel's Digest:

- 1 Existing law authorizes certain persons to obtain a court order to require a
- 2 county assessor or county recorder to maintain the personal information of the
- 3 person contained in their records in a confidential manner. Personal information
- 4 includes the person's home address, telephone number and electronic mail address.
- 5 (NRS 247.520, 247.530, 247.540, 250.120, 250.130, 250.140) Existing law also:
- 6 (1) authorizes the Division of Child and Family Services of the Department of
- 7 Health and Human Services to issue a fictitious address to a victim, or the parent or



guardian of a victim, of domestic violence, human trafficking, sexual assault or stalking who applies for the issuance of a fictitious address; and (2) prohibits a governmental entity from making available for inspection or copying any records that contain the name, telephone number, confidential address, fictitious address or image of any such person for whom a fictitious address has been issued unless the governmental entity is otherwise required by law to do so. (NRS 217.462, 217.464) **Sections 1-4** of this bill authorize a person for whom a fictitious address has been issued by the Division to request a county assessor or county recorder to maintain the personal information of the person contained in their records in a confidential manner without having to obtain a court order.

Existing law: (1) authorizes a person for whom a fictitious address has been issued by the Division to register to vote and update his or her voter registration; and (2) prohibits, with limited exception, the county clerk from making such a person's name, confidential address or fictitious address available for inspection or copying or inclusion in any list that is made available for public inspection. (NRS 293.5002) **Section 5** of this bill: (1) prohibits the Secretary of State or a city clerk from making such information available; and (2) prohibits the Secretary of State or a county or city clerk from making available the person's telephone number and electronic mail address.

Existing law authorizes certain persons to request that the Department of Motor Vehicles display an alternate address on the person's driver's license, commercial driver's license or identification card. (NRS 481.091) **Section 6** of this bill authorizes any person for whom a fictitious address has been issued by the Division to also make such a request.

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

Section 1. NRS 247.530 is hereby amended to read as follows:
247.530 1. ~~Any~~ *Except as otherwise provided in subsection 2, any* person or entity listed in NRS 247.540 who wishes to have the personal information of the person or entity that is contained in the records of a county recorder be kept confidential must obtain an order of a court that requires the county recorder to maintain the personal information of the person or entity in a confidential manner. Such an order must be based on a sworn affidavit by the person or, if an entity, a person authorized to sign on behalf of the entity, which affidavit:

(a) States that the affiant qualifies as a person listed in NRS 247.540 or that the entity on behalf of whom the person is signing qualifies as an entity listed in NRS 247.540;

(b) Sets forth sufficient justification for the request for confidentiality; and

(c) Sets forth the document numbers of all records of a county recorder that contain confidential information.

2. *A person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive, may request the county recorder to maintain the personal information of the*



1 *person in a confidential manner without obtaining a court order*
2 *pursuant to subsection 1 by submitting to the county recorder:*

3 (a) *A sworn affidavit which:*

4 (1) *States that the affiant has been issued a fictitious*
5 *address pursuant to NRS 217.462 to 217.471, inclusive; and*

6 (2) *Sets forth the document numbers of all records of a*
7 *county recorder that contain confidential information; and*

8 (b) *Proof that the person has been issued a fictitious address*
9 *pursuant to NRS 217.462 to 217.471, inclusive, including, without*
10 *limitation, a confirmation letter and a copy of the enrollment card*
11 *if such documents are issued by the Division of Child and Family*
12 *Services of the Department of Health and Human Services.*

13 *↳ Upon request of the county recorder, the Division shall verify*
14 *whether a person who has submitted a request pursuant to this*
15 *subsection has been issued a fictitious address pursuant to NRS*
16 *217.462 to 217.471, inclusive.*

17 3. Upon receipt of ~~{such}~~ an order ~~{.}~~ *obtained pursuant to*
18 *subsection 1 or a request made pursuant to subsection 2,* a county
19 recorder shall keep such information confidential and shall not:

20 (a) Disclose the confidential information to anyone, unless
21 disclosure is specifically authorized in writing by that person or
22 entity; or

23 (b) Post the confidential information on the Internet or its
24 successor, if any, or make the information available to others in any
25 other way.

26 **Sec. 2.** NRS 247.540 is hereby amended to read as follows:

27 247.540 1. The following persons may request that the
28 personal information described in subsection 1, 2 or 3 of NRS
29 247.520 that is contained in the records of a county recorder be kept
30 confidential:

31 (a) Any justice or judge in this State.

