NEVADA LEGISLATURE

Eighty-Second Session, 2023

ASSEMBLY DAILY JOURNAL

THE ONE HUNDRED AND TENTH DAY

CARSON CITY (Friday), May 26, 2023

Assembly called to order at 1:31 p.m.
Mr. Speaker presiding.
Roll called.
All present.
Prayer by the Chaplain, Pastor Joseph Lent.

Yaahoo Ti Naa'a, mu Nevada poinavi sumuhoosi, nayadooaku, Uugwino'o pija mii gooba woitsami. Yeishi pija mii matuguna, pija sooduhei. Mu- naana, momoko'ni noko, meikoosabba bija masookwaguti. O'no tammi pija nayadooakwu, pija nanabua'agana, yaahoo mani-punina.

Heavenly Father, I thank You for this group of people that have been selected to make decisions for the state of Nevada. I ask a mighty blessing upon each and every one of them that they would peaceably be able to accomplish all that needs to be done this day. Give them health, clarity, direction, great focus, and a heart full of understanding for one another. Let them be free from conflict, confusion, or distraction. And let all things be done for the prosperity and benefit of the people of this state, according to Thy will. In Jesus' Name I pray, pihwa.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:45 p.m.

ASSEMBLY IN SESSION

At 1:55 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 35, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 38, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 469, 470, 471, 473, 474, 481, 523, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 41, 403, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 376, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 25, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 291; Senate Bills Nos. 88, 291.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 234.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 237, 290.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 26, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 520, 522.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 39, Amendment No. 539; Assembly Bill No. 49, Amendment No. 665; Assembly Bill No. 57, Amendment No. 724; Assembly Bill No. 65, Amendments Nos. 732, 733; Assembly Bill No. 114, Amendment No. 567; Assembly Bill No. 198, Amendment No. 641; Assembly Bill No. 218, Amendment No. 638; Assembly Bill No. 242, Amendment No. 695; Assembly Bill No. 244, Amendment No. 738; Assembly Bill No. 340, Amendment No. 677, and respectfully requests your honorable body to concur in said amendments.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that the person as set forth on the Nevada Legislature's Press Accreditation List of May 26, 2023, be accepted as an accredited press representative, assigned space at the press table in the Assembly Chamber, allowed the use of appropriate broadcasting facilities, and that the list be included in this day's journal.

THE NEVADA INDEPENDENT: Alexandra Couraud.

Motion carried.

Assemblywoman Jauregui moved that all rules be suspended, reading so far had considered second reading, and Senate Bills Nos. 35 and 38 be declared emergency measures under the *Constitution* and be placed on General File.

Motion carried.

Assemblywoman Jauregui moved to dispense with the reprinting of all measures for this legislative day.

Motion carried.

Assemblywoman Jauregui moved that Senate Bill No. 335 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblywoman Jauregui moved that Senate Bills Nos. 57, 60, 80, 251, 322, 384, 418, 429, and 436 be taken from their positions on the General File and placed at the top of General File.

Motion carried.

Assemblywoman Jauregui moved that Senate Bills Nos. 106, 370, 35, 38, and 104; Assembly Bill No. 376 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Watts:

Assembly Bill No. 524—AN ACT relating to energy; revising a definition relating to certain renewable energy facilities; revising provisions governing the submission of general rate applications; revising provisions governing the integrated resource plan submitted triennially by a utility; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 88.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Senate Bill No. 234.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 237.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 290.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 291.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 470.

Bill read second time and ordered to third reading.

Assembly Bill No. 471.

Bill read second time and ordered to third reading.

Assembly Bill No. 473.

Bill read second time and ordered to third reading.

Assembly Bill No. 474.

Bill read second time and ordered to third reading.

Assembly Bill No. 481.

Bill read second time and ordered to third reading.

Assembly Bill No. 523.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 106.

Bill read third time.

The following amendment was proposed by Assemblywoman Marzola:

Amendment No. 745.

AN ACT relating to ophthalmic dispensing; exempting the sale of prescription eyewear to intended wearers outside this State from provisions regulating ophthalmic dispensing under certain circumstances; authorizing the imposition of certain administrative action and injunctive relief for certain violations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law exempts certain activity from provisions of law governing ophthalmic dispensing. (NRS 637.025) **Section 9** of this bill additionally exempts from such provisions the manufacturing and direct online sale of

lenses, frames and other specially fabricated optical devices upon prescription to an intended wearer who is located outside this State at the time of purchase, if the manufacturing is supervised by a licensed dispensing optician. **Section 9** requires such supervision to include a daily review of all optical manufacturing equipment by the licensed dispensing optician. **Section 9** requires a person engaged in such manufacturing and direct online sale to confirm that lenses shipped to the intended wearer match the relevant prescription, as submitted by the intended wearer.

Existing law authorizes the imposition of disciplinary action and the issuance of an injunction against a person who is licensed to engage in the practice of ophthalmic dispensing or manage a business engaged in ophthalmic dispensing and violates certain provisions of law governing ophthalmic dispensing. (NRS 637.150, 637.185) Existing law also provides that such a person is guilty of a misdemeanor. (NRS 637.200) **Section 9** provides that such a licensee is subject to disciplinary action and injunctive relief if the licensee: (1) is engaged in activity which, under the provisions of **section 9**, is otherwise exempt from provisions governing ophthalmic dispensing; and (2) fails to comply with **section 9** or, alternatively, with other provisions governing ophthalmic dispensing.

Existing law prohibits a person from engaging in the practice of ophthalmic dispensing or managing a business engaged in ophthalmic dispensing without a license. (NRS 637.090) Existing law provides that a person who violates that prohibition is guilty of a misdemeanor and subject to an administrative fine and injunctive relief. (NRS 637.181, 637.185, 637.200) **Section 9** provides that an unlicensed person is subject to such an administrative fine and injunctive relief if the person: (1) is engaged in activity which, under the provisions of **section 9**, is otherwise exempt from provisions governing ophthalmic dispensing; and (2) fails to comply with **section 9**. **Sections 9 and 10** of this bill provide that a person who fails to comply with **section 9** is not guilty of a misdemeanor, regardless of whether the person is licensed.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. Chapter 637 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, a person is exempt from the provisions of this chapter if the person:

(a) Is engaged in the manufacturing and direct online sale of lenses, frames and other specially fabricated optical devices upon prescription to an intended wearer who is located outside this State at the time of purchase; and

(b) Complies with the requirements of subsection 2.

2. Any person who engages in the activity described in paragraph (a) of subsection 1 and does not otherwise comply with the provisions of this chapter shall:

(a) Ensure that the manufacturing of lenses, frames and other specially fabricated optical devices is supervised by a dispensing optician licensed pursuant to this chapter. Such supervision must include, without limitation, a daily review of all optical manufacturing equipment by the dispensing optician to ensure that the lenses, frames and other specially fabricated optical devices being manufactured meet the standards adopted by the Board pursuant to this chapter; and

(b) Confirm that any lenses shipped to an intended wearer meet the requirements of the relevant prescription, as submitted by the intended wearer.

3. A person who engages in the activity described in paragraph (a) of subsection 1, is licensed pursuant to this chapter and fails to comply with the requirements of subsection 2 or the requirements of this chapter:

(a) Is subject to the provisions of 637.150 and 637.185; and

(b) Is not guilty of a misdemeanor.

4. A person who engages in the activity described in paragraph (a) of subsection 1 , ~~[who]~~ is not licensed pursuant to this chapter ~~[,]~~ and fails to comply with the requirements of subsection 2:

(a) Shall be deemed to be in violation of NRS 637.090 and, except as otherwise provided in paragraph (b), is subject to all provisions applicable to a person who violates that section; and

(b) Is not guilty of a misdemeanor.

Sec. 10. NRS 637.200 is hereby amended to read as follows:

637.200 The following acts constitute misdemeanors, unless a greater penalty is provided pursuant to NRS 200.830 or 200.840:

1. The insertion of a false or misleading statement in any advertising in connection with the business of ophthalmic dispensing.

2. Making use of any advertising statement of a character tending to indicate to the public the superiority of a particular system or type of eyesight examination or treatment.

3. Furnishing or advertising the furnishing of the services of a refractionist, optometrist, physician or surgeon.

4. Changing the prescription of a lens without an order from a person licensed to issue such a prescription.

5. Filling a prescription for a contact lens in violation of the expiration date or number of refills specified by the prescription.

6. ~~[Violating]~~ ***Except as otherwise provided in section 9 of this act, violating*** any provision of this chapter.

Assemblywoman Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 370.

Bill read third time.

The following amendment was proposed by Assemblywoman Marzola:

Amendment No. 742.

AN ACT relating to data privacy; requiring certain entities to develop, maintain and make available on the Internet a policy concerning the privacy of consumer health data; prohibiting such an entity from collecting or sharing consumer health data without the affirmative, voluntary consent of a consumer in certain circumstances; requiring such an entity to perform certain actions upon the request of a consumer; requiring such an entity to establish a process to appeal the denial of such a request; requiring such an entity to take certain actions to protect the security of consumer health data; limiting the circumstances under which a processor is authorized to process consumer health data; requiring a processor to assist certain entities in complying with certain requirements; prohibiting a person from selling or offering to sell consumer health data under certain circumstances; prohibiting the implementation of a geofence under certain circumstances; prohibiting discrimination against a consumer for certain reasons; authorizing certain civil enforcement; ~~[requiring certain persons to develop, maintain and make publicly available a policy concerning the storage and retention of biometric identifiers; establishing requirements governing storing, transmitting, protecting, collecting and sharing biometric identifiers; prohibiting the sale of a biometric identifier;]~~ providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law and regulations contain various protections for health information maintained or used: (1) by a person or entity that provides health care, an insurer or a business associate of a person or entity that provides health care or an insurer; or (2) for scientific research. (42 U.S.C. §§ 11101 et seq.; Pub. L. No. 104-191, 100 Stat. 2548; 21 C.F.R. Parts 46, 50 and 56, 42 C.F.R. Parts 2 and 3, 45 C.F.R. Parts 160 and 164) **Sections 2-34** of this bill prescribe various protections for consumer health data that is maintained and used by other persons and nongovernmental entities and for other purposes. **Section 7** of this bill defines the term "consumer" to mean a natural person who has requested a product or service from a regulated entity and who resides in this State or whose consumer health data is collected in this State, except for a natural person acting in an employment context or as an agent of a governmental entity. **Section 8** of this bill defines the term "consumer health data" to mean personally identifiable information that is linked or reasonably

capable of being linked to a consumer and is used by a regulated entity to identify the health status of the consumer. **Section 15** of this bill defines the term "regulated entity" to refer to a person who: (1) conducts business in this State or produces or provides products or services that are targeted to consumers in this State; and (2) determines the purpose and means of processing, sharing or selling consumer health data. **Sections 3-6,** ~~[9-11, 12.5-14]~~ **9-14 and 16-19** of this bill define certain other terms. **Section 20** of this bill provides that the provisions of **sections 2-34** do not apply to certain persons, entities and data, including: (1) certain persons and entities whose collection and disclosure of data is specifically regulated by federal law; and (2) certain data that is collected or disclosed under certain provisions of federal law or regulations or state law.

Section 21 of this bill requires a regulated entity to develop, maintain and make available a policy concerning the privacy of consumer health data. **Section 21** also prohibits a regulated entity from: (1) taking certain actions with regard to consumer health data that are inconsistent with the policy without the affirmative, voluntary consent of the consumer; or (2) entering into a contract for the processing of consumer health data that is inconsistent with the policy. **Section 22** of this bill generally prohibits a regulated entity from collecting or sharing consumer health data without the affirmative, voluntary consent of the consumer to whom the data relates, except to the extent necessary to provide a product or service that the consumer has requested from the regulated entity. **Section 22** of this bill prescribes certain requirements governing such consent.

Section 24 of this bill requires a regulated entity, upon the request of a consumer, to: (1) confirm whether the regulated entity is collecting, sharing or selling consumer health data concerning the consumer; (2) provide the consumer with a list of all third parties with whom the regulated entity has shared or to whom the regulated entity has sold consumer health data relating to the consumer; (3) cease collecting or sharing consumer health data relating to the consumer; or (4) delete consumer health data concerning the consumer. **Section 24** also requires a regulated entity to establish a secure and reliable means of making such a request. **Section 25** of this bill prescribes requirements governing the response to such a request, including a requirement that a regulated entity provide information in response to such a request free of charge in most circumstances. However, if a consumer submits more than two requests in a year and those requests are manifestly unfounded, excessive or repetitive, **section 25** authorizes the regulated entity to charge a reasonable fee to provide such information. **Section 26** of this bill prescribes requirements governing the time within which a regulated entity or an affiliate, processor or other third party with which a regulated entity has shared data must delete consumer health data in response to a request for such deletion. **Section 27** of this bill requires a regulated entity to establish a process to appeal the refusal of the regulated entity to act on a request made pursuant to **section 24**.

Section 28 of this bill requires a regulated entity to limit access to and establish, implement and maintain policies and procedures to protect the security of consumer health data. **Section 29** of this bill requires a processor who processes consumer health data on behalf of a regulated entity to only process such data in accordance with a written contract between the processor and the regulated entity. **Section 29** also requires such a processor to assist the regulated entity in complying with the provisions of **sections 2-34**.

Section 30 of this bill prohibits a person from selling or offering to sell consumer health data without the written authorization of the consumer to whom the data pertains or beyond the scope of such authorization, with certain exceptions. **Section 30** also prohibits a person from conditioning the provision of goods or services on a consumer providing such authorization. **Section 30** requires a person who sells consumer health data to: (1) establish a means by which a consumer may revoke such written authorization; and (2) provide a copy of such written authorization to the consumer and purchaser. **Section 30** also requires both a seller and a purchaser of consumer health data to maintain such written authorization for at least 6 years after the expiration of the written authorization. **Section 17** of this bill exempts certain activity from the definition of the term "sell," thereby exempting such activity from the requirements of **section 30**.

Section 31 of this bill prohibits a person from implementing a geofence within 1,750 feet of any person or entity that provides in-person health care services or products for certain purposes. **Section 33** of this bill prohibits a regulated entity from discriminating against a consumer for taking any action authorized by **sections 2-34** or to enforce those provisions.

~~[Sections 34.1-34.9 of this bill establish provisions for the protection of biometric identifiers. Section 34.1 of this bill sets forth certain legislative findings concerning biometric identifiers. Section 34.3 of this bill defines "biometric identifier" to mean biometric data relating to the faceprint, fingerprint or iris of a specific natural person that uniquely identifies that specific natural person. Sections 34.35-34.45 of this bill define certain other terms. Section 34.5 of this bill provides that the provisions of sections 34.1-34.9 do not apply to: (1) certain entities whose collection and sharing of data is specifically regulated by federal law; (2) photographs collected, possessed or shared for purposes other than verifying the identity of a person; (3) information collected, possessed or shared for certain medical or scientific purposes; (4) governmental or tribal entities; (5) a person who is in the business of manufacturing or selling automobiles; (6) certain persons in the gaming industry; (7) law enforcement; or (8) with certain exceptions, biometric identifiers collected for certain purposes relating to security. Section 34.6 of this bill authorizes the provision of information or consent under sections 34.1-34.9 electronically. Section 34.7 of this bill requires a person who possesses a biometric identifier of another to develop, maintain and comply with a publicly available written policy setting forth a schedule for the retention and destruction of biometric identifiers. Section 34.7 also establishes requirements~~

~~governing the storage, transmittal and protection of biometric identifiers. Section 34.8 of this bill prescribes requirements governing collecting and sharing biometric identifiers. Section 34.8 also prohibits the sale of biometric identifiers.]~~

Existing law provides that a variety of actions constitute deceptive trade practices. (NRS 118A.275, 205.377, 228.620, 370.695, 597.997, 603.170, 604B.910, 676A.770; chapter 598 of NRS) Existing law authorizes a court to impose a civil penalty of not more than $12,500 for each violation upon a person whom the court finds has engaged in a deceptive trade practice directed toward an elderly person or a person with a disability. (NRS 598.0973) Additionally, existing law authorizes a court to make such additional orders or judgments as may be necessary to restore to any person in interest any money or property which may have been acquired by means of any deceptive trade practice. (NRS 598.0993) In addition to these enforcement mechanisms, existing law provides that when the Commissioner of Consumer Affairs or the Director of the Department of Business and Industry has cause to believe that a person has engaged or is engaging in any deceptive trade practice, the Commissioner or Director may request that the Attorney General represent him or her in instituting an appropriate legal proceeding, including an application for an injunction or temporary restraining order. (NRS 598.0979) Existing law provides that if a person violates a court order or injunction resulting from a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General, the person is required to pay a civil penalty of not more than $10,000 for each violation. Furthermore, if a court finds that a person has willfully engaged in a deceptive trade practice, the person who committed the violation: (1) may be required to pay an additional civil penalty not more than $5,000 for each violation; and (2) is guilty of a felony or misdemeanor, depending on the value of the property or services lost as a result of the deceptive trade practice. (NRS 598.0999) With certain exceptions, ~~[sections]~~ **section 34** ~~[and 34.9]~~ of this bill ~~[provide]~~ **provides** that a person who violates any provision of **sections** ~~[2-34.9 of this bill]~~ **2-34** is guilty of a deceptive trade practice. **Sections 1**, ~~[,]~~ **and 34** ~~[and 34.9]~~ of this bill provide that a person injured by such a violation does not have a private right of action. ~~[Sections]~~ **Section 34** ~~[and 34.9]~~ additionally ~~[provide]~~ **provides** that the provisions of **sections** ~~[2-34.9]~~ **2-34** must not be construed to affect any other provision of law.

Section 35 of this bill exempts consumer health data ~~[and biometric identifiers]~~ from provisions of existing law governing information collected on the Internet from consumers because those provisions are less stringent than the provisions of **sections** ~~[2-34.9.]~~ **2-34.**

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

Section 1. NRS 598.0977 is hereby amended to read as follows:

598.0977 ~~[If]~~ ***Except as otherwise provided in ~~[sections]~~ section 34 ~~[and 34.9]~~ of this act,*** an elderly person or a person with a disability suffers damage or injury as a result of a deceptive trade practice, he or she or his or her legal representative, if any, may commence a civil action against any person who engaged in the practice to recover the actual damages suffered by the elderly person or person with a disability, punitive damages, if appropriate, and reasonable attorney's fees. The collection of any restitution awarded pursuant to this section has a priority over the collection of any civil penalty imposed pursuant to NRS 598.0973.

Sec. 1.5. Chapter 603A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 34.9, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 34, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 19, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Affiliate" means an entity that shares common branding with another entity and controls, is controlled by or is under common control with the other entity. For the purposes of this section, an entity shall be deemed to control another entity if the entity:***

1. Owns or has the power to vote at least half of the outstanding shares of any class of voting security in the other entity;

2. Controls in any manner the election of a majority of the directors or persons exercising similar functions to directors of the other entity; or

3. Has the power to exercise controlling influence over the management of the other entity.

Sec. 4. ***"Authenticate" means to ascertain the identity of the originator of an electronic or physical document and establish a link between the document and the originator.***

Sec. 5. ***"Biometric data" means data which is generated from the measurement or technical processing of the physiological, biological or behavioral characteristics of a person and, alone or in combination with other data, is capable of being used to identify the person. The term includes, without limitation:***

1. Imagery of the fingerprint, palm print, hand print, scar, bodily mark, tattoo, voiceprint, face, retina, iris or vein pattern of a person; and

2. Keystroke patterns or rhythms and gait patterns or rhythms that contain identifying information.

Sec. 6. ***"Collect" means to buy, rent, access, retain, receive, acquire, infer, derive or otherwise process consumer health data in any manner.***

Sec. 7. ***"Consumer" means a natural person who has requested a product or service from a regulated entity and who resides in this State or whose consumer health data is collected in this State. The term does not include a***

natural person acting in an employment context or as an agent of a governmental entity.

Sec. 8. *"Consumer health data" means personally identifiable information that is linked or reasonably capable of being linked to a consumer and that a regulated entity uses to identify the past, present or future health status of the consumer. The term:*

1. Includes, without limitation:

(a) Information relating to:

(1) Any health condition or status, disease or diagnosis;

(2) Social, psychological, behavioral or medical interventions;

(3) Surgeries or other health-related procedures;

(4) The use or acquisition of medication;

(5) Bodily functions, vital signs or symptoms;

(6) Reproductive or sexual health care; and

(7) Gender-affirming care;

(b) Biometric data or genetic data related to information described in paragraph (a);

(c) Information related to the precise geolocation information of a consumer that a regulated entity uses to indicate an attempt by a consumer to receive health care services or products; and

(d) Any information described in paragraph (a), (b) or (c) that is derived or extrapolated from information that is not consumer health data, including, without limitation, proxy, derivative, inferred or emergent data derived through an algorithm, machine learning or any other means.

2. Does not include information that is used to provide access to or enable gameplay by a person on a video game platform.

Sec. 9. *"Gender-affirming care" means health services or products that support and affirm the gender identity of a person, including, without limitation:*

1. Treatments for gender dysphoria;

2. Gender-affirming hormone therapy; and

3. Gender-affirming surgery.

Sec. 10. *"Genetic data" means any data that concerns the genetic characteristics of a person. The term includes, without limitation:*

1. Data directly resulting from the sequencing of all or a portion of the deoxyribonucleic acid of a person;

2. Genotypic and phenotypic information that results from analyzing the information described in subsection 1; and

3. Data concerning the health of a person that is analyzed in connection with the information described in subsection 1.

Sec. 11. *"Health care services or products" means any service or product provided to a person to assess, measure, improve or learn about the health of a person. The term includes, without limitation:*

1. Services relating to any health condition or status, disease or diagnosis;

2. Social, psychological, behavioral or medical interventions;

3. Surgeries or other health-related procedures;

4. Medication or services related to the use or acquisition of medication; or

5. Monitoring or measurement related to bodily functions, vital signs or symptoms.

Sec. 12. (Deleted by amendment.)

Sec. 12.5. ***"Precise geolocation information" means information derived from technology, including, without limitation, latitude and longitude coordinates at the level of detail typically provided by a global positioning system, that directly identifies the specific location of a natural person with precision and accuracy within a radius of 1,750 feet. The term does not include:***

1. The content of any communication; or

2. Any data generated by or connected to advanced metering infrastructure for utilities or other equipment used by a utility.

