

Amendment No. 874

Assembly Amendment to Assembly Bill No. 119 First Reprint (BDR 38-311)

Proposed by: Assembly Committee on Ways and Means

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.

EWR/AAK



Date: 6/1/2023

A.B. No. 119—Creates the Vulnerable Adult Fatality Review Committee.
(BDR 38-311)



ASSEMBLY BILL NO. 119—COMMITTEE ON
HEALTH AND HUMAN SERVICES(ON BEHALF OF THE JOINT INTERIM STANDING
COMMITTEE ON JUDICIARY)

PREFILED FEBRUARY 3, 2023

Referred to Committee on Health and Human Services

SUMMARY—Creates the Vulnerable Adult Fatality Review Committee.
(BDR 38-311)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 adult maltreatment; creating the Vulnerable Adult Fatality Review Committee; providing for the review of deaths resulting from or relating to adult maltreatment; requiring the Committee to develop certain reports and perform certain other duties relating to the investigation and prevention of adult maltreatment; ~~requiring the Attorney General to develop a plan in response to certain reports developed by the Committee;~~ providing access for the Committee to certain documents; requiring the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons in the Office of the Attorney General to compile certain reports; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it a crime to abuse, neglect, isolate, abandon or exploit an older person or a vulnerable person. (NRS 200.5099) **Section 3** of this bill defines the term "adult maltreatment" to refer to such crimes. **Sections 4-7** of this bill define certain other terms. **Section 8** of this bill creates the Vulnerable Adult Fatality Review Committee within the Department of Health and Human Services and prescribes the membership of the Committee. **Section 8** also prescribes certain rules governing the operation of the Committee. **Section 8** immunizes the members, employees, agents and consultants of the Committee from civil liability for acts performed in good faith and within the scope of duties of the Committee. **Section 8** authorizes the Director of the Department to: (1) apply for and accept gifts, grants and donations to support the activities of the Committee; and (2) adopt regulations governing the activities of the Committee.

Section 9 of this bill requires the Committee to review each death in this State that is known or suspected to have been caused by or be related to adult maltreatment and is referred to the Committee by certain governmental entities or relatives of the decedent. **Section 9** additionally authorizes the Committee to review any other death that the Committee reasonably believes may have been caused by or related to adult maltreatment. **Section 10** of

this bill prescribes other duties of the Committee relating to the investigation and prevention of adult maltreatment. **Section 10** requires the Committee to: (1) biennially publish on an Internet website maintained by the Department a report that consists of data concerning adult maltreatment in this State; and (2) annually submit to the ~~Attorney General and the~~ Legislature a separate report containing certain information and recommendations about adult maltreatment. **Section 10** requires a representative of the Committee or the Aging and Disability Services Division of the Department to biennially present such information and recommendations at a meeting of the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs. ~~Section 10 also requires the Attorney General to annually publish and present at a public meeting a plan to address the information and recommendations contained in that report.~~ **Section 11** of this bill authorizes the Committee to take certain measures necessary to perform its duties, including consulting with experts and other interested persons and entering into contracts. **Section 12** of this bill entitles the Committee to access certain records it determines necessary to perform its duties and authorizes the Committee to petition the district court for a subpoena to compel the production of such records. **Section 12** also provides that information acquired by and records of the Committee are confidential and not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding. **Sections 12 and 14** of this bill provide that such records are not public records. **Sections 12 and 15** of this bill provide that meetings of the Committee are closed to the public.

Existing law creates in the Office of the Attorney General the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons. (NRS 228.265) Existing law authorizes the Unit to investigate and prosecute deaths resulting from adult maltreatment. (NRS 228.270) **Section 10** requires the Committee to refer a case of suspected adult maltreatment to the Unit for investigation and prosecution where appropriate. **Section 12** authorizes the Committee to meet and share information with the Unit and certain entities that investigate domestic violence. **Section 13** of this bill requires the Unit to compile a report of the outcome of and findings regarding each case referred by the Committee to the Unit.