32 (b) Any senior justice or senior judge in this State.

33 (c) Any court-appointed master in this State.

34 (d) Any clerk of a court, court administrator or court executive
35 officer in this State.

36 (e) Any district attorney or attorney employed by the district
37 attorney who as part of his or her normal job responsibilities
38 prosecutes persons for:

39 (1) Crimes that are punishable as category A felonies; or

40 (2) Domestic violence.

41 (f) Any state or county public defender who as part of his or her
42 normal job responsibilities defends persons for:

43 (1) Crimes that are punishable as category A felonies; or

44 (2) Domestic violence.



(g) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:

(1) Interacts with the public; and

(2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

(h) Any county manager in this State.

(i) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:

(1) Who possesses specialized training in code enforcement;

(2) Who, as part of his or her normal job responsibilities, interacts with the public; and

(3) Whose primary duties are the performance of tasks related to code enforcement.

(j) The spouse, domestic partner or minor child of a person described in paragraphs (a) to (i), inclusive.

(k) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to (i), inclusive, who was killed in the performance of his or her duties.

(l) Any person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.

2. Any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that the personal information described in subsection 4 of NRS 247.520 that is contained in the records of a county recorder be kept confidential.

3. As used in this section:

(a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.

(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

(c) "Code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) "Social worker" means any person licensed under chapter 641B of NRS.

Sec. 3. NRS 250.130 is hereby amended to read as follows:

250.130 1. ~~Any~~ *Except as otherwise provided in subsection 2, any* person or entity listed in NRS 250.140 who wishes to have the personal information of the person or entity that is contained in the records of a county assessor be kept confidential must obtain an order of a court that requires the county assessor to maintain the personal information of the person or entity in a



1 confidential manner. Such an order must be based on a sworn
2 affidavit by the person or, if an entity, a person authorized to sign on
3 behalf of the entity, which affidavit:

4 (a) States that the affiant qualifies as a person listed in NRS
5 250.140 or that the entity on behalf of whom the person is signing
6 qualifies as an entity listed in NRS 250.140; and

7 (b) Sets forth sufficient justification for the request for
8 confidentiality.

9 2. *A person for whom a fictitious address has been issued
10 pursuant to NRS 217.462 to 217.471, inclusive, may request a
11 county assessor to maintain the personal information of the
12 person in a confidential manner without obtaining a court order
13 pursuant to subsection 1 by submitting to the county assessor:*

14 (a) *A sworn affidavit which states that the affiant has been
15 issued a fictitious address pursuant to NRS 217.462 to 217.471,
16 inclusive; and*

17 (b) *Proof that the person has been issued a fictitious address
18 pursuant to NRS 217.462 to 217.471, inclusive, including, without
19 limitation, a confirmation letter and a copy of the enrollment card
20 if such documents are issued by the Division of Child and Family
21 Services of the Department of Health and Human Services.*

22 *➤ Upon request of the county assessor, the Division shall verify
23 whether a person who has submitted a request pursuant to this
24 subsection has been issued a fictitious address pursuant to NRS
25 217.462 to 217.471, inclusive.*

26 3. Upon receipt of ~~[such]~~ an order ~~[]~~ *obtained pursuant to
27 subsection 1 or a request made pursuant to subsection 2,* a county
28 assessor shall keep such information confidential and shall not:

29 (a) Disclose the confidential information to anyone, unless
30 disclosure is specifically authorized in writing by that person or
31 entity; or

32 (b) Post the confidential information on the Internet or its
33 successor, if any, or make the information available to others in any
34 other way.

35 **Sec. 4.** NRS 250.140 is hereby amended to read as follows:

36 250.140 1. The following persons may request that personal
37 information described in subsection 1, 2 or 3 of NRS 250.120 that is
38 contained in the records of a county assessor be kept confidential:

39 (a) Any justice or judge in this State.

40 (b) Any senior justice or senior judge in this State.

41 (c) Any court-appointed master in this State.

42 (d) Any clerk of a court, court administrator or court executive
43 officer in this State.

44 (e) Any peace officer or retired peace officer.

45 (f) Any prosecutor.



(g) Any state or county public defender.

(h) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities interacts with the public and performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

(i) Any county manager in this State.

(j) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer who possesses specialized training in code enforcement, interacts with the public and whose primary duties are the performance of tasks related to code enforcement.