Sec. 13. ***"Process" means any operation or set of operations performed on consumer health data.***

Sec. 14. ***"Processor" means a person who processes consumer health data on behalf of a regulated entity.***

Sec. 15. ***"Regulated entity" means any person who:***

1. Conducts business in this State or produces or provides products or services that are targeted to consumers in this State; and

2. Alone or with other persons, determines the purpose and means of processing, sharing or selling consumer health data.

Sec. 16. ***"Reproductive or sexual health care" means health care services or products that support or relate to the reproductive system or sexual well-being of a person. The term includes, without limitation, abortion, the provision of medication to induce an abortion and any medical or nonmedical services associated with an abortion.***

Sec. 17. ***"Sell" means to exchange consumer health data for money or other valuable consideration. The term does not include the exchange of consumer health data for money or other valuable consideration:***

1. With a processor in a manner consistent with the purpose for which the consumer health data was collected, as disclosed to the consumer to whom the consumer health data pertains pursuant to section 22 of this act.

2. With a third party as an asset that is part of a merger, acquisition, bankruptcy or other transaction through which the third party assumes control of all or part of the assets of the regulated entity.

3. With a third party for the purpose of providing a product or service requested by the consumer to whom the consumer health data pertains.

4. With an affiliate of the person who is providing or disclosing the consumer health data.

5. As directed by the consumer to whom the consumer health data pertains or where the consumer to whom the consumer health data pertains intentionally uses the person who is providing or disclosing the consumer

health data to interact with the third party to whom the consumer health data is provided or disclosed.

6. Where the consumer has intentionally made the consumer health data available to the general public through mass media that was not restricted to a specific audience.

Sec. 18. *"Share" means to release, disclose, disseminate, divulge, make available, provide access to, license or otherwise communicate consumer health data orally, in writing or by electronic or other means.*

Sec. 19. *"Third party" means a person who is not a consumer, regulated entity, processor or affiliate of a regulated entity.*

Sec. 20. *1. The provisions of sections 2 to 34, inclusive, of this act do not apply to:*

(a) Any person or entity that is subject to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto.

(b) A financial institution or an affiliate of a financial institution that is subject to the provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801 et seq., or any personally identifiable information regulated by that Act which is collected, maintained or sold as provided in that Act.

(c) Patient identifying information, as defined in 42 C.F.R. § 2.11, that is collected, used or disclosed in accordance with 42 C.F.R. Part 2.

(d) Patient safety work product, as defined in 42 C.F.R. § 3.20, that is collected, used or disclosed in accordance with 42 C.F.R. Part 3.

(e) Identifiable private information, as defined in 45 C.F.R. § 46.102, that is collected, used or disclosed in accordance with 45 C.F.R. Part 46.

(f) Information used or shared as part of research conducted pursuant to 45 C.F.R. Part 46 or 21 C.F.R. Parts 50 and 56.

(g) Information used only for public health activities and purposes, as described in 45 C.F.R. § 164.512(b), regardless of whether such information is subject to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto.

(h) Personally identifiable information that is governed by and collected, used or disclosed pursuant to:

(1) Part C of Title XI of the Social Security Act, 42 U.S.C. §§ 1320d et seq.;

(2) The Fair Credit Reporting Act, 15 U.S.C. §§ 1681 et seq.; or

(3) The Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and the regulations adopted pursuant thereto.

(i) Information and documents created for the purposes of compliance with the federal Health Care Quality Improvement Act of 1986, 42 U.S.C. §§ 11101 et seq., and any regulations adopted pursuant thereto.

(j) The collection or sharing of consumer health data where expressly authorized by any provision of federal or state law.

(k) Information processed by or for any governmental or tribal entity for civic or governmental purposes and operations or related services and operations.

(l) Any person who holds a nonrestricted license, as defined in NRS 463.0177, or an affiliate, as defined in NRS 463.0133, of such a person.

(m) Law enforcement agencies and law enforcement activities.

2. A third party that obtains consumer health data from a regulated entity through a merger, acquisition, bankruptcy or other transaction through which the third party assumes control of all or part of the assets of the regulated entity is deemed to assume all obligations of the regulated entity to comply with the provisions of sections 2 to 34, inclusive, of this act.

Sec. 21. *1. A regulated entity shall develop and maintain a policy concerning the privacy of consumer health data that clearly and conspicuously establishes:*

(a) The categories of consumer health data being collected by the regulated entity and the manner in which the consumer health data will be used;

(b) The categories of sources from which consumer health data is collected;

(c) The categories of consumer health data that are shared by the regulated entity;

(d) The categories of third parties and affiliates with whom the regulated entity shares consumer health data;

(e) The purposes of collecting, using and sharing consumer health data;

(f) The manner in which consumer health data will be processed;

(g) The procedure for submitting a request pursuant to section 24 of this act;

(h) The process, if any such process exists, for a consumer to review and request changes to any of his or her consumer health data that is collected by the regulated entity;

(i) The process by which the regulated entity notifies consumers whose consumer health data is collected by the regulated entity of material changes to the privacy policy;

(j) Whether a third party may collect consumer health data over time and across different Internet websites or online services when the consumer uses any Internet website or online service of the regulated entity; and

(k) The effective date of the privacy policy.

2. A regulated entity shall post conspicuously on the main Internet website maintained by the regulated entity a hyperlink to the policy developed pursuant to subsection 1 or otherwise provide that policy to consumers in a manner that is clear and conspicuous.

3. A regulated entity shall not:

(a) Collect, use or share categories of consumer health data, other than those included in the privacy policy pursuant to paragraph (c) of subsection 1, without disclosing those additional categories to each consumer whose

data will be collected, used or shared and obtaining the affirmative, voluntary consent of the consumer;

(b) Share consumer health data with a third party or affiliate, other than those included in the privacy policy pursuant to paragraph (d) of subsection 1, without disclosing those additional third parties or affiliates to each consumer whose data will be shared and obtaining the affirmative, voluntary consent of the consumer;

(c) Collect, use or share consumer health data for purposes other than those included in the privacy policy pursuant to paragraph (e) of subsection 1 without disclosing those additional purposes to each consumer whose data will be collected, used or shared and obtaining the affirmative, voluntary consent of the consumer; or

(d) Enter into a contract pursuant to section 29 of this act with a processer to process consumer health data that is inconsistent with the privacy policy.

Sec. 22. ***1. A regulated entity shall not collect consumer health data except:***

(a) With the affirmative, voluntary consent of the consumer; or

(b) To the extent necessary to provide a product or service that the consumer to whom the consumer health data relates has requested from the regulated entity.

2. A regulated entity shall not share consumer health data except:

(a) With the affirmative, voluntary consent of the consumer to whom the consumer health data relates, which must be separate and distinct from the consent provided pursuant to subsection 1 for the collection of the data;

(b) To the extent necessary to provide a product or service that the consumer to whom the consumer health data relates has requested from the regulated entity; or

(c) Where required or authorized by another provision of law.

3. Any consent required by this section must be obtained before the collection or sharing, as applicable, of consumer health data. The request for such consent must clearly and conspicuously disclose:

(a) The categories of consumer health data to be collected or shared, as applicable;

(b) The purpose for collecting or sharing, as applicable, the consumer health data including, without limitation, the manner in which the consumer health data will be used;

(c) If the consumer health data will be shared, the categories of persons and entities with whom the consumer health data will be shared; and

(d) The manner in which the consumer may withdraw consent for the collection or sharing, as applicable, of consumer health data relating to the consumer and request that the regulated entity cease such collection or sharing pursuant to section 24 of this act.

Sec. 23. (Deleted by amendment.)

Sec. 24. ***1. Except as otherwise provided in section 25 of this act, upon the request of a consumer, a regulated entity shall:***

(a) Confirm whether the regulated entity is collecting, sharing or selling consumer health data relating to the consumer.

(b) Provide the consumer with a list of all third parties with whom the regulated entity has shared consumer health data relating to the consumer or to whom the regulated entity has sold such consumer health data.

(c) Cease collecting, sharing or selling consumer health data relating to the consumer.

(d) Delete consumer health data concerning the consumer.

2. A regulated entity shall establish a secure and reliable means of making a request pursuant to this section. When establishing the means for making such a request, the regulated entity must consider:

(a) The need for the safe and reliable communication of such requests; and

(b) The ability of the regulated entity to authenticate the identity of the consumer making the request.

Sec. 25. *1. Except as otherwise provided in this section, a regulated entity shall respond to a request made pursuant to section 24 of this act without undue delay and not later than 45 days after authenticating the request. If reasonably necessary based on the complexity and number of requests from the same consumer, the regulated entity may extend the period prescribed by this section not more than an additional 45 days. A regulated entity that grants itself such an extension must, not later than 45 days after authenticating the request, provide the consumer with notice of the extension and the reasons therefor.*

2. If a regulated entity is not able to authenticate a request made pursuant to section 24 of this act after making commercially reasonable efforts, the regulated entity:

(a) Is not required to comply with the request; and

(b) May request that the consumer provide such additional information as is reasonably necessary to authenticate the request.

3. A regulated entity:

(a) Shall provide information free of charge to a consumer in response to:

(1) Requests made pursuant to section 24 of this act at least twice each year; and

(2) Additional requests that are not manifestly unfounded, excessive or repetitive.

(b) Except as otherwise provided in paragraph (a), may charge a reasonable fee to provide information to a consumer in response to requests made pursuant to section 24 of this act that are manifestly unfounded, excessive or repetitive.

4. In any civil proceeding challenging the validity of a fee charged pursuant to paragraph (b) of subsection 3, the regulated entity has the burden of demonstrating by a preponderance of the evidence that the request to which the fee pertained was manifestly unfounded, excessive or repetitive.

Sec. 26. *1. Not later than 30 days after authenticating a request made pursuant to paragraph (d) of subsection 1 of section 24 of this act for the deletion of consumer health data, a regulated entity shall, except as otherwise provided in subsection 3:*

(a) Delete all consumer health data described in the request from the records and network of the regulated entity; and

(b) Notify each affiliate, processor, contractor or other third party with which the regulated entity has shared consumer health data of the deletion request.

2. Not later than 30 days after receiving notification of a deletion request pursuant to paragraph (b) of subsection 1, an affiliate, processor, contractor or other third party shall, except as otherwise provided in subsection 3, delete the consumer health data described in the request from the records and network of the affiliate, processor, contractor or other third party.

3. If data described in a deletion request made pursuant to paragraph (d) of subsection 1 of section 24 of this act is stored or archived on backup systems, a regulated entity or an affiliate, processor, contractor or other third party may delay the deletion of the data for not more than 2 years after the request is authenticated, as necessary to restore the archived or backup system.

Sec. 27. *1. A regulated entity shall establish a process by which a consumer may appeal the refusal of the regulated entity to act on a request made pursuant section 24 of this act. The process must be:*

(a) Conspicuously available on the Internet website of the regulated entity; and

(b) Similar to the process for making a request pursuant to section 24 of this act.

2. Not later than 45 days after receiving an appeal pursuant to subsection 1, a regulated entity shall inform the consumer in writing of:

(a) Any action taken in response to the appeal or any decision not to take such action;

(b) The reasons for any such action or decision; and

(c) If the regulated entity decided not to take the action requested in the appeal, the contact information for the Office of the Attorney General.

Sec. 28. *1. A regulated entity shall only authorize the employees and processors of the regulated entity to access consumer health data where reasonably necessary to:*

(a) Further the purpose for which the consumer consented to the collection or sharing of the consumer data pursuant to section 22 of this act; or

(b) Provide a product or service that the consumer to whom the consumer health data relates has requested from the regulated entity.

2. A regulated entity shall establish, implement and maintain policies and practices for the administrative, technical and physical security of consumer health data. The policies must:

(a) Satisfy the standard of care in the industry in which the regulated entity operates to protect the confidentiality, integrity and accessibility of consumer health data;

(b) Comply with the provisions of NRS 603A.010 to 603A.290, inclusive, where applicable; and

(c) Be reasonable, taking into account the volume and nature of the consumer health data at issue.

Sec. 29. *1. A processor shall only process consumer health data pursuant to a contract between the processor and a regulated entity. Such a contract must set forth the applicable processing instructions and the specific actions that the processor is authorized to take with regard to the consumer health data it possesses on behalf of the regulated entity.*

2. To the extent practicable, a processor shall assist the regulated entity with which the processor has entered into a contract pursuant to subsection 1 in complying with the provisions of sections 2 to 34, inclusive, of this act.

3. If a processor processes consumer health data outside the scope of a contract described in subsection 1 or in a manner inconsistent with any provision of such a contract, the processor:

(a) Is not guilty of a deceptive trade practice pursuant to section 34 of this act solely because the processor violated the requirements of this section; and

(b) Shall be deemed a regulated entity for the purposes of sections 2 to 34, inclusive, of this act, for actions and omissions with regard to such consumer health data.

Sec. 30. *1. A person shall not sell or offer to sell consumer health data:*

(a) Without the written authorization of the consumer to whom the data pertains; or

(b) If the consumer provides such written authorization, in a manner that is outside the scope of or inconsistent with the written authorization.

2. A person shall not condition the provision of goods or services on a consumer authorizing the sale of consumer health data pursuant to subsection 1.

3. Written authorization pursuant to subsection 1 must be provided in a form written in plain language which includes, without limitation:

(a) The name and contact information of the person selling the consumer health data;

(b) A description of the specific consumer health data that the person intends to sell;

(c) The name and contact information of the person purchasing the consumer health data;

(d) A description of the purpose of the sale, including, without limitation, the manner in which the consumer health data will be gathered and the manner in which the person described in paragraph (c) intends to use the consumer health data;

(e) A statement of the provisions of subsection 2;

(f) A statement that the consumer may revoke the written authorization at any time and a description of the means established pursuant to subsection 4 for revoking the authorization;

(g) A statement that any consumer health data sold pursuant to the written authorization may be disclosed to additional persons and entities by the person described in paragraph (c) and, after such disclosure, is no longer subject to the protections of this section;

(h) The date on which the written authorization expires pursuant to subsection 5; and

(i) The signature of the consumer to which the consumer health data pertains.

4. A person who sells consumer health data shall establish a means by which a consumer may revoke a written authorization made pursuant to subsection 1.

5. Written authorization provided pursuant to subsection 1 expires 1 year after the date on which the authorization is given.

6. A written authorization provided pursuant to subsection 1 is not valid if the written authorization:

(a) Was a condition for the provision of goods or services to the consumer in violation of subsection 2;

(b) Does not comply with the requirements of subsection 3;

(c) Has been revoked pursuant to subsection 4; or

(d) Has expired pursuant to subsection 5.

7. A person who sells consumer health data shall provide a copy of the written authorization provided pursuant to subsection 1 to the consumer who signed the written authorization and the purchaser of the consumer health data.

8. A seller and purchaser of consumer health data shall each retain a copy of the written authorization provided pursuant to subsection 1 for at least 6 years after the date on which the written authorization expired pursuant to subsection 5.

~~*[9. The provisions of this section do not authorize the sale of a biometric identifier, as prohibited by subsection 3 of section 34.8 of this act.]*~~

Sec. 31. *1. A person shall not implement a geofence within 1,750 feet of any medical facility, facility for the dependent or any other person or entity that provides in-person health care services or products for the purpose of:*

(a) Identifying or tracking consumers seeking in-person health care services or products;

(b) Collecting consumer health data; or

(c) Sending notifications, messages or advertisements to consumers related to their consumer health data or health care services or products.

2. As used in this section:

(a) "Facility for the dependent" has the meaning ascribed to it in NRS 449.0045.

(b) "Geofence" means technology that uses coordinates for global positioning, connectivity to cellular towers, cellular data, radio frequency identification, wireless Internet data or any other form of detecting the physical location of a person to establish a virtual boundary with a radius of 1,750 feet or less around a specific physical location.

(c) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

Sec. 32. (Deleted by amendment.)

Sec. 33. *A regulated entity shall not discriminate against a consumer for taking:*

1. Any action authorized by sections 2 to 34, inclusive, of this act; or

2. Any action to enforce the provisions of sections 2 to 34, inclusive, of this act.

Sec. 34. *1. Except as otherwise provided in this section and section 29 of this act, a violation of sections 2 to 34, inclusive, of this act constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.*

2. The provisions of sections 2 to 34, inclusive, of this act:

(a) Do not create a private right of action; and

(b) Must not be construed to affect any other provision of law.

Sec. 34.1. ~~[*The Legislature hereby finds and declares that:*~~

~~*1. The use of biometric identifiers to verify the identity of persons in personal and business settings is growing and is likely to streamline online transactions and the management of digital accounts, strengthen the security of identities and reduce the risk of cybersecurity issues and fraud for governmental entities, businesses and consumers.*~~

~~*2. Biometric identifiers are unlike other identifiers that are used to verify the identity of a person or access a digital account because biometric identifiers are unique to a person and are not capable of being changed if stolen.*~~

~~*3. Without ongoing measures to protect the security of biometric identifiers, persons are at a heightened risk of identity theft.*~~

~~*4. The public welfare, security and safety will be served by regulating the collection, use, security, handling, storage, retention and destruction of biometric identifiers.]*~~ **(Deleted by amendment.)**

Sec. 34.2. ~~[*As used in sections 34.1 to 34.9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 34.3 to 34.45, inclusive, of this act have the meanings ascribed to them in those sections.]*~~ **(Deleted by amendment.)**

Sec. 34.3. ~~[*"Biometric identifier" means biometric data relating to the faceprint, fingerprint or iris of a specific natural person that uniquely identifies that specific natural person. The term includes, without limitation, data from a photo identification document that contains the image of the face of a person with sufficient resolution that artificial intelligence or a*~~

~~*machine learning algorithm is able to match the data with other biometric data to positively identify the person.]*~~ **(Deleted by amendment.)**

Sec. 34.35. ~~*[“Collect” means to access, retain, receive, acquire, infer, derive or otherwise obtain a biometric identifier in any manner.]*~~ **(Deleted by amendment.)**

Sec. 34.4. ~~*[“Share” means to release, disclose, disseminate, divulge, make available or provide access to a biometric identifier.]*~~ **(Deleted by amendment.)**

Sec. 34.45. ~~*[“Subject” means the natural person to whom a biometric identifier relates.]*~~ **(Deleted by amendment.)**

Sec. 34.5. ~~*[1. The provisions of sections 34.1 to 34.9, inclusive, of this act do not apply to:*~~

~~*(a) Any person or entity that is subject to the provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto.*~~

~~*(b) A financial institution or an affiliate of a financial institution that is subject to the provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801 et seq., or any personally identifiable information regulated by that Act which is collected, maintained or sold as provided in that Act.*~~

~~*(c) Physical or digital photographs collected, possessed or shared for purposes not related to verifying the identity of the subject.*~~

~~*(d) Information collected, possessed or shared for a medical purpose or to validate scientific testing or screening.*~~

~~*(e) Any governmental or tribal entity or any person who collects, possesses or shares a biometric identifier on behalf of a governmental or tribal entity.*~~

~~*(f) Any person in the business of manufacturing or selling automobiles, when acting in that capacity.*~~

~~*(g) Any person who holds a nonrestricted license, as defined in NRS 463.0177, or an affiliate, as defined in NRS 463.0133, of such a person.*~~

~~*(h) Law enforcement agencies and law enforcement activities.*~~

~~*(i) Any communications entity or affiliate thereof that belongs to a critical infrastructure sector, as identified in Presidential Policy Directive/PPD-21, issued on February 12, 2013.*~~

~~*2. Except as otherwise provided in subsection 3, the provisions of sections 34.1 to 34.9, inclusive, of this act do not apply to biometric identifiers processed for the sole purpose of:*~~

~~*(a) Preventing, detecting, protecting against or responding to security incidents, identity theft, fraud, harassment or other malicious, deceptive or illegal activity;*~~

~~*(b) Investigating, reporting or prosecuting persons responsible for activity described in paragraph (a); or*~~

~~*(c) Preserving the integrity or security of systems.*~~

~~*3. A person who collects a biometric identifier described in subsection 2 shall comply with the requirements of subsection 2 of section 34.8 of this act,*~~

~~*unless the person or biometric identifier is also exempt from those requirements pursuant to subsection 1.]*~~ **(Deleted by amendment.)**

Sec. 34.6. ~~*[For the purposes of sections 34.1 to 34.9, inclusive, of this act:*~~

~~*1. Any information required to be provided in writing may be provided electronically; and*~~

~~*2. Any consent or release may be obtained electronically.]*~~ **(Deleted by amendment.)**

Sec. 34.7. ~~*[A person who possesses a biometric identifier that relates to another person shall:*~~

~~*1. Develop, maintain and comply with a written policy setting forth a schedule for and procedures governing the retention and destruction of biometric identifiers. Except where preservation of a biometric identifier for a longer period of time is required by law, subpoena or an order by a court of competent jurisdiction or other lawful authority, such a policy must require the destruction of a biometric identifier on or before the earlier of:*~~

~~*(a) The date on which the initial purpose of obtaining the biometric identifier has been satisfied; or*~~

~~*(b) One year after the most recent interaction between the person in possession of the biometric identifier and the subject.*~~

~~*2. Make the policy established pursuant to subsection 1 available to the public.*~~

~~*3. Store and transmit biometric identifiers and protect biometric identifiers from disclosure a manner that:*~~

~~*(a) Meets the standard of care in the industry in which the person operates; and*~~

~~*(b) Is at least as protective as the manner in which the person stores, transmits or protects from disclosure, as applicable, other personally identifiable information.]*~~ **(Deleted by amendment.)**

Sec. 34.8. ~~*[1. Before collecting a biometric identifier, a person shall:*~~

~~*(a) Inform the subject or his or her representative in writing:*~~

~~*(1) That the biometric identifier is being collected;*~~

~~*(2) The purpose for which the biometric identifier is being collected, stored and used; and*~~

~~*(3) The length of time for which the biometric identifier will be retained in accordance with the policy developed pursuant to section 34.7 of this act;*~~

~~*(b) Obtain the informed written consent of the subject or his or her representative which may include, without limitation, a written release executed as a condition of employment; and*~~

~~*(c) Verify of the identity of the subject and any representative providing written consent pursuant to paragraph (b) in a manner that meets the requirements of Special Publication 800-63-3 published by the National Institute of Standards and Technology of the United States Department of Commerce.*~~

~~*2. At the time a person collects a biometric identifier, the person shall ensure that the subject is present.*~~

~~*3. A person shall not sell, lease, trade or otherwise receive compensation for sharing a biometric identifier.*~~

~~*4. A person shall not share a biometric identifier unless:*~~

~~*(a) The subject or his or her representative consents to the sharing;*~~

~~*(b) The sharing completes a financial transaction requested or authorized by the subject or his or her representative; or*~~

~~*(c) The sharing is required by law, a court order, a subpoena, a search warrant or other lawful process.]*~~ **(Deleted by amendment.)**

Sec. 34.9. ~~*[1. Except as otherwise provided in this section, a violation of sections 34.1 to 34.9, inclusive, of this act constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.*~~

~~*2. The provisions of sections 34.1 to 34.9, inclusive, of this act:*~~

~~*(a) Do not create a private right of action; and*~~

~~*(b) Must not be construed to affect any other provision of law.]*~~ **(Deleted by amendment.)**

Sec. 35. NRS 603A.338 is hereby amended to read as follows:

603A.338 The provisions of NRS 603A.300 to 603A.360, inclusive, do not apply to:

1. A consumer reporting agency, as defined in 15 U.S.C. § 1681a(f);

2. Any personally identifiable information regulated by the Fair Credit Reporting Act, 15 U.S.C. §§ 1681 et seq., and the regulations adopted pursuant thereto, which is collected, maintained or sold as provided in that Act;

3. A person who collects, maintains or makes sales of personally identifiable information for the purposes of fraud prevention;

4. Any personally identifiable information that is publicly available;

5. Any personally identifiable information protected from disclosure under the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. §§ 2721 et seq., which is collected, maintained or sold as provided in that Act; ~~[or]~~

6. ***Any consumer health data subject to the provisions of sections 2 to 34, inclusive, of this act; or***

7. [Any biometric identifiers subject to the provisions of sections 34.1 to 34.9, inclusive, of this act; or

~~*8.]*~~ A financial institution or an affiliate of a financial institution that is subject to the provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801 et seq., or any personally identifiable information regulated by that Act which is collected, maintained or sold as provided in that Act.