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

Section 1. Chapter 427A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. *As used in sections 2 to 12, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Adult maltreatment” means the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person in violation of NRS 200.5099.*

Sec. 4. *“Committee” means the Vulnerable Adult Fatality Review Committee established by section 8 of this act.*

Sec. 5. *“Facility or service provider” means:*

1. Any facility or other entity licensed or certified pursuant to chapter 435 or 449 of NRS.

2. A provider of emergency medical services.

3. A facility for long-term rehabilitation.

4. Any unlicensed establishment that provides food, shelter, assistance and limited supervision to an older person or a vulnerable person.

Sec. 6. *“Older person” has the meaning ascribed to it in NRS 228.255.*

Sec. 7. *“Vulnerable person” has the meaning ascribed to it in NRS 228.262.*

Sec. 8. *1. The Vulnerable Adult Fatality Review Committee is hereby established within the Department.*

2. The Director shall appoint to the Committee:

(a) One member who is a licensed social worker who is actively providing services to clients in this State who are vulnerable persons;

(b) One member who is an attorney and is:

(1) Licensed to practice law in this State; and

(2) Employed by the Office of the Attorney General; and

(c) At least ~~four~~ 4 but not more than ~~ten~~ 10 members who:

(1) Are providers of health care, representatives of nonprofit organizations whose work is related to adult maltreatment, issues of older persons or issues of vulnerable persons, representatives of agencies involved in vital statistics and law enforcement and other persons interested in adult maltreatment or the welfare of older persons and vulnerable persons; and

(2) Represent the racial, ethnic, linguistic and geographic diversity of this State.

3. The members of the Committee serve:

(a) At the pleasure of the Director; and

(b) Without compensation but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

4. A majority of the members of the Committee constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Committee.

5. A member of the Committee who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation to prepare for and attend meetings of the Committee and perform any work necessary to carry out the duties of the Committee in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Committee to:

(a) Make up the time he or she is absent from work to carry out his or her duties as a member of the Committee; or

(b) Take annual leave or compensatory time for the absence.

6. At the first meeting of the Committee and annually thereafter:

(a) The Director shall appoint a Chair of the Committee;

(b) The Committee shall elect a Secretary from among its members; and

(c) The Committee shall adopt rules for its own management and government.

7. The Committee shall meet at least twice each year and may meet at such further times as determined necessary by the Chair.

8. A member of the Committee or an employee, agent or consultant of the Committee is not liable in a civil action for any act performed in good faith and within the scope of the duties of the Committee. For the purposes of this subsection, any act which violates a provision of law concerning the privacy of information shall be deemed to be outside the scope of the duties of the Committee.

9. The Director may:

(a) Apply for and accept gifts, grants or donations from any source for the purpose of carrying out the provisions of sections 2 to 12, inclusive, of this act; and

(b) Adopt any regulations necessary to carry out the provisions of sections 2 to 12, inclusive, of this act.

Sec. 9. 1. The Committee:

(a) Shall review each death in this State that is known or suspected to have been caused by or be related to adult maltreatment and is referred to the

1 *Committee by the Division, a law enforcement agency or an adult related to the*
2 *decendent within the third degree of consanguinity; and*

3 *(b) May, within the limits of available resources, review any other death that*
4 *the Committee reasonably believes may have been caused by or related to adult*
5 *maltreatment.*

6 *2. A review pursuant to subsection 1 must include, without limitation, and*
7 *to the extent that such records exist, a review of relevant medical records, death*
8 *certificates, records of an autopsy, records created by a facility or provider,*
9 *records of the Division, records of a social services agency, mental health records*
10 *and records of a law enforcement agency described in section 12 of this act.*

11 **Sec. 10. 1. In addition to conducting reviews pursuant to section 9 of this**
12 **act, the Committee shall:**