(k) The spouse, domestic partner or minor child of a person described in paragraphs (a) to (j), inclusive.

(l) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to (j), inclusive, who was killed in the performance of his or her duties.

(m) Any person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.

2. Any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that the personal information described in subsection 4 of NRS 250.120 that is contained in the records of a county assessor be kept confidential.

3. As used in this section:

(a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.

(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

(c) "Code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) "Peace officer" means:

(1) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive; and

(2) Any person:

(I) Who resides in this State;

(II) Whose primary duties are to enforce the law; and

(III) Who is employed by a law enforcement agency of the Federal Government, including, without limitation, a ranger for the National Park Service and an agent employed by the Federal Bureau of Investigation, Secret Service, United States Department of Homeland Security or United States Department of the Treasury.



(e) "Prosecutor" has the meaning ascribed to it in NRS 241A.030.

(f) "Social worker" means any person licensed under chapter 641B of NRS.

Sec. 5. NRS 293.5002 is hereby amended to read as follows:

293.5002 1. The Secretary of State shall establish procedures to allow a person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive, to:

(a) Preregister or register to vote; and

(b) Vote by absent ballot,

↳ without revealing the confidential address of the person.

2. In addition to establishing appropriate procedures or developing forms pursuant to subsection 1, the Secretary of State shall develop a form to allow a person for whom a fictitious address has been issued to preregister or register to vote or to change the address of the person's current preregistration or registration, as applicable. The form must include:

(a) A section that contains the confidential address of the person; and

(b) A section that contains the fictitious address of the person.

3. Upon receiving a completed form from a person for whom a fictitious address has been issued, the Secretary of State shall:

(a) On the portion of the form that contains the fictitious address of the person, indicate the county and precinct in which the person will vote and forward this portion of the form to the appropriate county clerk; and

(b) File the portion of the form that contains the confidential address.

4. Notwithstanding any other provision of law, any request received by the Secretary of State pursuant to subsection 3 shall be deemed a request for a permanent absent ballot.

5. Notwithstanding any other provision of law:

(a) The Secretary of State and each county clerk shall keep the portion of the form developed pursuant to subsection 2 that he or she retains separate from other applications for preregistration or registration.

(b) The *Secretary of State or a* county *or city* clerk shall not make the name, confidential address, ~~for~~ fictitious address, *telephone number or electronic mail address* of the person who has been issued a fictitious address available for:

(1) Inspection or copying; or

(2) Inclusion in any list that is made available for public inspection,

↳ unless directed to do so by lawful order of a court of competent jurisdiction.



Sec. 6. NRS 481.091 is hereby amended to read as follows:

481.091 1. The following persons may request that the Department display an alternate address on the person's driver's license, commercial driver's license or identification card:

(a) Any justice or judge in this State.

(b) Any senior justice or senior judge in this State.

(c) Any court-appointed master in this State.

(d) Any clerk of the court, court administrator or court executive officer in this State.

(e) Any prosecutor who as part of his or her normal job responsibilities prosecutes persons for:

(1) Crimes that are punishable as category A felonies; or

(2) Domestic violence.

(f) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:

(1) Crimes that are punishable as category A felonies; or

(2) Domestic violence.

(g) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:

(1) Interacts with the public; and

(2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

(h) Any county manager in this State.

(i) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:

(1) Who possesses specialized training in code enforcement;

(2) Who, as part of his or her normal job responsibilities, interacts with the public; and

(3) Whose primary duties are the performance of tasks related to code enforcement.

(j) The spouse, domestic partner or minor child of a person described in paragraphs (a) to (i), inclusive.

(k) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to (i), inclusive, who was killed in the performance of his or her duties.

(l) Any person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.

2. A person who wishes to have an alternate address displayed on his or her driver's license, commercial driver's license or identification card pursuant to this section must submit to the Department satisfactory proof:

(a) That he or she is a person described in subsection 1; and



(b) Of the person's address of principal residence and mailing address, if different from the address of principal residence.

3. A person who obtains a driver's license, commercial driver's license or identification card that displays an alternate address pursuant to this section may subsequently submit a request to the Department to have his or her address of principal residence displayed on his or her driver's license, commercial driver's license or identification card instead of the alternate address.

4. The Department may adopt regulations to carry out the provisions of this section.

5. As used in this section:

(a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.

(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

(c) "Code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) "Social worker" means any person licensed under chapter 641B of NRS.

Sec. 7. This act becomes effective upon passage and approval.