Assemblywoman Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 35.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 734.

AN ACT relating to controlled substances; establishing the crimes of ~~[mid-level]~~ **trafficking** and high-level trafficking in **any mixture which contains** illicitly manufactured ~~[fentanyl, any derivative of fentanyl and any mixture which contains fentanyl or any derivative of]~~ fentanyl; **establishing the crime of intentional misrepresentation of a fentanyl product; requiring each state and local law enforcement agency and the Nevada Sentencing Commission to submit certain reports to the Joint Interim Standing Committee on the Judiciary;** requiring, to the extent that money is available, the establishment of certain programs to provide certain offenders or prisoners who have a substance use disorder with medication-assisted treatment; **requiring the Joint Interim Standing Committee on the Judiciary to conduct an interim study concerning certain matters relating to forensic laboratories;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or is knowingly or intentionally in actual or constructive possession of a schedule I controlled substance, other than marijuana, a schedule II controlled substance or certain other controlled substances is guilty of: (1) low-level trafficking if the quantity of the controlled substance is 100 grams or more but less than 400 grams; and (2) high-level trafficking if the quantity of the controlled substance is 400 grams or more. A person who commits the crime of: (1) low-level trafficking is guilty of a category B felony and subject to certain prescribed penalties; and (2) high-level trafficking is guilty of a category A felony and subject to certain prescribed penalties. (NRS 453.3385)

Existing regulations of the State Board of Pharmacy include fentanyl in the list of controlled substances in schedule II and various derivatives of fentanyl in the list of controlled substances in schedule I. (NAC 453.510, as amended by LCB File No. R023-21, NAC 453.520) ~~[Section 8 of this bill excludes illicitly manufactured fentanyl, any derivative of fentanyl and any mixture which contains fentanyl or any derivative of fentanyl from the controlled substances for which the provisions governing the crimes of low-level trafficking and high-level trafficking apply.]~~ **Section ~~[1]~~ 1.5** of this bill ~~[instead]~~ establishes the crimes of ~~[mid-level]~~ trafficking and high-level trafficking in **any mixture which contains** illicitly manufactured ~~[fentanyl, any derivative of fentanyl and any mixture which contains fentanyl or any derivative of]~~ fentanyl. Under **section ~~[1,]~~ 1.5,** a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or is knowingly or intentionally in actual or constructive possession of **any mixture which contains** illicitly manufactured ~~[fentanyl, any derivative of fentanyl or any mixture which contains fentanyl or any derivative of]~~ fentanyl is guilty of: (1) ~~[mid-level]~~ trafficking if the quantity involved is ~~[14]~~ **28** grams or more but less than ~~[28]~~ **42** grams; and (2) high-level trafficking if the quantity

involved is ~~[28]~~ **42** grams or more ~~[.]~~ **but less than 100 grams.** Under **section** ~~[1,]~~ **1.5,** a person who commits the crime of ~~[: (1) mid-level]~~ trafficking **or high-level trafficking** is guilty of a category B felony and subject to certain prescribed penalties**.** ~~[; and (2) high-level trafficking is guilty of a category A]~~

Section 1.7 of this bill establishes the crime of intentional misrepresentation of a fentanyl product. Under section 1.7, a person who sells to another person a mixture containing fentanyl and another controlled substance is guilty of intentional misrepresentation of a fentanyl product if the person: (1) knows that the mixture contains fentanyl; and (2) intentionally fails to inform the purchaser that the mixture contains fentanyl. Section 1.7 provides that such a person is guilty of a category B felony and subject to certain prescribed penalties.

Sections 1.9, 2, 5 and 6 of this bill provide that a person found guilty of ~~[mid-level]~~ **intentional misrepresentation of a fentanyl product or trafficking** or high-level trafficking in **any mixture which contains** illicitly manufactured ~~[fentanyl, any derivative of fentanyl or any mixture which contains fentanyl or any derivative of]~~ fentanyl is subject to the greater penalty for that crime if the acts constituting the crime could subject the person to a lesser punishment under another statute.

Sections 3, 4, 7, 9-12 and 13 of this bill add references to **section** ~~[1]~~ **1.5** so that the crimes of ~~[mid-level]~~ **trafficking** and high-level trafficking in **any mixture which contains** illicitly manufactured ~~[fentanyl, any derivative of fentanyl or any mixture which contains fentanyl or any derivative of]~~ fentanyl are treated the same as the crimes of low-level and high-level trafficking involving schedule I controlled substances, other than marijuana, and schedule II controlled substances for certain purposes. **Section 12 adds a reference to section 1.7 so that the crime of intentional misrepresentation of a fentanyl product is treated the same as the crime of selling other controlled substances for certain purposes.**

Existing law prohibits, with certain exceptions, a court from suspending the sentence of a person convicted of trafficking in a controlled substance. (NRS 453.3405) Section 9 extends this prohibition to a person found guilty of trafficking or high-level trafficking in any mixture which contains illicitly manufactured fentanyl. Section 9 provides an exemption from this prohibition if the person convicted establishes, by a preponderance of the evidence, that he or she did not know that the mixture at issue contained illicitly manufactured fentanyl.

Existing law provides that a person who, in good faith, seeks medical assistance for a person who is experiencing a drug or alcohol overdose or other medical emergency or who seeks such assistance for himself or herself, or who is the subject of a good faith request for such assistance may not be arrested, charged, prosecuted or convicted, or have his or her property subjected to forfeiture, or be otherwise penalized for violating certain provisions of existing law governing controlled substances if the evidence to support the penalty was obtained as a result of the person

seeking medical assistance. (NRS 453C.150) Section 10 of this bill includes trafficking and high-level trafficking in a mixture that contains illicitly manufactured fentanyl among the offenses for which a person may not be penalized under such circumstances.

Existing law requires the Director of the Department of Corrections to establish one or more programs of treatment for offenders with substance use or co-occurring disorders who have been sentenced to imprisonment in the state prison. (NRS 209.4236, 209.425) Existing law additionally provides that the treatment of a prisoner in a local jail or detention facility who has a substance use disorder may include medication-assisted treatment. (NRS 211.140) **Section 12.3** of this bill requires the Director, to the extent that money is available, to establish a program to provide for the treatment of offenders with a substance use disorder using medication-assisted treatment. **Section 12.3** requires: (1) the program to provide each eligible offender who participates in the program with appropriate medication-assisted treatment for the period in which the offender is incarcerated; and (2) each offender who the Director has determined has a substance use disorder for which a medication-assisted treatment exists and who meets any reasonable conditions imposed by the Director to be deemed eligible to participate in the program and offered the opportunity to participate. **Section 12.3** prohibits the Director from denying an offender the ability to participate in the program or terminating his or her participation in the program for certain reasons. Finally, **section 12.3** provides that an offender who participates in the program is not subject to discipline on the basis that the results of a screening test administered to the offender indicated the presence of a controlled substance. **Section 12.7** of this bill requires, to the extent that money is available, a sheriff, chief of police or town marshal who is responsible for a county, city or town jail or detention facility to establish a program similar to that set forth in **section 12.3** to provide for the treatment of prisoners with a substance use disorder using medication-assisted treatment.

Section 1.8 of this bill requires each state and local law enforcement agency and the Nevada Sentencing Commission to submit to the Joint Interim Standing Committee on the Judiciary on or before March 1 and October 1 of each even-numbered year a report containing certain information regarding: (1) persons who have been charged with trafficking or high-level trafficking in any mixture that contains illicitly manufactured fentanyl or intentional misrepresentation of a fentanyl product; (2) programs for the treatment of persons incarcerated in the state prison or a county, city or town jail or detention facility; and (3) drug overdoses that resulted in the death of certain persons which were due to fentanyl or a controlled substance analog for fentanyl.

Section 14 of this bill requires the Joint Interim Standing Committee on the Judiciary to conduct a study during the 2023-2024 interim concerning the possible upgrading of forensic laboratories in this State to enable such

laboratories to perform quantitative testing involving controlled substances.

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

Section 1. Chapter 453 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 1.5, 1.7 and 1.8 of this act.**

Sec. 1.5. Except as otherwise authorized by the provisions of NRS 453.011 to 453.552, inclusive, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in actual or constructive possession of ~~[illicitly manufactured fentanyl, any derivative of fentanyl or]~~ any mixture which contains illicitly manufactured ~~[fentanyl or any derivative of]~~ fentanyl, unless a greater penalty is provided pursuant to NRS 453.322, if the quantity involved:

1. Is ~~[14]~~ 28 grams or more, but less than ~~[28]~~ 42 grams, is guilty of ~~[mid-level]~~ trafficking and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than ~~[2 years]~~ 1 year and a maximum term of not more than ~~[15]~~ 10 years . ~~[and by a fine of not more than $100,000.]~~

2. Is ~~[28]~~ 42 grams or more, but less than 100 grams, is guilty of high-level trafficking and shall be punished for a category ~~[A]~~ B felony by imprisonment in the state prison ~~[:

(a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(b) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served,

↳ and by a fine of not more than $500,000.] for a minimum term of not less than 2 years and a maximum term of not more than 15 years.***

Sec. 1.7. Unless a greater penalty is provided pursuant to NRS 453.333 or 453.334, a person who sells to another person a mixture containing fentanyl and another controlled substance and who:

1. Knows that the mixture contains fentanyl; and

2. Intentionally fails to inform the purchaser that the mixture contains fentanyl,

↳ is guilty of intentional misrepresentation of a fentanyl product and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and by a fine of not more than $50,000.

Sec. 1.8. 1. On or before March 1 and October 1 of each even-numbered year, each law enforcement agency and the Nevada Sentencing Commission, with the assistance of the Department of Sentencing Policy, shall submit to the Joint Interim Standing Committee on the Judiciary a report which must contain the following information, to the extent that such information is in the possession of the agency:

(a) The number of persons that were charged with a violation of section 1.5 or 1.7 of this act in the period since the last report;

(b) For each person who has ever been charged with a violation of section 1.5 or 1.7 of this act, the following information, if the information has not been included in a previous report:

(1) The race, gender, zip code, employment status and age of the person;

(2) Whether another criminal charge was filed in the person's case and, if so, what charge;

(3) Whether the person was represented by court-appointed counsel or otherwise determined to be indigent;

(4) The disposition of the case, including, without limitation, any sentence imposed on the person;

(5) Whether any portion of the sentence of the person was suspended or the person was granted probation and, if so:

(I) Whether the person has successfully completed the suspended sentence or probation; and

(II) Whether the suspension of sentence or probation has been revoked and, if so, whether the revocation was a result of a technical violation or a new criminal case; and

(6) Whether the court ordered the person to complete treatment for a substance use disorder and, if so, the type of treatment so ordered;

(c) The number of deaths in the period since the last report caused by a drug overdose due to fentanyl or a controlled substance analog for fentanyl that occurred in the state prison or any county or city jail or detention facility or other correctional facility in this State or while the deceased person was under a suspended sentence or on probation, parole or pretrial release; and

(d) Any significant developments in the period since the last report concerning any program of treatment implemented for the treatment of persons incarcerated in the state prison or any county, city or town jail or detention facility or other correctional facility in this State who have a substance use disorder using medication-assisted treatment and other appropriate withdrawal management care.

2. As used in this section, "law enforcement agency" means an agency, office or bureau of this State or a political subdivision of this State, the primary duty of which is to enforce the law.

Sec. 1.9. **NRS 453.321 is hereby amended to read as follows:**

453.321 1. Except as authorized by the provisions of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to:

(a) Import, transport, sell, exchange, barter, supply, prescribe, dispense, give away or administer a controlled or counterfeit substance;

(b) Manufacture or compound a counterfeit substance; or

(c) Offer or attempt to do any act set forth in paragraph (a) or (b).

2. Unless a greater penalty is provided in NRS 453.333 or 453.334, ***or section 1.7 of this act,*** if a person violates subsection 1 and the controlled substance is classified in schedule I or II, the person shall be punished:

(a) For the first offense, for a category C felony as provided in NRS 193.130.

(b) For a second offense, or if, in the case of a first conviction under this subsection, the offender has previously been convicted of an offense under this section or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to an offense under this section, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $20,000.

(c) For a third or subsequent offense, or if the offender has previously been convicted two or more times under this section or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to an offense under this section, for a category B felony by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $20,000 for each offense.

3. Unless mitigating circumstances exist that warrant the granting of probation, the court shall not grant probation to or suspend the sentence of a person convicted under subsection 2 and punishable pursuant to paragraph (b) or (c) of subsection 2.

4. Unless a greater penalty is provided in NRS 453.333 or 453.334, if a person violates subsection 1, and the controlled substance is classified in schedule III, IV or V, the person shall be punished:

(a) For the first offense, for a category D felony as provided in NRS 193.130.

(b) For a second offense, or if, in the case of a first conviction of violating this subsection, the offender has previously been convicted of violating this section or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a violation of this section, for a category C felony as provided in NRS 193.130.

(c) For a third or subsequent offense, or if the offender has previously been convicted two or more times of violating this section or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a violation of this section, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $15,000 for each offense.

5. Unless mitigating circumstances exist that warrant the granting of probation, the court shall not grant probation to or suspend the sentence of a person convicted under subsection 4 and punishable pursuant to paragraph (b) or (c) of subsection 4.

Sec. 2. NRS 453.322 is hereby amended to read as follows:

453.322 1. Except as authorized by the provisions of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to knowingly or intentionally:

(a) Manufacture or compound a controlled substance other than marijuana.

(b) Possess, with the intent to manufacture or compound a controlled substance other than marijuana, or sell, exchange, barter, supply, prescribe, dispense or give away, with the intent that the chemical be used to manufacture or compound a controlled substance other than marijuana:

(1) Any chemical identified in subsection 5; or

(2) Any other chemical which is proven by expert testimony to be commonly used in manufacturing or compounding a controlled substance other than marijuana. The district attorney may present expert testimony to provide a prima facie case that any chemical, whether or not it is a chemical identified in subsection 5, is commonly used in manufacturing or compounding such a controlled substance.

➥ The provisions of this paragraph do not apply to a person who, without the intent to commit an unlawful act, possesses any chemical at a laboratory that is licensed to store the chemical.

(c) Offer or attempt to do any act set forth in paragraph (a) or (b).

2. Unless a greater penalty is provided in subsection 3 or NRS 453.3385, ***or section ~~[1]~~ 1.5 of this act,*** a person who violates any provision of subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $100,000.

3. If a person violates any provision of subsection 1 by engaging in the manufacturing or compounding of a controlled substance other than marijuana, or by attempting to do so, and the violation causes a fire or explosion, the person is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than $100,000.

4. The court shall not grant probation to a person convicted pursuant to this section.

5. The following chemicals are identified for the purposes of subsection 1:

(a) Acetic anhydride.

(b) Acetone.

(c) N-Acetylanthranilic acid, its esters and its salts.

(d) Anthranilic acid, its esters and its salts.

(e) Benzaldehyde, its salts, isomers and salts of isomers.

(f) Benzyl chloride.

(g) Benzyl cyanide.

(h) 1,4-Butanediol.

(i) 2-Butanone (or methyl ethyl ketone or MEK).

(j) Ephedrine, its salts, isomers and salts of isomers.

(k) Ergonovine and its salts.
(l) Ergotamine and its salts.
(m) Ethylamine, its salts, isomers and salts of isomers.
(n) Ethyl ether.
(o) Gamma butyrolactone.
(p) Hydriodic acid, its salts, isomers and salts of isomers.
(q) Hydrochloric gas.
(r) Iodine.
(s) Isosafrole, its salts, isomers and salts of isomers.
(t) Lithium metal.
(u) Methylamine, its salts, isomers and salts of isomers.
(v) 3,4-Methylenedioxy-phenyl-2-propanone.
(w) N-Methylephedrine, its salts, isomers and salts of isomers.
(x) Methyl isobutyl ketone (MIBK).
(y) N-Methylpseudoephedrine, its salts, isomers and salts of isomers.
(z) Nitroethane, its salts, isomers and salts of isomers.
(aa) Norpseudoephedrine, its salts, isomers and salts of isomers.
(bb) Phenylacetic acid, its esters and its salts.
(cc) Phenylpropanolamine, its salts, isomers and salts of isomers.
(dd) Piperidine and its salts.
(ee) Piperonal, its salts, isomers and salts of isomers.
(ff) Potassium permanganate.
(gg) Propionic anhydride, its salts, isomers and salts of isomers.
(hh) Pseudoephedrine, its salts, isomers and salts of isomers.
(ii) Red phosphorous.
(jj) Safrole, its salts, isomers and salts of isomers.
(kk) Sodium metal.
(ll) Sulfuric acid.
(mm) Toluene.

Sec. 3. NRS 453.333 is hereby amended to read as follows:

453.333 If the death of a person is proximately caused by a controlled substance which was sold, given, traded or otherwise made available to him or her by another person in violation of this chapter, the person who sold, gave or traded or otherwise made the substance available to him or her is guilty of murder. If convicted of murder in the second degree, the person is guilty of a category A felony and shall be punished as provided in subsection 5 of NRS 200.030. If convicted of murder in the first degree, the person is guilty of a category A felony and shall be punished as provided in subsection 4 of NRS 200.030, except that the punishment of death may be imposed only if the requirements of paragraph (a) of subsection 4 of that section have been met and if the defendant is or has previously been convicted of violating NRS 453.3385 or 453.339 ***or section ~~[1]~~ 1.5 of this act*** or a law of any other jurisdiction which prohibits the same conduct.

Sec. 4. NRS 453.3353 is hereby amended to read as follows:

453.3353 1. Unless a greater penalty is provided by law, and except as otherwise provided in this section and NRS 193.169, if:

(a) A person violates NRS 453.322 or 453.3385, ***or section ~~[1]~~ 1.5 of this act,*** and the violation involves the manufacturing or compounding of any controlled substance other than marijuana; and

(b) During the discovery or cleanup of the premises at, on or in which the controlled substance was manufactured or compounded, another person suffers substantial bodily harm other than death as the proximate result of the manufacturing or compounding of the controlled substance,

➥ the person who committed the offense shall be punished by imprisonment in the state prison for a term equal to and in addition to the term of imprisonment prescribed by statute for the offense. The sentence prescribed by this subsection runs consecutively with the sentence prescribed by statute for the offense.

2. Unless a greater penalty is provided by law, and except as otherwise provided in NRS 193.169, if:

(a) A person violates NRS 453.322 or 453.3385, ***or section ~~[1]~~ 1.5 of this act,*** and the violation involves the manufacturing or compounding of any controlled substance other than marijuana; and

(b) During the discovery or cleanup of the premises at, on or in which the controlled substance was manufactured or compounded, another person suffers death as the proximate result of the manufacturing or compounding of the controlled substance,

➥ the offense shall be deemed a category A felony and the person who committed the offense shall be punished by imprisonment in the state prison:

(1) For life without the possibility of parole;

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 20 years has been served; or

(3) For a definite term of 50 years, with eligibility for parole beginning when a minimum of 20 years has been served.

3. Subsection 1 does not create a separate offense but provides an additional penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact. Subsection 2 does not create a separate offense but provides an alternative penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact.

4. As used in this section:

(a) "Marijuana" does not include concentrated cannabis.

(b) "Premises" means:

(1) Any temporary or permanent structure, including, without limitation, any building, house, room, apartment, tenement, shed, carport, garage, shop, warehouse, store, mill, barn, stable, outhouse or tent; or

(2) Any conveyance, including, without limitation, any vessel, boat, vehicle, airplane, glider, house trailer, travel trailer, motor home or railroad car,

➥ whether located aboveground or underground and whether inhabited or not.

Sec. 5. NRS 453.336 is hereby amended to read as follows:

453.336 1. Except as otherwise provided in subsection 6, a person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered nurse or veterinarian while acting in the course of his or her professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive.

2. Except as otherwise provided in subsections 3, 4 and 5 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385 or 453.339, ***or section ~~[1]~~ 1.5 of this act,*** a person who violates this section:

(a) For a first or second offense, if the controlled substance is listed in schedule I or II and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams, is guilty of possession of a controlled substance and shall be punished for a category E felony as provided in NRS 193.130. In accordance with NRS 176.211, the court shall defer judgment upon the consent of the person.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I or II, and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, is guilty of possession of a controlled substance and shall be punished for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than $20,000.

(c) If the controlled substance is listed in schedule I or II and the quantity possessed is 14 grams or more, but less than 28 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 28 grams or more, but less than 200 grams, is guilty of low-level possession of a controlled substance and shall be punished for a category C felony as provided in NRS 193.130.

(d) If the controlled substance is listed in schedule I or II and the quantity possessed is 28 grams or more, but less than 42 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 200 grams or more, is guilty of mid-level possession of a controlled substance and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and by a fine of not more than $50,000.