13 *(a) Within the limits of available resources:*

14 *(1) Cross-reference databases maintained by the Division with databases*
15 *maintained by coroners and medical examiners in this State to identify deaths*
16 *that may have been caused by or related to adult maltreatment and review such*
17 *deaths in accordance with section 9 of this act.*

18 *(2) Review incidents and trends in adult maltreatment in this State.*

19 *(3) Identify and review disparities in the incidence of adult maltreatment*
20 *in this State by analyzing:*

21 *(I) The race, ethnicity and age of persons who experience adult*
22 *maltreatment;*

23 *(II) The geographic region of the residence of persons who*
24 *experience adult maltreatment; and*

25 *(III) Any other variables identified by the Committee.*

26 *(b) Refer a case of suspected adult maltreatment to the Unit for the*
27 *Investigation and Prosecution of Crimes Against Older Persons or Vulnerable*
28 *Persons in the Office of the Attorney General created by NRS 228.265 for further*
29 *investigation and prosecution where appropriate.*

30 *(c) Based on the reviews conducted pursuant to paragraph (a) and section 9*
31 *of this act, develop findings and recommendations to prevent adult maltreatment*
32 *and address the needs of victims of adult maltreatment.*

33 *(d) Disseminate the findings and recommendations developed pursuant to*
34 *paragraph (c) to the Division, providers of health care, agencies and*
35 *organizations that provide social services, facilities or service providers, law*
36 *enforcement agencies, organizations that provide services to victims of adult*
37 *maltreatment, other interested persons and entities and the public.*

38 *(e) On or before December 31 of each even-numbered year, compile and*
39 *publish on an Internet website maintained by the Department a report that*
40 *consists of data concerning adult maltreatment in this State during the*
41 *immediately preceding 24 months. Such data must be aggregated and presented*
42 *in a manner that does not allow for the identification of any person.*

43 *(f) On or before December 31 of each year:*

44 *(1) Develop, in collaboration with the Division, a report that includes,*
45 *without limitation:*

46 *(I) A description of the deaths resulting from adult maltreatment and*
47 *other incidents of adult maltreatment reviewed pursuant to paragraph (a) of*
48 *subsection 1 and section 9 of this act, respectively, during the immediately*
49 *preceding 12 months, provided in a manner that does not allow for the*
50 *identification of any person;*

51 *(II) A summary of the disparities identified and reviewed pursuant to*
52 *subparagraph (3) of paragraph (a) of subsection 1;*

1 (III) Plans for corrective action to reduce adult maltreatment in this
2 State; and

3 (IV) Recommendations for any legislation or other changes to policy
4 to reduce adult maltreatment or otherwise improve the well-being of older
5 persons and vulnerable persons in this State; and

6 (2) Submit the report developed pursuant to subparagraph (1) to ~~the~~
7 ~~Office of the Attorney General and~~ the Director of the Legislative Counsel
8 Bureau for transmittal to:

9 (I) For a report submitted on or before December 31 of an odd-
10 numbered year, the Legislative Committee on Senior Citizens, Veterans and
11 Adults With Special Needs created by NRS 218E.750; and

12 (II) For a report submitted on or before December 31 of an even-
13 numbered year, the next regular session of the Legislature.

14 2. The Committee may, within the limits of available resources:

15 (a) Conduct any other research into issues relating to adult maltreatment or
16 the well-being of older persons and vulnerable persons in this State;

17 (b) Promote changes in policy in the public and private sectors to reduce
18 adult maltreatment or address the effects of adult maltreatment;

19 (c) Take measures to improve the services provided to victims of adult
20 maltreatment, including, without limitation, identifying gaps in services provided
21 to victims of adult maltreatment and reducing barriers to service for victims of
22 adult maltreatment; and

23 (d) Engage in activities to increase public awareness regarding adult
24 maltreatment.

