

SENATE BILL NO. 137—SENATORS SEEVERS GANSERT, PICKARD;
BUCK, DONATE, HAMMOND, HARDY, KIECKHEFER, RATTI
AND SETTELMAYER

FEBRUARY 22, 2021

JOINT SPONSORS: ASSEMBLYMEN TOLLES; AND ROBERTS

Referred to Committee on Judiciary

SUMMARY—Establishes provisions relating to certain information
and records concerning public safety. (BDR 14-7)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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; authorizing the Central Repository for Nevada Records of Criminal History to monitor the agencies of criminal justice for compliance with certain requirements relating to the submission and transmission of certain information and records concerning public safety; providing that if the Central Repository chooses to perform such monitoring, then the Central Repository must prepare and post on its Internet website an annual report relating to compliance by the agencies of criminal justice in this State with such requirements; authorizing the Central Repository to coordinate efforts with the agencies of criminal justice in this State to ensure the timely submission or transmission of certain information and records concerning public safety; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law requires a court, within 5 business days, to transmit to the Central
- 2 Repository for Nevada Records of Criminal History a record concerning the
- 3 appointment of a guardian for a person with a mental defect, a plea or finding of
- 4 guilty but mentally ill, a verdict acquitting a person by reason of insanity, a finding
- 5 that a person is incompetent to stand trial or the involuntary admission of a person



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to a mental health facility, along with a statement that the record is being transmitted for inclusion in all appropriate databases of the National Instant Criminal Background Check System. (NRS 159.0593, 174.035, 175.533, 175.539, 178.425, 433A.310) Existing law also provides that, upon receiving such a record, the Central Repository: (1) must take reasonable steps to ensure that the information reported in the record is included in each appropriate database of the National Instant Criminal Background Check System; and (2) may take reasonable steps to ensure that the information reported in the record is included in each appropriate database of the National Crime Information Center. (NRS 179A.163)

Additionally, existing law requires each agency of criminal justice to submit information to the Central Repository relating to records of criminal history that it creates, issues or collects, and certain information in the agency's possession relating to the DNA profile of certain persons. (NRS 179A.075) Finally, existing law requires a person to transmit certain information to the Central Repository any time a court issues a temporary or extended order for protection against domestic violence, an ex parte or extended order for protection against high-risk behavior, a temporary or extended order for protection against a person alleged to have committed the crime of sexual assault or a temporary or extended order for protection against stalking, aggravated stalking or harassment and any time that a person serves such an order, registers such an order or takes certain other actions relating to such orders. (NRS 33.095, 33.650, 200.37835, 200.599)

This bill: (1) authorizes the Central Repository to monitor the agencies of criminal justice in this State for compliance with the statutory requirements relating to the submission or transmission of certain information relating to mental health records and certain other records, reports, compilations and information; and (2) if the Central Repository chooses to perform such monitoring, to prepare an annual report regarding such compliance and post the report on its Internet website. This bill also authorizes the Central Repository to contact the agencies of criminal justice in this State to coordinate efforts to ensure the timely submission or transmission of such information and records.

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. The Central Repository may:

(a) Monitor the agencies of criminal justice in this State, at such times as the Central Repository deems necessary, to ensure that the agencies of criminal justice are compliant with all applicable provisions of NRS 33.095, 33.650, 159.0593, 174.035, 175.533, 175.539, 178.425, subsections 2, 3 and 4 of NRS 179A.075, NRS 200.37835, 200.599 and 433A.310; and

(b) According to a schedule established by the Director of the Department, contact the agencies of criminal justice in this State to coordinate efforts to ensure the timely submission or transmission of information and records pursuant to NRS 33.095, 33.650, 159.0593, 174.035, 175.533, 175.539, 178.425, subsections 2, 3 and 4 of NRS 179A.075, NRS 200.37835, 200.599 and 433A.310.



1 2. *The Central Repository may adopt policies and procedures*
2 *to carry out its duties pursuant to this section.*

3 3. *To carry out its duties pursuant to this section, the Central*
4 *Repository may request that an agency of criminal justice provide*
5 *information to the Central Repository. An agency of criminal*
6 *justice shall provide information requested by the Central*
7 *Repository in the manner and within the time prescribed by any*
8 *policies and procedures adopted by the Central Repository*
9 *pursuant to subsection 2.*

10 4. *If the Central Repository chooses to monitor the agencies*
11 *of criminal justice in this State pursuant to this section, then the*
12 *Central Repository must:*

13 (a) *Prepare an annual report for the preceding calendar year*
14 *indicating whether the agencies of criminal justice were in*
15 *compliance with the requirements regarding submitting or*
16 *transmitting information and records set forth in NRS 33.095,*
17 *33.650, 159.0593, 174.035, 175.533, 175.539, 178.425, subsections*
18 *2, 3 and 4 of NRS 179A.075, NRS 200.37835, 200.599 and*
19 *433A.310; and*

20 (b) *On or before March 31 of each year, post the annual report*
21 *on its Internet website.*

22 **Sec. 2.** This act becomes effective on January 1, 2022.