(e) If the controlled substance is listed in schedule I or II and the quantity possessed is 42 grams or more, but less than 100 grams, is guilty of high-level possession of a controlled substance and shall be punished for a category B

felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years and by a fine of not more than $50,000.

3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana is guilty of a misdemeanor and shall be punished by:

(a) Performing not more than 24 hours of community service;

(b) Attending the live meeting described in paragraph (a) of subsection 2 of NRS 484C.530 and complying with any other requirements set forth in that section; or

(c) Being required to undergo an evaluation in accordance with subsection 1 of NRS 484C.350,

➥ or any combination thereof.

5. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of more than 1 ounce, but less than 50 pounds, of marijuana or more than one-eighth of an ounce, but less than one pound, of concentrated cannabis is guilty of a category E felony and shall be punished as provided in NRS 193.130.

6. It is not a violation of this section if a person possesses a trace amount of a controlled substance and that trace amount is in or on a hypodermic device obtained from a sterile hypodermic device program pursuant to NRS 439.985 to 439.994, inclusive.

7. The court may grant probation to or suspend the sentence of a person convicted of violating this section.

8. If a person fulfills the terms and conditions imposed for a violation of subsection 4, the court shall, without a hearing, order sealed all documents, papers and exhibits in that person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order. The court shall cause a copy of the order to be sent to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

9. As used in this section:

(a) "Controlled substance" includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

(b) "Marijuana" does not include concentrated cannabis.

(c) "Sterile hypodermic device program" has the meaning ascribed to it in NRS 439.986.

Sec. 6. NRS 453.337 is hereby amended to read as follows:

453.337 1. Except as otherwise authorized by the provisions of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to possess for the purpose of sale flunitrazepam, gamma-hydroxybutyrate, any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor or any controlled substance classified in schedule I or II.

2. Unless a greater penalty is provided in NRS 453.3385 or 453.339, ***or section ~~1~~ 1.5 of this act,*** a person who violates this section shall be punished:

(a) For the first offense, for a category D felony as provided in NRS 193.130.

(b) For a second offense, or if, in the case of a first conviction of violating this section, the offender has previously been convicted of a felony under the Uniform Controlled Substances Act or of an offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under the Uniform Controlled Substances Act, for a category C felony as provided in NRS 193.130.

(c) For a third or subsequent offense, or if the offender has previously been convicted two or more times of a felony under the Uniform Controlled Substances Act or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under the Uniform Controlled Substances Act, for a category B felony by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $20,000 for each offense.

3. Except as otherwise provided in this subsection, unless mitigating circumstances exist that warrant the granting of probation, the court shall not grant probation to or suspend the sentence of a person convicted of violating this section and punishable pursuant to paragraph (b) or (c) of subsection 2. The court shall not grant probation to or suspend the sentence of a person convicted of violating this section, even if mitigating circumstances exist that would otherwise warrant the granting of probation, if the person violated this section by possessing flunitrazepam, gamma-hydroxybutyrate or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

Sec. 7. NRS 453.3383 is hereby amended to read as follows:

453.3383 For the purposes of NRS 453.3385 and 453.339, ***and section ~~1~~ 1.5 of this act,*** the weight of the controlled substance as represented by the person selling or delivering it is determinative if the weight as represented is greater than the actual weight of the controlled substance.

Sec. 8. ~~[NRS 453.3385 is hereby amended to read as follows:~~

~~453.3385 [1.] Except *as otherwise provided in NRS 453.339 and section 1 of this act and except* as otherwise authorized by the provisions of NRS 453.011 to 453.552, inclusive, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in actual or constructive possession of flunitrazepam, gamma-~~

~~hydroxybutyrate, any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor or any controlled substance which is listed in schedule I or II, [except marijuana,] or any mixture which contains any such controlled substance, unless a greater penalty is provided pursuant to NRS 453.322, if the quantity involved:~~

~~[(a)] 1. Is 100 grams or more, but less than 400 grams, is guilty of low-level trafficking and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and by a fine of not more than $100,000.~~

~~[(b)] 2. Is 400 grams or more, is guilty of high-level trafficking and shall be punished for a category A felony by imprisonment in the state prison:~~

~~[(1)] (a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or~~

~~[(2)] (b) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served,~~

~~" and by a fine of not more than $500,000.~~

~~[2. As used in this section, "marijuana" does not include concentrated cannabis.]~~ **(Deleted by amendment.)**

Sec. 9. NRS 453.3405 is hereby amended to read as follows:

453.3405 1. Except as otherwise provided in ~~[subsection]~~ ***subsections*** 2 ~~[,]~~ ***and 4,*** the adjudication of guilt and imposition of sentence of a person found guilty of trafficking in a controlled substance in violation of NRS 453.3385 or 453.339 ***or section*** ~~*[1]*~~ ***1.5 of this act*** must not be suspended and the person is not eligible for parole until the person has actually served the mandatory minimum term of imprisonment prescribed by the section under which the person was convicted.

2. The court, upon an appropriate motion, may reduce or suspend the sentence of any person convicted of violating any of the provisions of NRS 453.3385 or 453.339 ***or section*** ~~*[1]*~~ ***1.5 of this act*** if the court finds that the convicted person rendered substantial assistance in the investigation or prosecution of any offense. The arresting agency must be given an opportunity to be heard before the motion is granted. Upon good cause shown, the motion may be heard in camera.

3. Any appropriate reduction or suspension of a sentence pursuant to subsection 2 must be determined by the court, for reasons stated by the court that may include, without limitation, consideration of the following:

(a) The court's evaluation of the significance and usefulness of the convicted person's assistance, taking into consideration the prosecuting attorney's evaluation of the assistance rendered;

(b) The truthfulness, completeness and reliability of any information or testimony provided by the convicted person;

(c) The nature and extent of the convicted person's assistance;

(d) Any injury suffered or any danger or risk of injury to the convicted person or his or her family resulting from his or her assistance; and

(e) The timeliness of the convicted person's assistance.

4. The court may suspend the sentence of any person convicted of violating any provision of section 1.5 of this act if the person establishes, by a preponderance of the evidence, that the person did not know that the mixture at issue contained illicitly manufactured fentanyl. If a person convicted of violating any provision of section 1.5 of this act claims that he or she did not know that the mixture at issue contained illicitly manufactured fentanyl, the court shall, at sentencing, make findings of fact and state its reasoning on the record as to whether the person has met the burden of proof pursuant to this subsection.

Sec. 10. NRS 453C.150 is hereby amended to read as follows:

453C.150 1. Notwithstanding any other provision of law, a person who, in good faith, seeks medical assistance for a person who is experiencing a drug or alcohol overdose or other medical emergency or who seeks such assistance for himself or herself, or who is the subject of a good faith request for such assistance may not be arrested, charged, prosecuted or convicted, or have his or her property subjected to forfeiture, or be otherwise penalized for violating:

(a) Except as otherwise provided in subsection 4, ~~[a]~~ ***section 1.5 of this act or any other*** provision of chapter 453 of NRS relating to:

(1) Drug paraphernalia, including, without limitation, NRS 453.554 to 453.566, inclusive;

(2) Possession, unless it is for the purpose of sale or violates the provisions of NRS 453.3385, subsection 2 of NRS 453.3393 or 453.3405 ; ~~*[or section 1 of this act;]*~~ or

(3) Use of a controlled substance, including, without limitation, NRS 453.336;

(b) A local ordinance as described in NRS 453.3361 that establishes an offense that is similar to an offense set forth in NRS 453.336;

(c) A restraining order; or

(d) A condition of the person's parole or probation,

➥ if the evidence to support the arrest, charge, prosecution, conviction, seizure or penalty was obtained as a result of the person seeking medical assistance.

2. A court, before sentencing a person who has been convicted of a violation of chapter 453 of NRS for which immunity is not provided by this section, shall consider in mitigation any evidence or information that the defendant, in good faith, sought medical assistance for a person who was experiencing a drug or alcohol overdose or other life-threatening emergency in connection with the events that constituted the violation.

3. For the purposes of this section, a person seeks medical assistance if the person:

(a) Reports a drug or alcohol overdose or other medical emergency to a member of a law enforcement agency, a 911 emergency service, a poison control center, a medical facility or a provider of emergency medical services;

(b) Assists another person making such a report;

(c) Provides care to a person who is experiencing a drug or alcohol overdose or other medical emergency while awaiting the arrival of medical assistance; or

(d) Delivers a person who is experiencing a drug or alcohol overdose or other medical emergency to a medical facility and notifies the appropriate authorities.

4. The provisions of this section do not prohibit any governmental entity from taking any actions required or authorized by chapter 432B of NRS relating to the abuse or neglect of a child.

5. As used in this section, "drug or alcohol overdose" means a condition, including, without limitation, extreme physical illness, a decreased level of consciousness, respiratory depression, coma, mania or death which is caused by the consumption or use of a controlled substance or alcohol, or another substance with which a controlled substance or alcohol was combined, or that an ordinary layperson would reasonably believe to be a drug or alcohol overdose that requires medical assistance.

Sec. 11. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the Records, Communications and Compliance Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository:

(1) In the manner approved by the Director of the Department; and

(2) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates, issues or collects, and any information in its possession relating to the DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913, to the Division. The information must be submitted to the Division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department,

➥ within 60 days after the date of the disposition of the case. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. Each state and local law enforcement agency shall submit Uniform Crime Reports to the Central Repository:

(a) In the manner prescribed by the Director of the Department;

(b) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation; and

(c) Within the time prescribed by the Director of the Department.

5. The Division shall, in the manner prescribed by the Director of the Department:

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Records of criminal history; and

(2) The DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913.

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.

(c) Upon request, provide, in paper or electronic form, the information that is contained in the Central Repository to the Committee on Domestic Violence appointed pursuant to NRS 228.470 when, pursuant to NRS 228.495, the Committee is reviewing the death of the victim of a crime that constitutes domestic violence pursuant to NRS 33.018.

6. The Division may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints or other biometric identifier the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required or authorized to be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.123 and 449.4329; or

(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

7. To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to subsection 6, the Central Repository must receive:

(a) The person's complete set of fingerprints for the purposes of:

(1) Booking the person into a city or county jail or detention facility;

(2) Employment;

(3) Contractual services; or

(4) Services related to occupational licensing;

(b) One or more of the person's fingerprints for the purposes of mobile identification by an agency of criminal justice; or

(c) Any other biometric identifier of the person as it may require for the purposes of:

(1) Arrest; or

(2) Criminal investigation,

➥ from the agency of criminal justice or agency of the State of Nevada or any political subdivision thereof and submit the received data to the Federal Bureau of Investigation for its report.

8. The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for the issuance or renewal of a license;

(2) Has applied to a county school district, charter school or private school for employment or to serve as a volunteer; or

(3) Is employed by or volunteers for a county school district, charter school or private school,

➥ and immediately notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385 or 453.339, ***or section ~~[1]~~ 1.5 of this act,*** or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, immediately notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:

(1) Investigated pursuant to paragraph (d); or

(2) Employed by or volunteering for a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,

➥ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385 or 453.339, ***or section ~~[1]~~ 1.5 of this act,*** or convicted of a felony or any offense involving moral turpitude since

the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits one or more fingerprints or other biometric identifier or has such data submitted pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.122, 449.123 or 449.4329.

(g) Provide an electronic means to access on the Central Repository's Internet website statistical data relating to crime.

(h) Provide an electronic means to access on the Central Repository's Internet website statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice by any agency identified in subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

(j) Adopt regulations governing biometric identifiers and the information and data derived from biometric identifiers, including, without limitation:

(1) Their collection, use, safeguarding, handling, retention, storage, dissemination and destruction; and

(2) The methods by which a person may request the removal of his or her biometric identifiers from the Central Repository and any other agency where his or her biometric identifiers have been stored.

9. The Central Repository may:

(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice or any other agency dealing with crime which is required to submit information pursuant to subsection 2. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

10. As used in this section:

(a) "Mobile identification" means the collection, storage, transmission, reception, search, access or processing of a biometric identifier using a handheld device.

(b) "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver's license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) A biometric identifier of a person.

(c) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 12. NRS 207.360 is hereby amended to read as follows:

207.360 "Crime related to racketeering" means the commission of, attempt to commit or conspiracy to commit any of the following crimes:

1. Murder;
2. Manslaughter, except vehicular manslaughter as described in NRS 484B.657;
3. Mayhem;
4. Battery which is punished as a felony;
5. Kidnapping;
6. Sexual assault;
7. Arson;
8. Robbery;
9. Taking property from another under circumstances not amounting to robbery;
10. Extortion;
11. Statutory sexual seduction;
12. Extortionate collection of debt in violation of NRS 205.322;
13. Forgery, including, without limitation, forgery of a credit card or debit card in violation of NRS 205.740;
14. Obtaining and using personal identifying information of another person in violation of NRS 205.463;
15. Establishing or possessing a financial forgery laboratory in violation of NRS 205.46513;
16. Any violation of NRS 199.280 which is punished as a felony;
17. Burglary;
18. Grand larceny;
19. Bribery or asking for or receiving a bribe in violation of chapter 197 or 199 of NRS which is punished as a felony;
20. Battery with intent to commit a crime in violation of NRS 200.400;
21. Assault with a deadly weapon;
22. Any violation of NRS 453.232, 453.316 to 453.339, inclusive, ***and ~~[section 1]~~ sections 1.5 and 1.7 of this act,*** or NRS 453.375 to 453.401, inclusive;
23. Receiving or transferring a stolen vehicle;
24. Any violation of NRS 202.260, 202.275 or 202.350 which is punished as a felony;
25. Any violation of subsection 2 or 3 of NRS 463.360 or chapter 465 of NRS;
26. Receiving, possessing or withholding stolen goods valued at $650 or more;
27. Embezzlement of money or property valued at $650 or more;

28. Obtaining possession of money or property valued at $650 or more, or obtaining a signature by means of false pretenses;

29. Perjury or subornation of perjury;

30. Offering false evidence;

31. Any violation of NRS 201.300, 201.320, 201.360 or 201.395;

32. Any violation of NRS 90.570, 91.230 or 686A.290, or insurance fraud pursuant to NRS 686A.291;

33. Any violation of NRS 205.506, 205.920 or 205.930;

34. Any violation of NRS 202.445 or 202.446;

35. Any violation of NRS 205.377;

36. Involuntary servitude in violation of any provision of NRS 200.463 or 200.464 or a violation of any provision of NRS 200.465; or

37. Trafficking in persons in violation of any provision of NRS 200.467 or 200.468.

Sec. 12.3. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent that money is available, the Director shall, with the approval of the Board, establish a program of treatment for offenders with a substance use disorder using medication-assisted treatment.

2. The program established pursuant to subsection 1 must:

(a) Provide each eligible offender who participates in the program with appropriate medication-assisted treatment for the period in which the offender is incarcerated; and

(b) Require that all decisions regarding the type, dosage or duration of any medication administered to an eligible offender as part of his or her medication-assisted treatment be made by a treating physician and the eligible offender.

3. Except as otherwise provided in this section, any offender who the Director has determined has a substance use disorder for which a medication-assisted treatment exists and who meets any reasonable conditions imposed by the Director pursuant to subsection 4 is eligible to participate in the program established pursuant to subsection 1 and must be offered the opportunity to participate. If an offender received medication-assisted treatment immediately preceding his or her incarceration, the offender is eligible to continue that medication-assisted treatment as a participant in the program. Participation in the program must be voluntary.

4. Except as otherwise provided in this subsection, the Director may impose reasonable conditions for an offender to be eligible to participate in the program established pursuant to subsection 1 and to continue his or her participation in the program. The Director shall not deny an offender the ability to participate in the program or terminate the participation of an offender in the program on the basis that:

(a) The results of a screening test administered to the offender upon the commencement of his or her incarceration or upon the commencement of

his or her participation in the program indicated the presence of a controlled substance; or

(b) The offender committed an infraction of the rules of the institution or facility before or during the participation of the offender in the program.

5. An offender who participates in the program established pursuant to subsection 1 is not subject to discipline on the basis that the results of a screening test administered to the offender during his or her participation in the program indicated the presence of a controlled substance.

6. As used in this section, "medication-assisted treatment" means treatment for a substance use disorder using medication approved by the United States Food and Drug Administration for that purpose.

Sec. 12.7. Chapter 211 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent that money is available, a sheriff, chief of police or town marshal who is responsible for a county, city or town jail or detention facility shall establish a program to provide for the treatment of prisoners with a substance use disorder using medication-assisted treatment.

2. The program established pursuant to subsection 1 must:

(a) Provide each eligible prisoner who participates in the program with appropriate medication-assisted treatment for the period in which the prisoner is incarcerated; and

(b) Require that all decisions regarding the type, dosage or duration of any medication administered to an eligible prisoner as part of his or her medication-assisted treatment be made by a treating physician and the eligible prisoner.

3. Except as otherwise provided in this section, any prisoner who the sheriff, chief of police or town marshal has determined has a substance use disorder for which a medication-assisted treatment exists and who meets any reasonable conditions imposed by the sheriff, chief of police or town marshal pursuant to subsection 4 is eligible to participate in the program established pursuant to subsection 1 and must be offered the opportunity to participate. If a prisoner received medication-assisted treatment immediately preceding his or her incarceration, the prisoner is eligible to continue that medication-assisted treatment as a participant in the program. Participation in the program must be voluntary.

4. Except as otherwise provided in this subsection, the sheriff, chief of police or town marshal may impose reasonable conditions for a prisoner to be eligible to participate in the program established pursuant to subsection 1 and to continue his or her participation in the program. The sheriff, chief of police or town marshal shall not deny a prisoner the ability to participate in the program or terminate the participation of a prisoner in the program on the basis that:

(a) The results of a screening test administered to the prisoner upon the commencement of his or her incarceration or upon the commencement of

his or her participation in the program indicated the presence of a controlled substance; or

(b) The prisoner committed an infraction of the rules of the county, city or town jail or detention facility before or during the participation of the prisoner in the program.

5. A prisoner who participates in the program established pursuant to subsection 1 is not subject to discipline on the basis that the results of a screening test administered to the prisoner during his or her participation in the program indicated the presence of a controlled substance.

6. As used in this section, "medication-assisted treatment" means treatment for a substance use disorder using medication approved by the United States Food and Drug Administration for that purpose.

Sec. 13. NRS 391.650 is hereby amended to read as follows:

391.650 As used in NRS 391.650 to 391.826, inclusive, unless the context otherwise requires:

1. "Administrator" means any employee who holds a license as an administrator and who is employed in that capacity by a school district.

2. "Board" means the board of trustees of the school district in which a licensed employee affected by NRS 391.650 to 391.826, inclusive, is employed.

3. "Demotion" means demotion of an administrator to a position of lesser rank, responsibility or pay and does not include transfer or reassignment for purposes of an administrative reorganization.

4. "Immorality" means:

(a) An act forbidden by NRS 200.366, 200.368, 200.400, 200.508, 201.180, 201.190, 201.210, 201.220, 201.230, 201.265, 201.540, 201.560, 207.260, 453.316 to 453.336, inclusive, except an act forbidden by NRS 453.337, 453.338, 453.3385 to 453.3405, inclusive, ***and section ~~[1]~~ 1.5 of this act,*** 453.560 or 453.562; or

(b) An act forbidden by NRS 201.540 or any other sexual conduct or attempted sexual conduct with a pupil enrolled in an elementary or secondary school. As used in this paragraph, "sexual conduct" has the meaning ascribed to it in NRS 201.520.

5. "Postprobationary employee" means an administrator or a teacher who has completed the probationary period as provided in NRS 391.820 and has been given notice of reemployment. The term does not include a person who is deemed to be a probationary employee pursuant to NRS 391.730.

6. "Probationary employee" means:

(a) An administrator or a teacher who is employed for the period set forth in NRS 391.820; and

(b) A person who is deemed to be a probationary employee pursuant to NRS 391.730.

7. "Superintendent" means the superintendent of a school district or a person designated by the board or superintendent to act as superintendent during the absence of the superintendent.

8. "Teacher" means a licensed employee the majority of whose working time is devoted to the rendering of direct educational service to pupils of a school district.

Sec. 14. **1. The Joint Interim Standing Committee on the Judiciary shall conduct a study during the 2023-2024 interim concerning the possible upgrading of forensic laboratories in this State to enable such laboratories to perform quantitative testing involving controlled substances. The study must include, without limitation, an analysis of:**

(a) The costs and benefits of performing such upgrades; and

(b) The impact of such upgrades on this State.

2. The Committee shall include its finding and recommendations for legislation relating to the study in the report required by subsection 4 of NRS 218E.330 to be prepared and submitted to the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Legislature.

Sec. 15. **Notwithstanding the provisions of section 1.8 of this act, each law enforcement agency and the Nevada Sentencing Commission shall submit to the Joint Interim Standing Committee on the Judiciary the first report required by that section on or before March 1, 2024. For the purposes of the first report submitted by an agency pursuant to this section, any reference in section 1.8 of this act to the period since the last report shall be deemed to refer to the period beginning on October 1, 2023, and ending on the date on which the first report is submitted by the agency.**

Sec. 16. **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.**

Assemblywoman Brittney Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 38.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 591.