25 3. On or before August 1 of each odd-numbered year, a representative of
26 the Committee or the Division shall present the findings, plans for corrective
27 action and recommendations for changes to policy contained in the reports
28 developed pursuant to paragraph (f) of subsection 1 for the immediately
29 preceding 2 years at a meeting of the Legislative Committee on Senior Citizens,
30 Veterans and Adults With Special Needs created by NRS 218E.750.

31 ~~4. Not later than 90 days after receiving a report pursuant to subparagraph~~
32 ~~(2) of paragraph (f) of subsection 1, the Office of the Attorney General shall:~~

33 ~~(a) Develop a plan to address the findings, plans for corrective action and~~
34 ~~recommendations for changes to policy contained in the report;~~

35 ~~(b) Present the plan at a public hearing; and~~

36 ~~(c) Post the plan on the Internet website of the Attorney General.]~~

37 **Sec. 11.** The Committee may take any action necessary to carry out its
38 duties, including, without limitation:

39 1. Consulting with experts and other interested persons to ensure the data
40 collected is of the highest quality;

41 2. Entering into a contract or other agreement with any person or entity,
42 including, without limitation, a college or university, to:

43 (a) Assist the Committee with its organization and meetings;

44 (b) Collect, analyze and disseminate information; or

45 (c) Assist in carrying out any other duty of the Committee;

46 3. Establishing subcommittees consisting of members of the Committee;
47 and

48 4. Employing such persons as it deems necessary to carry out its duties.

49 **Sec. 12.** 1. The Committee is entitled to access to:

50 (a) All final investigative information of law enforcement agencies regarding
51 a death that may have been caused by or related to adult maltreatment or other
52 incident of adult maltreatment being investigated by the Committee for which the
53 investigation by the law enforcement agency has been closed;

1 (b) Any autopsy and coroner's investigative records relating to a death of an
2 older person or a vulnerable person that may have been caused by or related to
3 adult maltreatment;

4 (c) Any medical or mental health records of a decedent or other victim of
5 adult maltreatment;

6 (d) Any records of the Division or any other agency which has provided
7 services to a decedent or other victim of adult maltreatment; and

8 (e) Any other records determined by the Committee to be necessary to
9 perform its duties, except for records of a law enforcement agency not described
10 in paragraph (a).

11 2. The Committee may, if appropriate, meet and share information with:

12 (a) A multidisciplinary team to review the death of the victim of a crime that
13 constitutes domestic violence organized or sponsored pursuant to NRS 217.475;

14 (b) The Committee on Domestic Violence appointed pursuant to NRS
15 228.470; or

16 (c) The Unit for the Investigation and Prosecution of Crimes Against Older
17 Persons or Vulnerable Persons in the Office of the Attorney General created by
18 NRS 228.265.

19 3. The Committee may petition the district court for the issuance of, and the
20 district court may issue, a subpoena to compel the production of any books,
21 records or papers described in subsection 1 that are relevant to the cause of any
22 death or incident of adult maltreatment being investigated by the Committee.
23 Except as otherwise provided in NRS 239.0115, any books, records or papers
24 received by the Committee pursuant to a subpoena issued pursuant to this
25 subsection shall be deemed confidential and privileged and not subject to
26 disclosure.

27 4. The Committee may use data collected concerning a death that is known
28 or suspected to have been caused by or be related to adult maltreatment for the
29 purpose of research or to prevent future adult maltreatment if the data is
30 aggregated and does not allow for the identification of any person.

31 5. Except as otherwise provided in this section, information acquired by,
32 and the records of, the Committee are confidential, are not public records, must
33 not be disclosed and are not subject to subpoena, discovery or introduction into
34 evidence in any civil or criminal proceeding. The disclosure of information or
35 records to the Committee does not make such information or records confidential
36 with respect to the person or entity that disclosed the records if the information or
37 records are not otherwise confidential.

38 6. The meetings of the Committee are closed to the public.