AN ACT relating to crimes; prohibiting certain employees of or volunteers at a school from contacting or communicating with a pupil under certain circumstances; prohibiting certain employees of or volunteers at a school from engaging in conduct intended to cause or encourage a pupil to engage in sexual conduct, transmit or distribute a sexual image of the pupil or engage in certain other behavior; ~~[providing that certain crimes committed against pupils constitute sexual offenses for the purposes of various statutes; providing that certain persons who are convicted of engaging in]~~ **prohibiting a court from ordering a victim or witness of** such conduct ~~[are]~~ **to be** subject to ~~[various statutory provisions relating to sex offenders;]~~ **a psychological or psychiatric**

examination; providing that certain persons who are convicted of engaging in such conduct are subject to various statutory provisions relating to electronic communications devices; revising provisions relating to the licensure and employment of persons convicted of engaging in certain prohibited conduct with pupils; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~—[Existing law imposes criminal penalties on any person who knowingly contacts or communicates with a child, a person believed to be a child or a person with mental illness with the intent to persuade, lure or transport the child or person to a different location without permission or for certain purposes. (NRS 201.560) Section 2 of this bill defines "person in a position of authority" to mean a person who is 18 years of age or older and who: (1) is or was employed by or volunteering at a public or private school; and (2) has had contact with a pupil in the course of performing his or her duties as an employee or volunteer. Unless a greater penalty is provided by statute, section 2 provides that a person in a position of authority is guilty of a category C felony if he or she knowingly contacts or communicates with or attempts to contact or communicate with a pupil who is less than 18 years of age with the intent to persuade, lure or transport the pupil away from certain locations and with the intent to: (1) engage in the commission of a crime punishable as a felony or gross misdemeanor; or (2) cause or encourage the pupil to engage in an unlawful act that, if committed by an adult, would be a felony or gross misdemeanor or facilitate the commission by the person in a position of authority of such an act.]~~

Existing law prohibits certain employees of or volunteers at a school from engaging in sexual conduct with certain pupils. (NRS 201.540) Existing law also prohibits: (1) a person from possessing a visual representation depicting a sexual portrayal or sexual conduct of certain minors; and (2) a minor from using an electronic communication device to transmit or distribute a sexual image of himself or herself to another person. (NRS 200.730, 200.737) Unless a greater penalty is provided by specific statute, **section 2 of this bill** provides that a person in a position of authority is guilty of a category C felony if he or she knowingly contacts or communicates with or attempts to contact or communicate with a pupil with the intent to: (1) engage in the commission of a crime punishable as a felony or gross misdemeanor; or (2) cause or encourage the pupil to engage in sexual conduct, use an electronic communication device to transmit or distribute a sexual image of himself or herself to the person or facilitate the commission of an unlawful act that, if committed by an adult, would be a felony or gross misdemeanor. **Section 2** creates an exemption from the crime prescribed in **section 2** if the person in a position of authority: (1) is married to the pupil at the time an act prohibited by **section 2** is committed; (2) does not have or did not have contact with the pupil in the course of performing any of his or her duties; or (3) takes certain action upon receipt of an unsolicited sexual image or communication of a sexual nature from a pupil.

Section 4 of this bill makes a conforming change to indicate the proper placement of **section 2** in the Nevada Revised Statutes.

~~[Section 1 of this bill makes certain penalties which are applicable to a person who commits sexual assault against certain minors and who has previously been convicted of another sexual assault or other sexual offense against a child applicable to a person who commits sexual assault against the same such minors and who has been previously convicted of a violation of section 2.]~~

Existing law makes certain conduct relating to the exhibition or sale to minors of obscene material a misdemeanor offense, unless a greater penalty is provided by specific statute. (NRS 201.265) **Section 3** of this bill adds a violation of **section 2** to the list of specific statutes in which a greater penalty is provided.

Existing law prohibits a court from ordering the victim of or a witness to certain sexual offenses to take or submit to a psychological or psychiatric examination. (NRS 50.700) **Section 5** of this bill adds a violation of **section 2** to the list of sexual offenses to which that prohibition applies.

~~[Existing law: (1) requires a court to include a special sentence of lifetime supervision for any person convicted of certain sexual offenses; and (2) provides certain conditions of lifetime supervision. (NRS 176.0931, 213.1243) Sections 6 and 16 of this bill add a violation of section 2 to the list of sexual offenses that require a special sentence of lifetime supervision and for which conditions of lifetime supervision apply.~~

~~Existing law: (1) requires that a person convicted of certain sexual offenses undergo a psychosexual evaluation as part of the presentence investigation report prepared by the Division of Parole and Probation of the Department of Public Safety; and (2) prohibits a court from granting probation to or suspending the sentence of a person convicted of certain sexual offenses, unless the person who conducts the evaluation certifies that the person convicted of the sexual offense does not represent a high risk to reoffend. (NRS 176.135, 176A.110) Sections 7 and 8 of this bill add a violation of section 2 to the list of sexual offenses that require a special sentence of lifetime supervision and for which certain conditions of lifetime supervision apply. Existing law similarly requires the Department of Corrections to assess each prisoner who has been convicted of a sexual offense before a scheduled parole hearing to determine the prisoner's risk to reoffend. (NRS 213.1214) Section 17 of this bill adds a violation of section 2 to the list of offenses which require such an assessment.]~~

Existing law requires a court that grants probation to or suspends the sentence of certain persons convicted of an offense that involved the use of a computer, system or network to order, as a condition of probation or suspension, that the person not own or use a computer. (NRS 176A.413) **Section 9** of this bill: (1) adds certain violations of **section 2** to the list of offenses for which a court is required to issue such an order; and (2) provides that the prohibition on owning or using a computer includes any electronic

communication device. Existing law similarly requires the State Board of Parole Commissioners to require that certain persons convicted of an offense that involved the use of a computer, system or network not own or use a computer. (NRS 213.1258) **Section 18** of this bill: (1) adds certain violations of **section 2** to the list of offenses for which the Board is required to impose this condition of parole; and (2) provides that the prohibition on owning or using a computer includes any electronic communication device.

~~[Existing law requires a court to provide certain documentation to each victim and witness and certain other persons if an offender is convicted of certain sexual offenses. (NRS 178.5698) Section 10 of this bill requires that such documentation be provided to such persons if an offender is convicted of a violation of section 2.~~

~~— Section 11 of this bill makes the provisions of law which prohibit a person convicted of a sexual offense from petitioning a court to seal the records relating to such a conviction applicable to a person convicted of a violation of section 2. (NRS 179.245)]~~

Existing law allows a judge to grant an order authorizing the interception of certain communications when the interception may provide evidence of the commission of ~~[a sexual offense against a child.]~~ **certain offenses.** (NRS 179.460) **Section 12** of this bill adds a violation of **section 2** to the list of ~~[sexual]~~ offenses ~~[against a child]~~ for which a judge may grant such an order.

~~[Existing law defines the term "sexual offense" for the purpose of requiring persons convicted of certain sexual offenses to be prohibited from certain employment, to register as a sex offender, to comply with certain mandatory conditions of probation or parole and to fulfill certain other requirements. (NRS 118A.335, 176A.410, 179D.095, 179D.097, 179D.441, 213.1099, 213.1245) Section 13 of this bill revises the list of sexual offenses to which these statutory provisions apply to include a violation of section 2.~~

~~— Section 14 of this bill adds a violation of section 2 to the list of offenses used to classify a sex offender as a Tier II offender for the purposes of meeting certain requirements for registration of sex offenders. (NRS 179D.115) Section 15 of this bill makes conforming changes related to numbering changes made in sections 13 and 14.]~~

Sections 19-25 and 33 of this bill authorize the board of trustees of a school district, the governing body of a public or private school and the administrator of a private school to use a substantiated report of a violation of **section 2** for purposes of making certain employment decisions and certain other purposes. (NRS 288.150, 388A.515, 388A.5342, 388C.200, 391.033, 391.104, 391.281, 394.155)

Existing law requires the Superintendent of Public Instruction to grant all licenses for teachers and other educational personnel. (NRS 391.033) **Section 23** of this bill requires the Superintendent to suspend the application process for an applicant for licensure against whom a substantiated report of a violation of **section 2** is made and take certain other actions related to the report.

Existing law authorizes the State Board of Education to suspend or revoke a license issued by the Superintendent if the licensee is convicted of certain ~~[sex]~~ offenses or a substantiated report of certain prohibited conduct is made against the licensee. (NRS 391.330) **Section 26** of this bill: (1) adds a violation of **section 2** to the list of ~~[sex]~~ offenses for which the State Board may suspend or revoke a license; and (2) authorizes the State Board to suspend or revoke the license of a person against whom a substantiated report of a violation of **section 2** is made. **Existing law authorizes the State Board to bill an employee for certain expenses related to a disciplinary hearing if the hearing results from a recommendation to revoke or suspend a license based upon certain convictions described in section 26. (NRS 391.355) Section 26.5 of this bill adds a conviction of a violation of section 2 to the list of hearings for which the State Board may bill an employee.**

Existing law authorizes the board of trustees of a school district or the governing body of a public school to suspend, dismiss, demote or refuse to employ a teacher or administrator for immorality. (NRS 391.650, 391.750) Existing law also authorizes the superintendent of a school district to suspend a licensed employee who has been charged but not yet convicted of a crime involving immorality. (NRS 391.760) **Sections 27 and 28** of this bill add a violation of **section 2** to the list of immoral acts for which such action may be taken. **Section 28** also provides that a licensed employee who is convicted of a violation of **section 2** forfeits all rights of employment after the date of his or her arrest.

Existing law requires an employee of or a volunteer for a school to report certain conduct to an agency which provides child welfare services and to a law enforcement agency. (NRS 392.303) **Section 29** of this bill additionally requires an employee of or a volunteer for a school to make such a report for a violation of **section 2**. **Sections 29-32** of this bill make conforming changes relating to the requirement that an employee or a volunteer make such a report. (NRS 392.317, 392.337)

Section 34 of this bill requires the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child to contain the information in any substantiated report of a violation of **section 2**. (NRS 432.100) **Section 36** of this bill requires certain employers to screen employees through the Central Registry to determine whether the person has been the subject of a substantiated report of a violation of **section 2**. (NRS 433.639) **Section 35** of this bill makes a conforming change relating to the inclusion in the Central Registry of information relating to a violation of **section 2**.

Section 37 of this bill makes the amendatory provisions of **sections 1-36** apply to offenses committed on and after October 1, 2023.

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

Section 1. ~~[NRS 200.366 is hereby amended to read as follows:~~

~~200.366 1. A person is guilty of sexual assault if the person:~~

~~(a) Subjects another person to sexual penetration, or forces another person to make a sexual penetration on themselves or another, or on a beast, against the will of the victim or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of the perpetrator's conduct; or~~

~~(b) Commits a sexual penetration upon a child under the age of 14 years or causes a child under the age of 14 years to make a sexual penetration on themselves or another, or on a beast.~~

~~2. Except as otherwise provided in subsections 3 and 4, a person who commits a sexual assault is guilty of a category A felony and shall be punished:~~

~~(a) If substantial bodily harm to the victim results from the actions of the defendant committed in connection with or as a part of the sexual assault, by imprisonment in the state prison:~~

~~(1) For life without the possibility of parole; or~~

~~(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served.~~

~~(b) If no substantial bodily harm to the victim results, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served.~~

~~3. Except as otherwise provided in subsection 4, a person who commits a sexual assault against a child under the age of 16 years is guilty of a category A felony and shall be punished:~~

~~(a) If the crime results in substantial bodily harm to the child, by imprisonment in the state prison for life without the possibility of parole.~~

~~(b) Except as otherwise provided in paragraph (c), if the crime does not result in substantial bodily harm to the child, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 25 years has been served.~~

~~(c) If the crime is committed against a child under the age of 14 years and does not result in substantial bodily harm to the child, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 35 years has been served.~~

~~4. A person who commits a sexual assault against a child under the age of 16 years and who has been previously convicted of:~~

~~(a) A sexual assault pursuant to this section or any other sexual offense against a child; or~~

~~(b) An offense committed in another jurisdiction that, if committed in this State, would constitute a sexual assault pursuant to this section or any other sexual offense against a child,~~

~~→ is guilty of a category A felony and shall be punished by imprisonment in the state prison for life without the possibility of parole.~~

~~5. The provisions of this section do not apply to a person who is less than 18 years of age and who commits any of the acts described in paragraph (b) of~~

~~subsection 1 if the person is not more than 2 years older than the person upon whom the act was committed unless:~~

~~— (a) The person committing the act uses force or threatens the use of force; or~~

~~— (b) The person committing the act knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of the perpetrator's conduct.~~

~~— 6. For the purpose of this section, "other sexual offense against a child" means any act committed by an adult upon a child constituting:~~

~~— (a) Incest pursuant to NRS 201.180;~~

~~— (b) Lewdness with a child pursuant to NRS 201.230;~~

~~— (c) Sado-masochistic abuse pursuant to NRS 201.262;~~ **[**~~or~~**]**

~~— (d) Luring a child using a computer, system or network pursuant to NRS 201.560, if punished as a felony~~ **[**~~.~~**]** ~~; or~~

~~— *(e) A violation of section 2 of this act.]*~~ **(Deleted by amendment.)**

Sec. 2. Chapter 201 of NRS is hereby amended by adding thereto a new section to read as follows:

1. [Except as otherwise provided in subsection 3 and unless a greater penalty is provided by specific statute, a person in a position of authority who knowingly contacts or communicates with or attempts to contact or communicate with a pupil who is less than 18 years of age with the intent to persuade, lure or transport the pupil away from the pupil's home or from any location known to the pupil's parent or guardian or other person legally responsible for the pupil to a place other than where the pupil is located and with the intent to:

— (a) Engage in the commission of a crime punishable as a felony or gross misdemeanor; or

— (b) Cause or encourage the pupil to:

— (1) Engage in an unlawful act that, if committed by an adult, would be a felony or gross misdemeanor; or

— (2) Facilitate the commission by the person in a position of authority of a crime punishable as a felony or gross misdemeanor,

— is guilty of a category C felony and shall be punished as provided in NRS 193.130.

— 2.] ***Except as otherwise provided in subsection*** ~~*[3]*~~ ***2 and unless a greater penalty is provided by specific statute, a person in a position of authority who knowingly contacts or communicates with or attempts to contact or communicate with a pupil with the intent to:***

(a) Engage in the commission of a crime punishable as a felony or gross misdemeanor; or

(b) Cause or encourage the pupil to:

(1) Engage in sexual conduct, either in person or through the use of an electronic communication device;

(2) Use an electronic communication device to transmit or distribute a sexual image of himself or herself to the person;

(3) Engage in an unlawful act that, if committed by an adult, would be a felony or gross misdemeanor; or

(4) Facilitate the commission by the person in a position of authority of a crime punishable as a felony or gross misdemeanor,

↵ is guilty of a category C felony and shall be punished as provided in NRS 193.130.

~~[3.]~~ 2. The provisions of this section do not apply if the person in a position of authority:

(a) Is married to the pupil at the time an act prohibited by this section is committed;

(b) Does not have or did not have contact with the pupil in the course of performing any of his or her duties; or

(c) Receives from a pupil, by electronic communication device, an unsolicited sexual image or communication of a sexual nature and reports the image or communication to the principal, administrator or other person in charge of the school at which the person is employed or volunteers as soon as reasonably practicable after receipt of the image or communication.

~~[4.]~~ 3. As used in this section:

(a) "Electronic communication device" has the meaning ascribed to it in NRS 200.737.

(b) "Person in a position of authority" means a person who is 18 years of age or older and who:

(1) Is or was an employee at or volunteer for a public school or private school; and

(2) Has had contact with a pupil in the course of performing his or her duties as an employee or volunteer.

(c) "Pupil" means a person who is or was enrolled in or attending a public school or private school.

(d) "Sexual conduct" has the meaning ascribed to it in NRS 201.520 and also includes sexual conduct between two persons who are in different physical locations but who are communicating with each other through the use of an electronic communication device.

(e) "Sexual image" means any visual depiction, including, without limitation, any photograph or video of a pupil simulating or engaging in sexual conduct or of the pupil as the subject of a sexual portrayal.

(f) "Sexual portrayal" has the meaning ascribed to it in NRS 200.700.

Sec. 3. NRS 201.265 is hereby amended to read as follows:

201.265 Except as otherwise provided in NRS 200.720 and 201.2655, and unless a greater penalty is provided pursuant to NRS 201.560 ~~[,]~~ ***or section 2 of this act,*** a person is guilty of a misdemeanor if the person knowingly:

1. Distributes or causes to be distributed to a minor material that is harmful to minors, unless the person is the parent, guardian or spouse of the minor.

2. Exhibits for distribution to an adult in such a manner or location as to allow a minor to view or to have access to examine material that is harmful to minors, unless the person is the parent, guardian or spouse of the minor.

3. Sells to a minor an admission ticket or pass for or otherwise admits a minor for monetary consideration to any presentation of material that is harmful to minors, unless the minor is accompanied by his or her parent, guardian or spouse.

4. Misrepresents that he or she is the parent, guardian or spouse of a minor for the purpose of:

(a) Distributing to the minor material that is harmful to minors; or

(b) Obtaining admission of the minor to any presentation of material that is harmful to minors.

5. Misrepresents his or her age as 18 or over for the purpose of obtaining:

(a) Material that is harmful to minors; or

(b) Admission to any presentation of material that is harmful to minors.

6. Sells or rents motion pictures which contain material that is harmful to minors on the premises of a business establishment open to minors, unless the person creates an area within the establishment for the placement of the motion pictures and any material that advertises the sale or rental of the motion pictures which:

(a) Prevents minors from observing the motion pictures or any material that advertises the sale or rental of the motion pictures; and

(b) Is labeled, in a prominent and conspicuous location, "Adults Only."

Sec. 4. NRS 201.470 is hereby amended to read as follows:

201.470 As used in NRS 201.470 to 201.550, inclusive, ***and section 2 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 201.480 to 201.530, inclusive, have the meanings ascribed to them in those sections.

Sec. 5. NRS 50.700 is hereby amended to read as follows:

50.700 1. In any criminal or juvenile delinquency action relating to the commission of a sexual offense, a court may not order the victim of or a witness to the sexual offense to take or submit to a psychological or psychiatric examination.

2. The court may exclude the testimony of a licensed psychologist, psychiatrist or clinical social worker who performed a psychological or psychiatric examination on the victim or witness if:

(a) There is a prima facie showing of a compelling need for an additional psychological or psychiatric examination of the victim or witness by a licensed psychologist, psychiatrist or clinical social worker; and

(b) The victim or witness refuses to submit to an additional psychological or psychiatric examination by a licensed psychologist, psychiatrist or clinical social worker.

3. In determining whether there is a prima facie showing of a compelling need for an additional psychological or psychiatric examination of the victim or witness pursuant to subsection 2, the court must consider whether:

(a) There is a reasonable basis for believing that the mental or emotional state of the victim or witness may have affected his or her ability to perceive and relate events relevant to the criminal prosecution; and

(b) Any corroboration of the offense exists beyond the testimony of the victim or witness.

4. If the court determines there is a prima facie showing of a compelling need for an additional psychological or psychiatric examination of the victim or witness, the court shall issue a factual finding that details with particularity the reasons why an additional psychological or psychiatric examination of the victim or witness is warranted.

5. If the court issues a factual finding pursuant to subsection 4 and the victim or witness consents to an additional psychological or psychiatric examination, the court shall set the parameters for the examination consistent with the purpose of determining the ability of the victim or witness to perceive and relate events relevant to the criminal prosecution.

6. As used in this section, "sexual offense" includes, without limitation:

(a) Sexual assault pursuant to NRS 200.366;

(b) Statutory sexual seduction pursuant to NRS 200.368;

(c) Battery with intent to commit sexual assault pursuant to NRS 200.400;

(d) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation;

(e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;

(f) Incest pursuant to NRS 201.180;

(g) Open or gross lewdness pursuant to NRS 201.210;

(h) Indecent or obscene exposure pursuant to NRS 201.220;

(i) Lewdness with a child pursuant to NRS 201.230;

(j) Sexual penetration of a dead human body pursuant to NRS 201.450;

(k) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this section;

(l) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this section;

(m) Luring a child or a person with mental illness pursuant to NRS 201.560;

(n) An offense that is found to be sexually motivated pursuant to NRS 175.547 or 207.193;

(o) Pandering of a child pursuant to NRS 201.300;

(p) ***A violation of section 2 of this act;***

(q) Any other offense that has an element involving a sexual act or sexual conduct with another person; or

~~[(q)]~~ ***(r)*** Any attempt or conspiracy to commit an offense listed in this subsection.

Sec. 6. ~~[NRS 176.0931 is hereby amended to read as follows:~~

~~176.0931 1. If a defendant is convicted of a sexual offense, the court shall include in sentencing, in addition to any other penalties provided by law, a special sentence of lifetime supervision.~~

~~2. The special sentence of lifetime supervision commences after any period of probation or any term of imprisonment and any period of release on parole.~~

~~3. A person sentenced to lifetime supervision may petition the sentencing court or the State Board of Parole Commissioners for release from lifetime supervision. The sentencing court or the Board shall grant a petition for release from a special sentence of lifetime supervision if:~~

~~(a) The person has complied with the requirements of the provisions of NRS 179D.010 to 179D.550, inclusive;~~

~~(b) The person has not been convicted of an offense that poses a threat to the safety or well-being of others for an interval of at least 10 consecutive years after the person's last conviction or release from incarceration, whichever occurs later; and~~

~~(c) The person is not likely to pose a threat to the safety of others, as determined by a licensed, clinical professional who has received training in the treatment of sexual offenders, if released from lifetime supervision.~~

~~4. A person who is released from lifetime supervision pursuant to the provisions of subsection 3 remains subject to the provisions for registration as a sex offender and to the provisions for community notification, unless the person is otherwise relieved from the operation of those provisions pursuant to the provisions of NRS 179D.010 to 179D.550, inclusive.~~

~~5. As used in this section:~~

~~(a) "Offense that poses a threat to the safety or well-being of others" includes, without limitation:~~

~~(1) An offense that involves:~~

~~(I) A victim less than 18 years of age;~~

~~(II) A crime against a child as defined in NRS 179D.0357;~~

~~(III) A sexual offense as defined in NRS 179D.097;~~

~~(IV) A deadly weapon, explosives or a firearm;~~

~~(V) The use or threatened use of force or violence;~~

~~(VI) Physical or mental abuse;~~

~~(VII) Death or bodily injury;~~

~~(VIII) An act of domestic violence;~~

~~(IX) Harassment, stalking, threats of any kind or other similar acts;~~

~~(X) The forcible or unlawful entry of a home, building, structure, vehicle or other real or personal property; or~~

~~(XI) The infliction or threatened infliction of damage or injury, in whole or in part, to real or personal property.~~

~~(2) Any offense listed in subparagraph (1) that is committed in this State or another jurisdiction, including, without limitation, an offense prosecuted in:~~

~~(I) A tribal court.~~

~~(II) A court of the United States or the Armed Forces of the United States.~~

~~(b) "Sexual offense" means:~~

~~(1) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560~~ ~~**[**~~**;**~~**]**~~ ***or section 2 of this act;***

~~(2) An attempt to commit an offense listed in subparagraph (1); or~~

~~(3) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.~~~~**]**~~ **(Deleted by amendment.)**

Sec. 7. ~~**[**NRS 176.133 is hereby amended to read as follows:~~

~~176.133 As used in NRS 176.133 to 176.161, inclusive, unless the context otherwise requires:~~

~~1. "Person professionally qualified to conduct psychosexual evaluations" means a person who has received training in conducting psychosexual evaluations and is:~~

~~(a) A psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology, Inc.;~~

~~(b) A psychologist licensed to practice in this State;~~

~~(c) A social worker holding a master's degree in social work and licensed in this State as a clinical social worker;~~

~~(d) A registered nurse holding a master's degree in the field of psychiatric nursing and licensed to practice professional nursing in this State;~~

~~(e) A marriage and family therapist licensed in this State pursuant to chapter 641A of NRS; or~~

~~(f) A clinical professional counselor licensed in this State pursuant to chapter 641A of NRS.~~

~~2. "Psychosexual evaluation" means an evaluation conducted pursuant to NRS 176.139.~~

~~3. "Sexual offense" means:~~

~~(a) Sexual assault pursuant to NRS 200.366;~~

~~(b) Statutory sexual seduction pursuant to NRS 200.368, if punished as a felony;~~

~~(c) Battery with intent to commit sexual assault pursuant to NRS 200.400;~~

~~(d) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation and is punished as a felony;~~

~~(e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;~~

~~(f) Incest pursuant to NRS 201.180;~~

~~(g) Open or gross lewdness pursuant to NRS 201.210, if punished as a felony;~~

~~(h) Indecent or obscene exposure pursuant to NRS 201.220, if punished as a felony;~~

~~(i) Lewdness with a child pursuant to NRS 201.230;~~

~~(j) Sexual penetration of a dead human body pursuant to NRS 201.450;~~

~~(k) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540;~~

~~(l) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550;~~

~~(m) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony;~~

~~(n) *A violation of section 2 of this act;*~~

~~*(o)* An attempt to commit an offense listed in paragraphs (a) to ~~[~~(m),~~]~~ *(n),* inclusive, if punished as a felony; or~~

~~~~[~~(o)~~]~~ *(p)* An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.~~]~~ **(Deleted by amendment.)**

Sec. 8. ~~[~~NRS 176A.110 is hereby amended to read as follows:~~

~~176A.110 1. The court shall not grant probation to or suspend the sentence of a person convicted of an offense listed in subsection 3 unless:~~

~~(a) If a psychosexual evaluation of the person is required pursuant to NRS 176.139, the person who conducts the psychosexual evaluation certifies in the report prepared pursuant to NRS 176.139 that the person convicted of the offense does not represent a high risk to reoffend based upon a currently accepted standard of assessment; or~~

~~(b) If a psychosexual evaluation of the person is not required pursuant to NRS 176.139, a psychologist licensed to practice in this State who is trained to conduct psychosexual evaluations or a psychiatrist licensed to practice medicine in this State who is certified by the American Board of Psychiatry and Neurology, Inc., and is trained to conduct psychosexual evaluations certifies in a written report to the court that the person convicted of the offense does not represent a high risk to reoffend based upon a currently accepted standard of assessment.~~

~~2. This section does not create a right in any person to be certified or to continue to be certified. No person may bring a cause of action against the State, its political subdivisions, or the agencies, boards, commissions, departments, officers or employees of the State or its political subdivisions for not certifying a person pursuant to this section or for refusing to consider a person for certification pursuant to this section.~~

~~3. The provisions of this section apply to a person convicted of any of the following offenses:~~

~~(a) Attempted sexual assault of a person who is 16 years of age or older pursuant to NRS 200.366.~~

~~(b) Statutory sexual seduction pursuant to NRS 200.368.~~

~~(c) Battery with intent to commit sexual assault pursuant to NRS 200.400.~~

~~(d) Abuse or neglect of a child pursuant to NRS 200.508.~~

~~(e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.~~

~~(f) Incest pursuant to NRS 201.180.~~

~~(g) Open or gross lewdness pursuant to NRS 201.210.~~

~~(h) Indecent or obscene exposure pursuant to NRS 201.220.~~
~~~~

~~(i) Sexual penetration of a dead human body pursuant to NRS 201.450.~~

~~(j) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.~~

~~(k) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.~~

~~(l) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.~~

~~(m) *A violation of section 2 of this act.*~~

~~*(n)* A violation of NRS 207.180.~~

~~[(n)]~~ ~~*(o)* An attempt to commit an offense listed in paragraphs (b) to ~~[~~(m),~~]~~ ~~*(n),* inclusive.~~

~~[(o)]~~ ~~*(p)* Coercion or attempted coercion that is determined to be sexually motivated pursuant to NRS 207.193.~~]~~ **(Deleted by amendment.)**

Sec. 9. NRS 176A.413 is hereby amended to read as follows:

176A.413 1. Except as otherwise provided in subsection 2, if a defendant is convicted of stalking with the use of an Internet or network site, electronic mail, text messaging or any other similar means of communication pursuant to subsection 4 of NRS 200.575, an offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive, ~~[or]~~ luring a child or a person with mental illness through the use of a computer, system or network pursuant to paragraph (a) or (b) of subsection 4 of NRS 201.560 ***or a violation of section 2 of this act which involved the use of an electronic communication device*** and the court grants probation or suspends the sentence, the court shall, in addition to any other condition ordered pursuant to NRS 176A.400, order as a condition of probation or suspension that the defendant not own or use a computer, including, without limitation, use electronic mail, a chat room or the Internet.

2. The court is not required to impose a condition of probation or suspension of sentence set forth in subsection 1 if the court finds that:

(a) The use of a computer by the defendant will assist a law enforcement agency or officer in a criminal investigation;

(b) The defendant will use the computer to provide technological training concerning technology of which the defendant has a unique knowledge; or

(c) The use of the computer by the defendant will assist companies that require the use of the specific technological knowledge of the defendant that is unique and is otherwise unavailable to the company.

3. Except as otherwise provided in subsection 1, if a defendant is convicted of an offense that involved the use of a computer, system or network and the court grants probation or suspends the sentence, the court may, in addition to any other condition ordered pursuant to NRS 176A.400, order as a condition of probation or suspension that the defendant not own or use a computer, including, without limitation, use electronic mail, a chat room or the Internet.

4. As used in this section:

(a) "Computer" has the meaning ascribed to it in NRS 205.4735 ~~[.]~~ ***and includes, without limitation, an electronic communication device.***

(b) ***"Electronic communication device" has the meaning ascribed to it in NRS 200.737.***

(c) "Network" has the meaning ascribed to it in NRS 205.4745.

~~[(c)]~~ ***(d)*** "System" has the meaning ascribed to it in NRS 205.476.

~~[(d)]~~ ***(e)*** "Text messaging" has the meaning ascribed to it in NRS 200.575.

Sec. 10. ~~[NRS 178.5698 is hereby amended to read as follows:~~

~~178.5698 1. The prosecuting attorney, sheriff or chief of police shall, upon the request of a victim or witness, inform the victim or witness:~~

~~(a) When the defendant is released from custody at any time before or during the trial, including, without limitation, when the defendant is released pending trial or subject to electronic supervision;~~

~~(b) If the defendant is so released, the amount of bail required, if any; and~~

~~(c) Of the final disposition of the criminal case in which the victim or witness was directly involved.~~

~~2. A request for information pursuant to subsection 1 must be made:~~

~~(a) In writing; or~~

~~(b) By telephone through an automated or computerized system of notification, if such a system is available.~~

~~3. If an offender is convicted of a sexual offense or an offense involving the use or threatened use of force or violence against the victim, the court shall provide:~~

~~(a) To each witness, documentation that includes:~~

~~(1) A form advising the witness of the right to be notified pursuant to subsection 5;~~

~~(2) The form that the witness must use to request notification in writing; and~~

~~(3) The form or procedure that the witness must use to provide a change of address after a request for notification has been submitted.~~

~~(b) To each person listed in subsection 4, documentation that includes:~~

~~(1) A form advising the person of the right to be notified pursuant to subsection 5 or 6 and NRS 176.015, 176A.630, 178.4715, 209.392, 209.3923, 209.3925, 209.429, 209.521, 213.010, 213.040, 213.095 and 213.131 or NRS 213.10915;~~

~~(2) The forms that the person must use to request notification; and~~

~~(3) The forms or procedures that the person must use to provide a change of address after a request for notification has been submitted.~~

~~4. The following persons are entitled to receive documentation pursuant to paragraph (b) of subsection 3:~~

~~(a) A person against whom the offense is committed.~~

~~(b) A person who is injured as a direct result of the commission of the offense.~~

~~(c) If a person listed in paragraph (a) or (b) is under the age of 18 years, each parent or guardian who is not the offender.~~

~~(d) Each surviving spouse, parent and child of a person who is killed as a direct result of the commission of the offense.~~

~~(c) A relative of a person listed in paragraphs (a) to (d), inclusive, if the relative requests in writing to be provided with the documentation.~~

~~5. Except as otherwise provided in subsection 6, if the offense was a felony and the offender is imprisoned, the warden of the prison shall, if the victim or witness so requests in writing and provides a current address, notify the victim or witness at that address when the offender is released from the prison.~~

~~6. If the offender was convicted of a violation of subsection 3 of NRS 200.366 or a violation of subsection 1, paragraph (a) of subsection 2 or subparagraph (2) of paragraph (b) of subsection 2 of NRS 200.508, the warden of the prison shall notify:~~

~~(a) The immediate family of the victim if the immediate family provides their current address;~~

~~(b) Any member of the victim's family related within the third degree of consanguinity, if the member of the victim's family so requests in writing and provides a current address; and~~

~~(c) The victim, if the victim will be 18 years of age or older at the time of the release and has provided a current address,~~

~~* before the offender is released from prison.~~

~~7. The warden must not be held responsible for any injury proximately caused by the failure to give any notice required pursuant to this section if no address was provided to the warden or if the address provided is inaccurate or not current.~~

~~8. As used in this section:~~

~~(a) "Immediate family" means any adult relative of the victim living in the victim's household.~~

~~(b) "Sexual offense" means:~~

~~(1) Sexual assault pursuant to NRS 200.366;~~

~~(2) Statutory sexual seduction pursuant to NRS 200.368;~~

~~(3) Battery with intent to commit sexual assault pursuant to NRS 200.400;~~

~~(4) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;~~

~~(5) Incest pursuant to NRS 201.180;~~

~~(6) Open or gross lewdness pursuant to NRS 201.210;~~

~~(7) Indecent or obscene exposure pursuant to NRS 201.220;~~

~~(8) Lewdness with a child pursuant to NRS 201.230;~~

~~(9) Sexual penetration of a dead human body pursuant to NRS 201.450;~~

~~(10) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540;~~

~~(11) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550;~~

~~(12) *A violation of section 2 of this act;*~~

~~*(13)* Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony;~~

~~[(13)]~~ ***(14)*** ~~An offense that, pursuant to a specific statute, is determined to be sexually motivated; or~~

~~[(14)]~~ ***(15)*** ~~An attempt to commit an offense listed in this paragraph.~~]

(Deleted by amendment.)

Sec. 11. ~~[NRS 179.245 is hereby amended to read as follows:~~

~~179.245 1. Except as otherwise provided in subsection 6 and NRS 176.211, 176A.245, 176A.265, 176A.295, 179.247, 179.259, 201.354 and 453.3365, a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:~~

~~(a) A category A felony, a crime of violence or residential burglary pursuant to NRS 205.060 after 10 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;~~

~~(b) Except as otherwise provided in paragraphs (a) and (c), a category B, C or D felony after 5 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;~~

~~(c) A category E felony after 2 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;~~

~~(d) Except as otherwise provided in paragraph (c), any gross misdemeanor after 2 years from the date of release from actual custody or discharge from probation, whichever occurs later;~~

~~(e) A violation of NRS 422.540 to 422.570, inclusive, a violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later;~~

~~(f) Except as otherwise provided in paragraph (e), if the offense is punished as a misdemeanor, a battery pursuant to NRS 200.481, harassment pursuant to NRS 200.571, stalking pursuant to NRS 200.575 or a violation of a temporary or extended order for protection, after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; or~~

~~(g) Any other misdemeanor after 1 year from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.~~

~~2. A petition filed pursuant to subsection 1 must:~~

~~(a) Be accompanied by the petitioner's current, verified records received from the Central Repository for Nevada Records of Criminal History;~~

~~(b) If the petition references NRS 453.3365, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;~~

~~(c) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and~~

~~(d) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:~~

~~(1) Date of birth of the petitioner;~~

~~(2) Specific conviction to which the records to be sealed pertain; and~~

~~(3) Date of arrest relating to the specific conviction to which the records to be sealed pertain.~~

~~3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and the prosecuting attorney, including, without limitation, the Attorney General, who prosecuted the petitioner for the crime. The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.~~

~~4. If the prosecuting agency that prosecuted the petitioner for the crime stipulates to the sealing of the records, the court shall apply the presumption set forth in NRS 179.2445 and seal the records. If the prosecuting agency does not stipulate to the sealing of the records or does not file a written objection within 30 days after receiving notification pursuant to subsection 3 and the court makes the findings set forth in subsection 5, the court may order the sealing of the records in accordance with subsection 5 without a hearing. If the court does not order the sealing of the records or the prosecuting agency files a written objection, a hearing on the petition must be conducted. At the hearing, unless an objecting party presents evidence sufficient to rebut the presumption set forth in NRS 179.2445, the court shall apply the presumption and seal the records.~~

~~5. If the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of any agency of criminal justice or any public or private agency, company, official or other custodian of records in the State of Nevada, and may also order all such records of the petitioner returned to the file of the court where the proceeding was commenced from, including, without limitation, the Federal Bureau of Investigation and all other agencies of criminal justice which maintain such records and which are reasonably known by either the petitioner or the court to have possession of such records.~~

~~6. A person may not petition the court to seal records relating to a conviction of:~~

~~(a) A crime against a child;~~

~~(b) A sexual offense;~~

~~(c) Invasion of the home with a deadly weapon pursuant to NRS 205.067;~~

~~(d) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;~~

~~(e) A violation of NRS 484C.430;~~

~~(f) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;~~

~~(g) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS 488.427; or~~

~~(h) A violation of NRS 488.420 or 488.425.~~

~~7. The provisions of paragraph (e) of subsection 1 and paragraph (d) of subsection 6 must not be construed to preclude a person from being able to petition the court to seal records relating to a conviction for a violation of NRS 484C.110 or 484C.120 pursuant to this section if the person was found guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to:~~

~~(a) Paragraph (b) of subsection 1 of NRS 484C.400; or~~

~~(b) Paragraph (c) of subsection 1 of NRS 484C.400 but had a judgment of conviction entered against him or her for a violation of paragraph (b) of subsection 1 of NRS 484C.400 because the person participated in the statewide sobriety and drug monitoring program established pursuant to NRS 484C.392.~~

~~8. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.~~

~~9. As used in this section:~~

~~(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.~~

~~(b) "Sexual offense" means:~~

~~(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.~~

~~(2) Sexual assault pursuant to NRS 200.366.~~

~~(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.~~

~~(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.~~

~~(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.~~

~~(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence, if the crime of violence is an offense listed in this paragraph.~~

~~(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.~~

~~(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.~~

~~(9) Incest pursuant to NRS 201.180.~~

~~(10) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.~~

~~(11) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.~~

~~(12) Lewdness with a child pursuant to NRS 201.230.~~

~~(13) Sexual penetration of a dead human body pursuant to NRS 201.450.~~

~~(14) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.~~

~~(15) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.~~

~~(16) *A violation of section 2 of this act.*~~

~~*(17)* Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.~~

~~[(17)]~~ ~~*(18)* An attempt to commit an offense listed in this paragraph.~~**]**

(Deleted by amendment.)

Sec. 12. NRS 179.460 is hereby amended to read as follows:

179.460 1. The Attorney General or the district attorney of any county may apply to a Supreme Court justice or to a district judge in the county where the interception is to take place for an order authorizing the interception of wire, electronic or oral communications, and the judge may, in accordance with NRS 179.470 to 179.515, inclusive, grant an order authorizing the interception of wire, electronic or oral communications by investigative or law enforcement officers having responsibility for the investigation of the offense as to which the application is made, when the interception may provide evidence of the commission of murder, kidnapping, robbery, extortion, bribery, escape of an offender in the custody of the Department of Corrections, destruction of public property by explosives, a sexual offense against a child, sex trafficking, a violation of NRS 200.463, 200.464 or 200.465, trafficking in persons in violation of NRS 200.467 or 200.468, the commission of any offense which is made a felony by the provisions of chapter 453 or 454 of NRS or a violation of NRS 463.160 or 465.086 ~~[.]~~ ***or a violation of section 2 of this act.***

2. A provider of electronic communication service or a public utility, an officer, employee or agent thereof or another person associated with the provider of electronic communication service or public utility who, pursuant to an order issued pursuant to subsection 1, provides information or otherwise assists an investigative or law enforcement officer in the interception of a wire, electronic or oral communication is immune from any liability relating to any interception made pursuant to the order.

3. As used in this section, "sexual offense against a child" includes any act upon a child constituting:

(a) Incest pursuant to NRS 201.180;

(b) Lewdness with a child pursuant to NRS 201.230;

(c) Sado-masochistic abuse pursuant to NRS 201.262;

(d) Sexual assault pursuant to NRS 200.366;

(e) Statutory sexual seduction pursuant to NRS 200.368;

(f) Open or gross lewdness pursuant to NRS 201.210; or

(g) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony . ~~*[; or*~~

~~*(h) A violation of section 2 of this act.]*~~

Sec. 13. ~~[NRS 179D.097 is hereby amended to read as follows:~~

~~179D.097 1. "Sexual offense" means any of the following offenses:~~

~~(a) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.~~

~~(b) Sexual assault pursuant to NRS 200.366.~~

~~(c) Statutory sexual seduction pursuant to NRS 200.368.~~

~~(d) Battery with intent to commit sexual assault pursuant to subsection 4 of NRS 200.400.~~

~~(e) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this subsection.~~

~~(f) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence, if the crime of violence is an offense listed in this section.~~

~~(g) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.~~

~~(h) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.~~

~~(i) Incest pursuant to NRS 201.180.~~

~~(j) Open or gross lewdness pursuant to NRS 201.210.~~

~~(k) Indecent or obscene exposure pursuant to NRS 201.220.~~

~~(l) Lewdness with a child pursuant to NRS 201.230.~~

~~(m) Sexual penetration of a dead human body pursuant to NRS 201.450.~~

~~(n) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.~~

~~(o) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.~~

~~(p) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.~~

~~(q) Sex trafficking pursuant to NRS 201.300.~~

~~(r) *A violation of section 2 of this act.*~~

~~*(s)* Any other offense that has an element involving a sexual act or sexual conduct with another.~~

~~**[**(s)**]** *(t)* An attempt or conspiracy to commit an offense listed in paragraphs (a) to **[**(r),**]** *(s),* inclusive.~~

~~**[**(t)**]** *(u)* An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.~~

~~[(u)] *(v)* An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this subsection. This paragraph includes, without limitation, an offense prosecuted in:~~

~~(1) A tribal court.~~

~~(2) A court of the United States or the Armed Forces of the United States.~~

~~[(v)] *(w)* An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This paragraph includes, without limitation, an offense prosecuted in:~~

~~(1) A tribal court.~~

~~(2) A court of the United States or the Armed Forces of the United States.~~

~~(3) A court having jurisdiction over juveniles.~~

~~2. Except for the offenses described in paragraphs (n)~~ **, [**~~and~~**]** ~~(o)~~ ***and (r)*** ~~of subsection 1, the term does not include an offense involving consensual sexual conduct if the victim was:~~

~~(a) An adult, unless the adult was under the custodial authority of the offender at the time of the offense; or~~

~~(b) At least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.~~**]** **(Deleted by amendment.)**

Sec. 14. ~~[NRS 179D.115 is hereby amended to read as follows:~~

~~179D.115 "Tier II offender" means an offender convicted of a crime against a child or a sex offender, other than a Tier III offender, whose crime against a child is punishable by imprisonment for more than 1 year or whose sexual offense:~~

~~1. If committed against~~ **[**~~a~~**] :**

~~*(a) A* child, constitutes:~~

~~[(a)] *(1)* Luring a child pursuant to NRS 201.560, if punishable as a felony;~~

~~[(b)] *(2)* Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation;~~

~~[(c)] *(3)* An offense involving sex trafficking pursuant to NRS 201.300 or prostitution pursuant to NRS 201.320 or 201.395;~~

~~[(d)] *(4)* An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive; or~~

~~[(e)] *(5)* Any other offense that is comparable to or more severe than the offenses described in 34 U.S.C. § 20911(3)~~ **. [;]**

~~*(b) A pupil, constitutes a violation of section 2 of this act.*~~

~~2. Involves an attempt or conspiracy to commit any offense described in subsection 1~~ **. [;]**

~~3. If committed in another jurisdiction, is an offense that, if committed in this State, would be an offense listed in this section. This subsection includes, without limitation, an offense prosecuted in:~~

~~(a) A tribal court; or~~

~~(b) A court of the United States or the Armed Forces of the United States.~~ **[**~~; or~~**]**

~~4. Is committed after the person becomes a Tier I offender if any of the person's sexual offenses constitute an offense punishable by imprisonment for more than 1 year.~~**] (Deleted by amendment.)**

Sec. 15. **[**~~NRS 179D.495 is hereby amended to read as follows:~~

~~179D.495 If a person who is required to register pursuant to NRS 179D.010 to 179D.550, inclusive, has been convicted of an offense described in paragraph~~ **[**~~(r)~~**]** ***(s)*** ~~of subsection 1 of NRS 179D.097,~~ ***subparagraph (5) of*** ~~paragraph~~ **[**~~(c)~~**]** ***(a)*** ~~of subsection 1 or subsection 3 of NRS 179D.115 or subsection 7 or 9 of NRS 179D.117, the Central Repository shall determine whether the person is required to register as a Tier I offender, Tier II offender or Tier III offender.~~**] (Deleted by amendment.)**

Sec. 16. **[**~~NRS 213.107 is hereby amended to read as follows:~~

~~213.107 As used in NRS 213.107 to 213.157, inclusive, unless the context otherwise requires:~~

~~1. "Board" means the State Board of Parole Commissioners.~~

~~2. "Chief" means the Chief Parole and Probation Officer.~~

~~3. "Division" means the Division of Parole and Probation of the Department of Public Safety.~~

~~4. "Residential confinement" means the confinement of a person convicted of a crime to his or her place of residence under the terms and conditions established by the Board.~~

~~5. "Responsivity factors" means characteristics of a person that affect his or her ability to respond favorably or unfavorably to any treatment goals.~~

~~6. "Risk and needs assessment" means a validated, standardized actuarial tool that identifies risk factors that increase the likelihood of a person reoffending and factors that, when properly addressed, can reduce the likelihood of a person reoffending.~~

~~7. "Sex offender" means any person who has been or is convicted of a sexual offense.~~

~~8. "Sexual offense" means:~~

~~(a) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560~~ **[**~~;~~**]** ***or section 2 of this act;***

~~(b) An attempt to commit any offense listed in paragraph (a); or~~

~~(c) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.~~

~~9. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the Board or the Chief.~~] **(Deleted by amendment.)**

Sec. 17. [~~NRS 213.1214 is hereby amended to read as follows:~~

~~213.1214 1. The Department of Corrections shall assess each prisoner who has been convicted of a sexual offense to determine the prisoner's risk to reoffend in a sexual manner using a currently accepted standard of assessment. The completed assessment must include, without limitation, a determination of the prisoner's level of risk to reoffend in a sexual manner, including, without limitation, whether the prisoner is a high risk to reoffend in a sexual manner for the purposes of subsection 3 of NRS 213.1215. The Director shall ensure a completed assessment is provided to the Board before, but not sooner than 120 days before, a scheduled parole hearing.~~

~~2. The Director shall:~~

~~(a) Ensure that any employee of the Department who completes an assessment pursuant to subsection 1 is properly trained to assess the risk of an offender to reoffend in a sexual manner.~~

~~(b) Establish a procedure to:~~

~~(1) Ensure the accuracy of each completed assessment provided to the Board; and~~

~~(2) Correct any error occurring in a completed assessment provided to the Board.~~

~~3. This section does not create a right in any prisoner to be assessed or reassessed more frequently than the prisoner's regularly scheduled parole hearings or under a current or previous standard of assessment and does not restrict the Department from conducting additional assessments of a prisoner if such assessments may assist the Board in determining whether parole should be granted or continued. No cause of action may be brought against the State, its political subdivisions, or the agencies, boards, commissions, departments, officers or employees of the State or its political subdivisions for assessing, not assessing or considering or relying on an assessment of a prisoner, if such decisions or actions are made or conducted in compliance with the procedures set forth in this section.~~

~~4. The Board shall consider an assessment prepared pursuant to this section before determining whether to grant or revoke the parole of a person convicted of a sexual offense.~~

~~5. The Board may adopt by regulation the manner in which the Board will consider an assessment prepared pursuant to this section in conjunction with the standards adopted by the Board pursuant to NRS 213.10885.~~

~~6. As used in this section:~~

~~(a) "Director" means the Director of the Department of Corrections.~~

~~(b) "Reoffend in a sexual manner" means to commit a sexual offense.~~

~~(c) "Sex offender" means a person who, after July 1, 1956, is or has been:~~

~~(1) Convicted of a sexual offense; or~~

(2) Adjudicated delinquent or found guilty by a court having jurisdiction over juveniles of a sexual offense listed in subparagraph [(20)] *(21)* of paragraph (d).