39 **Sec. 13.** NRS 228.270 is hereby amended to read as follows:

40 228.270 1. The Unit may investigate and prosecute any alleged abuse,
41 neglect, exploitation, isolation or abandonment of an older person or vulnerable
42 person in violation of NRS 200.5099 or 200.50995 and any failure to report such a
43 violation pursuant to NRS 200.5093:

44 (a) At the request of the district attorney of the county in which the violation
45 occurred;

46 (b) If the district attorney of the county in which the violation occurred fails,
47 neglects or refuses to prosecute the violation; or

48 (c) Jointly with the district attorney of the county in which the violation
49 occurred.

50 2. The Unit may organize or sponsor one or more multidisciplinary teams to
51 review any allegations of abuse, neglect, exploitation, isolation or abandonment of
52 an older person or vulnerable person or the death of an older person or vulnerable

person that is alleged to be from abuse, neglect, isolation or abandonment. A multidisciplinary team may include, without limitation, the following members:

- (a) A representative of the Unit;
- (b) Any law enforcement agency that is involved with the case under review;
- (c) The district attorney's office in the county where the case is under review;
- (d) The Aging and Disability Services Division of the Department of Health and Human Services or the county's office of protective services, if one exists in the county where the case is under review;
- (e) A representative of the coroner's office; and
- (f) Any other medical professional or financial professional that the Attorney General deems appropriate for the review.

3. Each organization represented on a multidisciplinary team may share with other members of the team information in its possession concerning the older person or vulnerable person who is the subject of the review or any person who was in contact with the older person or vulnerable person and any other information deemed by the organization to be pertinent to the review. Any information shared by an organization with other members of a team is confidential.

4. The organizing or sponsoring of a multidisciplinary team pursuant to subsection 2 does not grant the Unit supervisory authority over, or restrict or impair the statutory authority of, any state or local agency responsible for the investigation or prosecution of allegations of abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person or the death of an older person or vulnerable person that is alleged to be the result of abuse, neglect, isolation or abandonment.

5. *On or before February 1 of each year, the Unit shall:*

(a) *Compile a report of the outcome of and findings regarding each case referred to the Unit by the Vulnerable Adult Fatality Review Committee pursuant to section 10 of this act; and*

(b) *Submit the report to the Director of the Legislative Counsel Bureau for transmittal to:*

(1) *In odd-numbered years, the next regular session of the Legislature; and*

(2) *In even-numbered years, the Joint Interim Standing Committee on the Judiciary.*

Sec. 14. 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, 41.0397, 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, 119A.677, 119B.370, 119B.382, 120A.640, 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, 176.015, 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, 209.3923, 209.3925, 209.419, 209.429, 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.450, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270,

1 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335,
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 3 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350,
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 7 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,
 8 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775,
 9 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255,
 10 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257,
 11 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830,
 12 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513,
 13 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925,
 14 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335,
 15 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465,
 16 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535,
 17 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280,
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 25 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,
 26 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935,
 27 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340,
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 35 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405,
 36 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303,
 37 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085,
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 47 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340,
 48 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124,
 49 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440,
 50 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170,
 51 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480,
 52 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538,
 53 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196,

704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 12 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 not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

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

Sec. 15. NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 239C.420, 241.028, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121, 315.98425, 360.247, 388.261, 388.385, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730, 392.147, 392.466, 392.467, 392.4671, 394.1699, 396.1415, 396.3295, 414.270, 422.405, 433.534, 435.610, 442.774, 463.110, 480.545, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, *and section 12 of this act*, which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding, ➤ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 16. Notwithstanding the provisions of paragraphs (e) and (f) of subsection 1 of section 10 of this act, the first reports required by those paragraphs must be published on an Internet website maintained by the Department of Health and Human Services or submitted to ~~the Attorney General and~~ the Director of the Legislative Counsel Bureau ~~[, as applicable,]~~ on or before December 31, 2026.

Sec. 16.5. The amendatory provisions of this act apply only to a contract entered into between the Department of Health and Human Services and a district attorney on or after July 1, 2023.

Sec. 17. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 18. This act becomes effective on July 1, 2023.