➥ The term includes, but is not limited to, a sexually violent predator or a nonresident sex offender who is a student or worker within this State.

(d) "Sexual offense" means any of the following offenses:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Open or gross lewdness pursuant to NRS 201.210.

(11) Indecent or obscene exposure pursuant to NRS 201.220.

(12) Lewdness with a child pursuant to NRS 201.230.

(13) Sexual penetration of a dead human body pursuant to NRS 201.450.

(14) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(15) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

(16) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

(17) *A violation of section 2 of this act.*

(18) An attempt or conspiracy to commit an offense listed in subparagraphs (1) to [(16),] *(17),* inclusive.

[(18)] *(19)* An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

[(19)] *(20)* An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this paragraph. This subparagraph includes, but is not limited to, an offense prosecuted in:

(I) A tribal court.

~~(II) A court of the United States or the Armed Forces of the United States.~~

~~[(20)]~~ ***(21)*** ~~An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this paragraph, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This subparagraph includes, but is not limited to, an offense prosecuted in:~~

~~(I) A tribal court.~~

~~(II) A court of the United States or the Armed Forces of the United States.~~

~~(III) A court having jurisdiction over juveniles.~~

~~Except for the offenses described in subparagraphs (14)~~ **[**and**]** (15) **[**~~,~~**]** ***and 17,*** ~~the term does not include an offense involving consensual sexual conduct if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense, or if the victim was at least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.~~**] (Deleted by amendment.)**

Sec. 18. NRS 213.1258 is hereby amended to read as follows:

213.1258 1. Except as otherwise provided in subsection 2, if the Board releases on parole a prisoner convicted of stalking with the use of an Internet or network site, electronic mail, text messaging or any other similar means of communication pursuant to subsection 4 of NRS 200.575, an offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive, **[**~~or~~**]** luring a child or a person with mental illness through the use of a computer, system or network pursuant to paragraph (a) or (b) of subsection 4 of NRS 201.560 **[**~~,~~**]** ***or a violation of section 2 of this act which involved the use of an electronic communication device,*** the Board shall, in addition to any other condition of parole, require as a condition of parole that the parolee not own or use a computer, including, without limitation, use electronic mail, a chat room or the Internet.

2. The Board is not required to impose a condition of parole set forth in subsection 1 if the Board finds that:

(a) The use of a computer by the parolee will assist a law enforcement agency or officer in a criminal investigation;

(b) The parolee will use the computer to provide technological training concerning technology of which the defendant has a unique knowledge; or

(c) The use of the computer by the parolee will assist companies that require the use of the specific technological knowledge of the parolee that is unique and is otherwise unavailable to the company.

3. Except as otherwise provided in subsection 1, if the Board releases on parole a prisoner convicted of an offense that involved the use of a computer, system or network, the Board may, in addition to any other condition of parole,

require as a condition of parole that the parolee not own or use a computer, including, without limitation, use electronic mail, a chat room or the Internet.

4. As used in this section:

(a) "Computer" has the meaning ascribed to it in NRS 205.4735 ~~[.]~~ ***and includes, without limitation, an electronic communication device.***

(b) ***"Electronic communication device" has the meaning ascribed to it in NRS 200.737.***

(c) "Network" has the meaning ascribed to it in NRS 205.4745.

~~[(c)]~~ ***(d)*** "System" has the meaning ascribed to it in NRS 205.476.

~~[(d)]~~ ***(e)*** "Text messaging" has the meaning ascribed to it in NRS 200.575.

Sec. 19. NRS 288.150 is hereby amended to read as follows:

288.150 1. Except as otherwise provided in subsection 6 and NRS 354.6241, every local government employer shall negotiate in good faith through one or more representatives of its own choosing concerning the mandatory subjects of bargaining set forth in subsection 2 with the designated representatives of the recognized employee organization, if any, for each appropriate bargaining unit among its employees. If either party so requests, agreements reached must be reduced to writing.

2. The scope of mandatory bargaining is limited to:

(a) Salary or wage rates or other forms of direct monetary compensation.

(b) Sick leave.

(c) Vacation leave.

(d) Holidays.

(e) Other paid or nonpaid leaves of absence.

(f) Insurance benefits.

(g) Total hours of work required of an employee on each workday or workweek.

(h) Total number of days' work required of an employee in a work year.

(i) Except as otherwise provided in subsections 8 and 11, discharge and disciplinary procedures.

(j) Recognition clause.

(k) The method used to classify employees in the bargaining unit.

(l) Deduction of dues for the recognized employee organization.

(m) Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.

(n) No-strike provisions consistent with the provisions of this chapter.

(o) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.

(p) General savings clauses.

(q) Duration of collective bargaining agreements.

(r) Safety of the employee.

(s) Teacher preparation time.

(t) Materials and supplies for classrooms.

(u) Except as otherwise provided in subsections 9 and 11, the policies for the transfer and reassignment of teachers.

(v) Procedures for reduction in workforce consistent with the provisions of this chapter.

(w) Procedures consistent with the provisions of subsection 6 for the reopening of collective bargaining agreements for additional, further, new or supplementary negotiations during periods of fiscal emergency.

3. Those subject matters which are not within the scope of mandatory bargaining and which are reserved to the local government employer without negotiation include:

(a) Except as otherwise provided in paragraph (u) of subsection 2, the right to hire, direct, assign or transfer an employee, but excluding the right to assign or transfer an employee as a form of discipline.

(b) The right to reduce in force or lay off any employee because of lack of work or lack of money, subject to paragraph (v) of subsection 2.

(c) The right to determine:

(1) Appropriate staffing levels and work performance standards, except for safety considerations;

(2) The content of the workday, including without limitation workload factors, except for safety considerations;

(3) The quality and quantity of services to be offered to the public; and

(4) The means and methods of offering those services.

(d) Safety of the public.

4. The provisions of NRS 245.063, 268.4069 and 391.1605 are not subject to negotiations with an employee organization. Any provision of a collective bargaining agreement negotiated pursuant to this chapter which differs from or conflicts in any way with the provisions of NRS 245.063, 268.4069 or 391.1605 is unenforceable and void.

5. If the local government employer is a school district, any money appropriated by the State to carry out increases in salaries or benefits for the employees of the school district is subject to negotiations with an employee organization.

6. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to this chapter, a local government employer is entitled to:

(a) Reopen a collective bargaining agreement for additional, further, new or supplementary negotiations relating to compensation or monetary benefits during a period of fiscal emergency. Negotiations must begin not later than 21 days after the local government employer notifies the employee organization that a fiscal emergency exists. For the purposes of this section, a fiscal emergency shall be deemed to exist:

(1) If the amount of revenue received by the general fund of the local government employer during the last preceding fiscal year from all sources, except any nonrecurring source, declined by 5 percent or more from the amount of revenue received by the general fund from all sources, except any nonrecurring source, during the next preceding fiscal year, as reflected in the

reports of the annual audits conducted for those fiscal years for the local government employer pursuant to NRS 354.624; or

(2) If the local government employer has budgeted an unreserved ending fund balance in its general fund for the current fiscal year in an amount equal to 4 percent or less of the actual expenditures from the general fund for the last preceding fiscal year, and the local government employer has provided a written explanation of the budgeted ending fund balance to the Department of Taxation that includes the reason for the ending fund balance and the manner in which the local government employer plans to increase the ending fund balance.

(b) Take whatever actions may be necessary to carry out its responsibilities in situations of emergency such as a riot, military action, natural disaster or civil disorder. Those actions may include the suspension of any collective bargaining agreement for the duration of the emergency.

➥ Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

7. The provisions of this chapter, including without limitation the provisions of this section, recognize and declare the ultimate right and responsibility of the local government employer to manage its operation in the most efficient manner consistent with the best interests of all its citizens, its taxpayers and its employees.

8. If the sponsor of a charter school reconstitutes the governing body of a charter school pursuant to NRS 388A.330, the new governing body may terminate the employment of any teachers or other employees of the charter school, and any provision of any agreement negotiated pursuant to this chapter that provides otherwise is unenforceable and void.

9. The board of trustees of a school district in which a school is designated as a turnaround school pursuant to NRS 388G.400 or the principal of such a school, as applicable, may take any action authorized pursuant to NRS 388G.400, including, without limitation:

(a) Reassigning any member of the staff of such a school; or

(b) If the staff member of another public school consents, reassigning that member of the staff of the other public school to such a school.

10. Any provision of an agreement negotiated pursuant to this chapter which differs from or conflicts in any way with the provisions of subsection 9 or imposes consequences on the board of trustees of a school district or the principal of a school for taking any action authorized pursuant to subsection 9 is unenforceable and void.

11. The board of trustees of a school district or the governing body of a charter school or university school for profoundly gifted pupils may use a substantiated report of the abuse or neglect of a child or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 ***or section 2 of this act*** obtained from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 or an equivalent registry maintained by a governmental agency in another jurisdiction for the

purposes authorized by NRS 388A.515, 388C.200, 391.033, 391.104 or 391.281, as applicable. Such purposes may include, without limitation, making a determination concerning the assignment, discipline or termination of an employee. Any provision of any agreement negotiated pursuant to this chapter which conflicts with the provisions of this subsection is unenforceable and void.

12. This section does not preclude, but this chapter does not require, the local government employer to negotiate subject matters enumerated in subsection 3 which are outside the scope of mandatory bargaining. The local government employer shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

13. Contract provisions presently existing in signed and ratified agreements as of May 15, 1975, at 12 p.m. remain negotiable.

14. As used in this section, "abuse or neglect of a child" has the meaning ascribed to it in NRS 392.281.

Sec. 20. NRS 388A.515 is hereby amended to read as follows:

388A.515 1. Each applicant for employment with and employee at a charter school, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, and, except as otherwise provided in NRS 388A.516, each volunteer at a charter school who is likely to have unsupervised contact with pupils, must, before beginning his or her employment or service as a volunteer and at least once every 5 years thereafter, submit to the governing body of the charter school:

(a) A complete set of the applicant's, employee's or volunteer's fingerprints and written permission authorizing the governing body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, or employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant, employee or volunteer; and

(b) Written authorization for the governing body to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. In conducting an investigation into the background of an applicant, employee or volunteer, the governing body of a charter school may cooperate with any appropriate law enforcement agency to obtain information relating to the background of the applicant, employee or volunteer, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant, employee or volunteer.

3. If the information obtained by the governing body pursuant to subsection 1 or 2 or subsection 5 of NRS 388A.516 indicates that the applicant, employee or volunteer has not been convicted of a crime listed in NRS

388A.5342, the governing body of the charter school may employ the applicant or employee or accept the volunteer, as applicable.

4. If the information obtained by the governing body pursuant to subsection 1 or 2 or subsection 5 of NRS 388A.516 indicates that the applicant, employee or volunteer has been convicted of a crime listed in NRS 388A.5342, and the governing body of the charter school does not disqualify the applicant or employee from employment or the volunteer from serving as a volunteer on the basis of that information, the governing body shall, upon the written authorization of the applicant, employee or volunteer, forward a copy of the information to the Superintendent of Public Instruction. If the applicant, employee or volunteer refuses to provide his or her written authorization to forward a copy of the information pursuant to this subsection, the charter school shall not employ the applicant or employee or accept the volunteer, as applicable.

5. Not later than 15 days after receiving the information obtained by the governing body pursuant to subsection 1 or 2 or subsection 5 of NRS 388A.516, the Superintendent of Public Instruction or the Superintendent's designee shall review the information to determine whether the conviction of the applicant, employee or volunteer is related or unrelated to the position with the charter school for which the applicant has applied or in which the employee is employed or the volunteer wishes to serve. The applicant, employee or volunteer shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. If the governing body of the charter school desires to employ the applicant or employee or accept the volunteer, the governing body shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. The Superintendent of Public Instruction or the Superintendent's designee shall provide written notice of the determination to the applicant, employee or volunteer and to the governing body of the charter school.

6. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant, employee or volunteer is related to the position with the charter school for which the applicant has applied or in which the employee is employed or the volunteer wishes to serve, the governing body of the charter school shall not employ the applicant or employee or accept the volunteer, as applicable. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant, employee or volunteer is unrelated to the position with the charter school for which the applicant has applied or in which the employee is employed or the volunteer wishes to serve, the governing body of the charter school may employ the applicant or employee for that position or accept the volunteer, as applicable.

7. The governing body of a charter school may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 ***or section 2 of this act*** obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

8. The governing body of a charter school:

(a) May accept gifts, grants and donations to carry out the provisions of this section and NRS 388A.516.

(b) May not be held liable for damages resulting from any action of the governing body authorized by subsection 2 or 7 or NRS 388A.516.

Sec. 21. NRS 388A.5342 is hereby amended to read as follows:

388A.5342 The governing body of a charter school shall terminate the employment of any teacher or administrator who is employed by the charter school but is not licensed pursuant to chapter 391 of NRS upon his or her conviction of a:

1. Felony or crime involving moral turpitude; ~~[or]~~

2. Sex offense pursuant to NRS 200.366, 200.368, 201.190, 201.220, 201.230, 201.540 or 201.560 ~~[.]~~ ***; or***

3. Violation of section 2 of this act.

Sec. 22. NRS 388C.200 is hereby amended to read as follows:

388C.200 1. Except as otherwise provided in NRS 388C.205, each applicant for employment with and employee at a university school for profoundly gifted pupils, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, and each volunteer at a university school for profoundly gifted pupils who is likely to have unsupervised contact with pupils, must, before beginning his or her employment or service as a volunteer and at least once every 5 years thereafter, submit to the governing body of the university school:

(a) A complete set of his or her fingerprints and written permission authorizing the governing body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant, employee or volunteer; and

(b) Written authorization for the governing body to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. In conducting an investigation into the background of an applicant, employee or volunteer, the governing body of a university school for profoundly gifted pupils may cooperate with any appropriate law enforcement agency to obtain information relating to the background of the applicant, employee or volunteer, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant, employee or volunteer.

3. If the information obtained by the governing body pursuant to subsection 1 or 2 or subsection 5 of NRS 388C.205 indicates that the applicant, employee or volunteer has not been convicted of a felony or an offense involving moral turpitude, the governing body of the university school for profoundly gifted pupils may employ the applicant or employee or accept the volunteer, as applicable.

4. If the information obtained by the governing body pursuant to subsection 1 or 2 or subsection 5 of NRS 388C.205 indicates that the applicant, employee or volunteer has been convicted of a felony or an offense involving moral turpitude and the governing body of the university school for profoundly gifted pupils does not disqualify the applicant or employee from employment or the volunteer from serving as a volunteer on the basis of that report, the governing body shall, upon the written authorization of the applicant, employee or volunteer forward a copy of the information to the Superintendent of Public Instruction. If the applicant, employee or volunteer refuses to provide his or her written authorization to forward a copy of the report pursuant to this subsection, the university school shall not employ the applicant or employee or accept the volunteer, as applicable.

5. The Superintendent of Public Instruction or the Superintendent's designee shall promptly review the information to determine whether the conviction of the applicant, employee or volunteer is related or unrelated to the position with the university school for profoundly gifted pupils for which the applicant has applied or in which the employee is employed or the volunteer wishes to serve. The applicant, employee or volunteer shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. If the governing body of the university school desires to employ the applicant or employee or accept the volunteer, the governing body shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. The Superintendent of Public Instruction or the Superintendent's designee shall provide written notice of the determination to the applicant, employee or volunteer and to the governing body of the university school.

6. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant, employee or volunteer is related to the position with the university school for profoundly

gifted pupils for which the applicant has applied or in which the employee is employed or the volunteer wishes to serve, the governing body of the university school shall not employ the applicant or employee or accept the volunteer, as applicable. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant, employee or volunteer is unrelated to the position with the university school for which the applicant has applied or in which the employee is employed or the volunteer wishes to serve, the governing body of the university school may employ the applicant or employee for that position or accept the volunteer, as applicable.

7. The governing body of a university school for profoundly gifted pupils may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 ***or section 2 of this act*** obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

8. The governing body of a university school for profoundly gifted pupils:

(a) May accept any gifts, grants and donations to carry out the provisions of this section and NRS 388C.205.

(b) May not be held liable for damages resulting from any action of the governing body authorized by subsection 2 or 7 or NRS 388C.205.

Sec. 23. NRS 391.033 is hereby amended to read as follows:

391.033 1. All licenses for teachers and other educational personnel are granted by the Superintendent of Public Instruction pursuant to regulations adopted by the Commission and as otherwise provided by law.

2. An application for the issuance of a license must include the social security number of the applicant.

3. Every applicant for a license must submit with his or her application:

(a) A complete set of his or her fingerprints and written permission authorizing the Superintendent to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its initial report on the criminal history of the applicant and for reports thereafter upon renewal of the license pursuant to subsection 8 of NRS 179A.075, and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant; and

(b) Written authorization for the Superintendent to obtain any information concerning the applicant that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant has resided within the immediately preceding 5 years.

4. In conducting an investigation into the background of an applicant for a license, the Superintendent may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant.

5. The Superintendent may issue a provisional license pending receipt of the reports of the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History if the Superintendent determines that the applicant is otherwise qualified.

6. Except as otherwise provided in subsection 8, a license must be issued to, or renewed for, as applicable, an applicant if:

(a) The Superintendent determines that the applicant is qualified;

(b) The information obtained by the Superintendent pursuant to subsections 3 and 4:

(1) Does not indicate that the applicant has been convicted of a felony or any offense involving moral turpitude or indicates that the applicant has been convicted of a felony or an offense involving moral turpitude but the Superintendent determines that the conviction is unrelated to the position within the county school district or charter school for which the applicant applied or for which he or she is currently employed, as applicable;

(2) Does not indicate that there has been a substantiated report of abuse or neglect of a child, as defined in NRS 432B.020, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 ***or section 2 of this act*** made against the applicant in any state; and

(3) Does not indicate that the applicant has a warrant for his or her arrest; and

(c) For initial licensure, the applicant submits the statement required pursuant to NRS 391.034.

7. If, pursuant to subparagraph (2) of paragraph (b) of subsection 6, the information indicates that a substantiated report has been made against the applicant in any state, the Superintendent shall:

(a) Suspend the application process;

(b) Notify the applicant of the substantiated report; and

(c) Provide the applicant an opportunity to rebut the substantiated report.

8. The Superintendent may deny an application for a license pursuant to this section if:

(a) A report on the criminal history of the applicant from the Federal Bureau of Investigation or the Central Repository for Nevada Records of Criminal History indicates that the applicant has been arrested for or charged with a sexual offense involving a minor or pupil, including, without limitation, any attempt, solicitation or conspiracy to commit such an offense; and

(b) The Superintendent provides to the applicant:

(1) Written notice of his or her intent to deny the application; and

(2) An opportunity for the applicant to have a hearing.

9. To request a hearing pursuant to subsection 8, an applicant must submit a written request to the Superintendent within 15 days after receipt of the notice by the applicant. Such a hearing must be conducted in accordance with regulations adopted by the State Board. If no request for a hearing is filed within that time, the Superintendent may deny the license.

10. If the Superintendent denies an application for a license pursuant to this section, the Superintendent must, within 15 days after the date on which the application is denied, provide notice of the denial to the school district or charter school that employs the applicant if the applicant is employed by a school district or charter school. Such a notice must not state the reasons for denial.

11. The Department shall:

(a) Maintain a list of the names of persons whose applications for a license are denied due to conviction of a sexual offense involving a minor;

(b) Update the list maintained pursuant to paragraph (a) monthly; and

(c) Provide this list to the board of trustees of a school district or the governing body of a charter school upon request.

12. The Superintendent shall forward all information obtained from an investigation of an applicant pursuant to subsections 3 and 4 to the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the administrator of a private school where the applicant is employed or seeking employment. Except as otherwise provided in this section, any information shared with the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the administrator of a private school is confidential and must not be disclosed to any person other than the applicant. The board of trustees, governing body or administrator, as applicable, may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 ***or section 2 of this act*** obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

13. The Superintendent, the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the administrator of a private school may not be held liable for damages resulting from any action of the Superintendent, board of trustees, governing body or administrator, as applicable, authorized by subsection 4 or 12.

14. The Superintendent may enter into reciprocal agreements with appropriate officials of other countries concerning the licensing of teachers.

15. As used in this section, "sexual offense" has the meaning ascribed to it in NRS 179D.097.

Sec. 24. NRS 391.104 is hereby amended to read as follows:

391.104 1. Except as otherwise provided in NRS 391.105, each applicant for employment pursuant to NRS 391.100 or employee, except a teacher or other person licensed by the Superintendent of Public Instruction, or volunteer who is likely to have unsupervised contact with pupils, must, before beginning his or her employment or service as a volunteer and at least once every 5 years thereafter, submit to the school district:

(a) A full set of the applicant's, employee's or volunteer's fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant, employee or volunteer; and

(b) Written authorization for the board of trustees of the school district to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. In conducting an investigation into the background of an applicant, employee or volunteer, a school district may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, employee or volunteer, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant, employee or volunteer.

3. The board of trustees of a school district may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 ***or section 2 of this act*** obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) When making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

4. Except as otherwise provided in subsection 5, the board of trustees of a school district shall not require a licensed teacher or other person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district, including, without limitation:

(a) Sick leave;

(b) Sabbatical leave;

(c) Personal leave;

(d) Leave for attendance at a regular or special session of the Legislature of this State if the employee is a member thereof;

(e) Maternity leave; and

(f) Leave permitted by the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.,

➥ to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the employee is in good standing when the employee began the leave.

5. A board of trustees of a school district may ask the Superintendent of Public Instruction to require a person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the board of trustees has probable cause to believe that the person has committed a felony or an offense involving moral turpitude during the period of his or her leave of absence.

6. The board of trustees of a school district:

(a) May accept any gifts, grants and donations to carry out the provisions of subsections 1 and 2 and NRS 391.105.

(b) May not be held liable for damages resulting from any action of the board of trustees authorized by subsection 2 or 3 or NRS 391.105.

Sec. 25. NRS 391.281 is hereby amended to read as follows:

391.281 1. Each applicant for employment or appointment pursuant to this section or employee, except a teacher or other person licensed by the Superintendent of Public Instruction, must, before beginning his or her employment or appointment and at least once every 5 years thereafter, submit to the school district:

(a) A full set of the applicant's or employee's fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant or employee and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant or employee.

(b) Written authorization for the board of trustees of the school district to obtain any information concerning the applicant or employee that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant or employee has resided within the immediately preceding 5 years.

2. In conducting an investigation into the background of an applicant or employee, a school district may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant or employee, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant or employee.

3. The board of trustees of a school district may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 ***or section 2 of this act*** obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

4. The board of trustees of a school district:

(a) May accept any gifts, grants and donations to carry out the provisions of subsections 1 and 2.

(b) May not be held liable for damages resulting from any action of the board of trustees authorized by subsection 2 or 3.

5. The board of trustees of a school district may employ or appoint persons to serve as school police officers. If the board of trustees of a school district employs or appoints persons to serve as school police officers, the board of trustees shall employ a law enforcement officer to serve as the chief of school police who is supervised by the superintendent of schools of the school district. The chief of school police shall supervise each person appointed or employed by the board of trustees as a school police officer, including any school police officer that provides services to a charter school pursuant to a contract entered into with the board of trustees pursuant to NRS 388A.384. In addition, persons who provide police services pursuant to subsection 6 or 7 shall be deemed school police officers.

6. The board of trustees of a school district in a county that has a metropolitan police department created pursuant to chapter 280 of NRS may contract with the metropolitan police department for the provision and supervision of police services in the public schools within the jurisdiction of the metropolitan police department and on property therein that is owned by the school district and on property therein that is owned or occupied by a charter school if the board of trustees has entered into a contract with the charter school for the provision of school police officers pursuant to NRS 388A.384. If a contract is entered into pursuant to this subsection, the contract must make provision for the transfer of each school police officer employed by the board of trustees to the metropolitan police department. If the board of trustees of a school district contracts with a metropolitan police department pursuant to this subsection, the board of trustees shall, if applicable, cooperate with appropriate local law enforcement agencies within the school district for the provision and supervision of police services in the public schools within the school district, including, without limitation, any charter school with which the school district has entered into a contract for the provision of school police officers pursuant to NRS 388A.384, and on property owned by the school district and, if applicable, the property owned or occupied by the charter school, but outside the jurisdiction of the metropolitan police department.

7. The board of trustees of a school district in a county that does not have a metropolitan police department created pursuant to chapter 280 of NRS may contract with the sheriff of that county for the provision of police services in the public schools within the school district, including, without limitation, in any charter school with which the board of trustees has entered into a contract for the provision of school police officers pursuant to NRS 388A.384, and on property therein that is owned by the school district and, if applicable, the property owned or occupied by the charter school.

8. The board of trustees of a school district shall ensure that each school police officer receives training in the prevention of suicide before beginning his or her service as a school police officer.

Sec. 26. NRS 391.330 is hereby amended to read as follows:

391.330 1. The State Board may suspend or revoke the license of any teacher, administrator or other licensed employee, or may issue a letter of reprimand to any teacher, administrator or other licensed employee, after notice and an opportunity for hearing have been provided pursuant to NRS 391.322 and 391.323, for:

(a) Unprofessional conduct.

(b) Immorality, as defined in NRS 391.650.

(c) Evident unfitness for service.

(d) Physical or mental incapacity which renders the teacher, administrator or other licensed employee unfit for service.

(e) Conviction of a felony or crime involving moral turpitude.

(f) Conviction of a sex offense under NRS 200.366, 200.368, 201.190, 201.220, 201.230, 201.540 or 201.560 ~~*[or section 2 of this act]*~~ in which a pupil enrolled in a school of a county school district was the victim.

(g) ***Conviction of a violation of section 2 of this act.***

(h) Knowingly advocating the overthrow of the Federal Government or of the State of Nevada by force, violence or unlawful means.

~~[(h)]~~ ***(i)*** Persistent defiance of or refusal to obey the regulations of the State Board, the Commission or the Superintendent of Public Instruction, defining and governing the duties of teachers, administrators and other licensed employees.

~~[(i)]~~ ***(j)*** Breaches in the security or confidentiality of the questions and answers of the examinations that are administered pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610.

~~[(j)]~~ ***(k)*** Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations and assessments adopted pursuant to NRS 390.270 or 390.275.

~~[(k)]~~ ***(l)*** An intentional violation of NRS 388.497 or 388.499.

~~[(l)]~~ ***(m)*** Knowingly and willfully failing to comply with the provisions of NRS 388.1351.

~~[(m)]~~ ***(n)*** A substantiated report of abuse or neglect of a child, as defined in NRS 432B.020, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 ***or section 2 of this act*** made against the applicant in any state.

2. The State Board shall adopt regulations governing the process by which a letter of reprimand may be issued to a teacher, administrator or other licensed employee pursuant to this section, including, without limitation, regulations concerning the time period during which a letter of reprimand will remain on the record of the teacher, administrator or other licensed employee.

3. A teacher, administrator or other licensed employee whose license is suspended pursuant to this section:

(a) May apply to reinstate his or her license after the period of suspension, as determined by the State Board, is completed; and

(b) If he or she applies to reinstate his or her license pursuant to paragraph (a), shall:

(1) Submit a new application for licensure to the Department; and

(2) Pay the appropriate fee for licensure.

4. A teacher, administrator or other licensed employee whose license is revoked may not apply to reinstate his or her license and the Department shall not grant a new license to such a person.

Sec. 26.5. **NRS 391.355 is hereby amended to read as follows:**

391.355 1. The State Board shall adopt rules of procedure for the conduct of hearings conducted pursuant to NRS 391.323.

2. The rules of procedure must provide for boards of trustees of school districts, governing bodies of charter schools or the Superintendent of Public Instruction or the Superintendent's designee to bring charges, when cause exists.

3. The rules of procedure must provide that:

(a) The licensed employee, board of trustees of a school district, governing body of a charter school and Superintendent are entitled to be heard, to be represented by an attorney and to call witnesses in their behalf.

(b) The hearing officer selected pursuant to NRS 391.322 is entitled to be reimbursed for his or her reasonable actual expenses.

(c) If requested by the hearing officer selected pursuant to NRS 391.322, an official transcript must be made.

(d) Except as otherwise provided in paragraph (e), the State Board, licensed employee and the Department, board of trustees of a school district or governing body of a charter school which initiated the complaint resulting in the hearing are equally responsible for the expense of and compensation for the hearing officer selected pursuant to NRS 391.322 and the expense of the official transcript. The State Board may bill the licensed employee or the Department, board of trustees of a school district or governing body of a charter school which initiated the complaint resulting in the hearing for their percentage of any expenses incurred pursuant to this paragraph.

(e) If the hearing results from a recommendation to revoke or suspend a license based upon a conviction which is a ground for the suspension or

revocation of a license pursuant to paragraph (e) **,** ~~[or]~~ (f) ***or (g)*** of subsection 1 of NRS 391.330, the licensed employee is fully responsible for the expense of and compensation for the hearing officer selected pursuant to NRS 391.322 and the expense of the official transcript. The State Board may bill the licensed employee for such expenses.

4. A hearing officer selected pursuant to NRS 391.322 shall, upon the request of a party, issue subpoenas to compel the attendance of witnesses and the production of books, records, documents or other pertinent information to be used as evidence in hearings conducted pursuant to NRS 391.323.

Sec. 27. NRS 391.650 is hereby amended to read as follows:

391.650 As used in NRS 391.650 to 391.826, inclusive, unless the context otherwise requires:

1. "Administrator" means any employee who holds a license as an administrator and who is employed in that capacity by a school district.

2. "Board" means the board of trustees of the school district in which a licensed employee affected by NRS 391.650 to 391.826, inclusive, is employed.

3. "Demotion" means demotion of an administrator to a position of lesser rank, responsibility or pay and does not include transfer or reassignment for purposes of an administrative reorganization.

4. "Immorality" means:

(a) An act forbidden by NRS 200.366, 200.368, 200.400, 200.508, 201.180, 201.190, 201.210, 201.220, 201.230, 201.265, 201.540, 201.560, 207.260, 453.316 to 453.336, inclusive, except an act forbidden by NRS 453.337, 453.338, 453.3385 to 453.3405, inclusive, 453.560 or 453.562; or

(b) An act forbidden by NRS 201.540 ***or section 2 of this act*** or any other sexual conduct or attempted sexual conduct with a pupil enrolled in an elementary or secondary school. As used in this paragraph, "sexual conduct" has the meaning ascribed to it in NRS 201.520.

5. "Postprobationary employee" means an administrator or a teacher who has completed the probationary period as provided in NRS 391.820 and has been given notice of reemployment. The term does not include a person who is deemed to be a probationary employee pursuant to NRS 391.730.

6. "Probationary employee" means:

(a) An administrator or a teacher who is employed for the period set forth in NRS 391.820; and

(b) A person who is deemed to be a probationary employee pursuant to NRS 391.730.

7. "Superintendent" means the superintendent of a school district or a person designated by the board or superintendent to act as superintendent during the absence of the superintendent.

8. "Teacher" means a licensed employee the majority of whose working time is devoted to the rendering of direct educational service to pupils of a school district.

Sec. 28. NRS 391.760 is hereby amended to read as follows:

391.760 1. If a superintendent has reason to believe that cause exists for the dismissal of a licensed employee and the superintendent is of the opinion that the immediate suspension of the employee is necessary in the best interests of the pupils in the district, the superintendent may suspend the employee without notice and without a hearing. Within 10 days after the suspension becomes effective, the superintendent shall begin proceedings pursuant to NRS 391.680 to 391.800, inclusive, to carry out the employee's dismissal. The employee is entitled to continue to receive his or her salary and other benefits after the suspension becomes effective until the date on which the dismissal proceedings are commenced.

2. Notwithstanding the provisions of NRS 391.750, a superintendent may suspend a licensed employee who has been officially charged but not yet convicted of a felony or a crime involving moral turpitude or immorality. If the charge is dismissed or if the employee is found not guilty, the employee must be reinstated with back pay, plus interest, and normal seniority. The superintendent shall notify the employee in writing of the suspension. Within 10 days after the date on which the employee receives such notice, the superintendent shall provide the employee with the opportunity for an informal hearing to address the circumstances relating to the charges and any other circumstances relating to the suspension. The superintendent shall issue a written decision concerning the continuation of the suspension based on the information presented at the hearing. The employee is entitled to continue to receive his or her salary and other benefits after the suspension becomes effective until the date on which the superintendent issues the written decision. The superintendent may recommend that an employee who has been charged with a felony or a crime involving immorality be dismissed for another ground set forth in NRS 391.750.

3. If sufficient grounds for dismissal are not found to exist at the conclusion of the proceedings conducted pursuant to subsection 1 or 2, the employee must be reinstated with full compensation, plus interest.

4. A licensed employee who furnishes to the school district a bond or other form of security which is acceptable to the board as a guarantee that the employee will repay any amounts paid to him or her pursuant to this subsection as salary during a period of suspension is entitled to continue to receive his or her salary from the date on which the dismissal proceedings are commenced until the decision of the board or the report of the hearing officer, if the report is final and binding. The board shall not unreasonably refuse to accept a form of security other than a bond. An employee who receives a salary pursuant to this subsection shall repay it if the employee is dismissed or not reemployed as a result of a decision of the board or a report of a hearing officer.

5. A licensed employee who is convicted of a crime which requires registration pursuant to NRS 179D.010 to 179D.550, inclusive, or is convicted of an act forbidden by NRS 200.508, 201.190, 201.265, 201.540, 201.560 or

207.260 ***or section 2 of this act*** forfeits all rights of employment from the date of his or her arrest.

6. A licensed employee who is convicted of any crime and who is sentenced to and serves any sentence of imprisonment forfeits all rights of employment from the date of his or her arrest or the date on which his or her employment terminated, whichever is later.

7. A licensed employee who is charged with a felony or a crime involving immorality or moral turpitude and who waives his or her right to a speedy trial while suspended may receive no more than 12 months of back pay and seniority upon reinstatement if the employee is found not guilty or the charges are dismissed, unless proceedings have been begun to dismiss the employee upon one of the other grounds set forth in NRS 391.750.

8. A superintendent may discipline a licensed employee by suspending the employee with loss of pay at any time after a hearing has been held which affords the due process provided for in this chapter. The grounds for suspension are the same as the grounds contained in NRS 391.750. An employee may be suspended more than once during the employee's contract year, but the total number of days of suspension may not exceed 20 in 1 contract year. Unless circumstances require otherwise, the suspensions must be progressively longer.

9. A licensed employee may be suspended pursuant to this section and admonished pursuant to NRS 391.755 for the same conduct.

Sec. 29. NRS 392.303 is hereby amended to read as follows:

392.303 1. In addition to the reporting required by NRS 432B.220, if, in his or her capacity as an employee of or volunteer for a public school or private school, such an employee or volunteer knows or has reasonable cause to believe that a child has been subjected to:

(a) Abuse or neglect, sexual conduct in violation of NRS 201.540 **,** ~~[or]~~ luring in violation of NRS 201.560 by another employee of or volunteer for a public school or private school ~~[,]~~ ***or a violation of section 2 of this act by another employee of or volunteer for a public or private school,*** the employee or volunteer who has such knowledge or reasonable cause to believe shall report the abuse or neglect, sexual conduct **,** ~~[or]~~ luring ***or other violation*** to the agency which provides child welfare services in the county in which the school is located and a law enforcement agency.

(b) Corporal punishment in violation of NRS 392.4633 or 394.366 by another employee of or volunteer for a public school or private school, the employee or volunteer who has such knowledge or reasonable cause to believe shall report the corporal punishment to the agency which provides child welfare services in the county in which the school is located.

2. A report pursuant to subsection 1 must be made as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been subjected to abuse or neglect or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 ~~[.]~~ ***or section 2 of this act.***

3. If a law enforcement agency that receives a report pursuant to paragraph (a) of subsection 1 concludes that there is not probable cause to believe that the person allegedly responsible for the abuse or neglect or who allegedly violated NRS 201.540 or 201.560 ***or section 2 of this act*** committed the act of which he or she is accused, the law enforcement agency shall notify the agency which provides child welfare services of that determination.

4. If a school police officer receives a report pursuant to this section of an offense that is punishable as a category A felony, the school police officer shall notify the local law enforcement agency that has jurisdiction over the school.

5. A law enforcement agency, other than a school police officer, shall notify a school police officer, if such an officer is employed in the school district, if the law enforcement agency receives a report pursuant to this section of an offense that is punishable as a felony and:

(a) Allegedly occurred:

(1) On the property of a public school for which the board of trustees of the school district has employed or appointed school police officers;

(2) At an activity sponsored by such a school; or

(3) On a school bus while the school bus was being used by such a school for an official school-related purpose; or

(b) Was allegedly committed by a person who the law enforcement agency has reasonable cause to believe is an employee or volunteer of such a school.

6. An agency which provides child welfare services shall assess all allegations contained in any report made pursuant to this section and, if the agency deems appropriate, assign the matter for investigation.

7. Nothing in NRS 392.275 to 392.365, inclusive, shall be construed to prohibit an agency which provides child welfare services and a law enforcement agency from undertaking simultaneous investigations of the abuse or neglect of a child or a violation of NRS 201.540 or 201.560 ~~[.]~~ ***or section 2 of this act.***

Sec. 30. NRS 392.317 is hereby amended to read as follows:

392.317 Except as otherwise provided in NRS 392.317 to 392.337, inclusive, and in addition to information provided pursuant to NRS 392.337, information maintained by an agency which provides child welfare services pursuant to NRS 392.275 to 392.365, inclusive, may, at the discretion of the agency which provides child welfare services, be made available only to:

1. The child who is the subject of the report, the parent or guardian of the child and an attorney for the child or the parent or guardian of the child, if the identity of the person responsible for reporting the abuse or neglect of the child or the violation of NRS 201.540, 201.560, 392.4633 or 394.366 ***or section 2 of this act*** to a public agency and the identity of any child witness are kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child who is the subject of the report;

2. A physician, if the physician has before him or her a child who the physician has reasonable cause to believe has been abused or neglected or

subject to a violation of NRS 201.540, 201.560, 392.4633 or 394.366 ~~[.]~~ ***or section 2 of this act;***

3. An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care or treatment or supervision of the child or investigate the allegations in the report;

4. A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the conduct alleged in the report;

5. A court, other than a juvenile court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

6. A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to the person;

7. A grand jury upon its determination that access to these records and the information is necessary in the conduct of its official business;

8. A federal, state or local governmental entity, or an agency of such an entity, or a juvenile court, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect and violations of NRS 201.540, 201.560, 392.4633 or 394.366 ***or section 2 of this act*** or similar statutes in another jurisdiction;

9. A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments or services and that has been trained to make such assessments or provide such services;

10. A team organized pursuant to NRS 432B.405 to review the death of a child;

11. Upon written consent of the parent, any officer of this State or a city or county thereof or Legislator authorized by the agency or department having jurisdiction or by the Legislature, acting within its jurisdiction, to investigate the activities or programs of an agency which provides child welfare services if:

(a) The identity of the person making the report is kept confidential; and

(b) The officer, Legislator or a member of the family of the officer or Legislator is not the person alleged to have engaged in the conduct described in the report;

12. The Division of Parole and Probation of the Department of Public Safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court or pursuant to NRS 176.151 in making a general investigation and report;

13. A public school, private school, school district or governing body of a charter school or private school in this State or any other jurisdiction that employs a person named in the report, allows such a person to serve as a volunteer or is considering employing such a person or accepting such a person as a volunteer;

14. The school attended by the child who is the subject of the report and the board of trustees of the school district in which the school is located or the governing body of the school, as applicable;

15. An employer in accordance with subsection 3 of NRS 432.100; and

16. The Committee to Review Suicide Fatalities created by NRS 439.5104.

Sec. 31. NRS 392.325 is hereby amended to read as follows:

392.325 1. An agency which provides child welfare services investigating a report made pursuant to NRS 392.303 shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of a child or violating the provisions of NRS 201.540, 201.560, 392.4633 or 394.366 ~~[.]~~ ***or section 2 of this act:***

(a) A copy of:

(1) Any statement made in writing to an investigator for the agency by the person; or

(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person; or

(b) A written summary of the allegations made against the person. The summary must not identify the person who made the report, any child witnesses to the allegations contained in the report or any collateral sources and reporting parties.

2. A person may authorize the release of information maintained by an agency which provides child welfare services pursuant to NRS 392.275 to 392.365, inclusive, about himself or herself, but may not waive the confidentiality of such information concerning any other person.

3. An agency which provides child welfare services may provide a summary of the outcome of an investigation of the allegations in a report made pursuant to NRS 392.303 to the person who made the report.

Sec. 32. NRS 392.337 is hereby amended to read as follows:

392.337 1. An agency which provides child welfare services investigating a report made pursuant to NRS 392.303 shall, upon completing the investigation, notify the parent or guardian of the child who is the subject of the report of the disposition assigned to the report pursuant to NRS 392.339.

2. If the report is substantiated, the agency shall:

(a) Forward the report to the Department of Education, the board of trustees of the school district in which the school is located or the governing body of the charter school or private school, as applicable, the appropriate local law enforcement agency within the county and the district attorney's office within the county for further investigation.

(b) Provide written notification to the person who is named in the report as allegedly causing the abuse or neglect of the child or violating NRS 201.540, 201.560, 392.4633 or 394.366 ***or section 2 of this act*** which includes statements indicating that:

(1) The report made against the person has been substantiated and the agency which provides child welfare services intends to place the person's name in the Central Registry pursuant to paragraph (a); and

(2) The person may request an administrative appeal of the substantiation of the report and the agency's intention to place the person's name in the Central Registry by submitting a written request to the agency which provides child welfare services within the time required by NRS 392.345.

(c) After the conclusion of any administrative appeal pursuant to NRS 392.345 or the expiration of the time period prescribed by that section for requesting an administrative appeal, whichever is later, report to the Central Registry:

(1) Identifying and demographic information on the child who is the subject of the report, the parents of the child, any other person responsible for the welfare of the child and the person allegedly responsible for the conduct alleged in the report;

(2) The facts of the alleged conduct, including the date and type of alleged conduct, a description of the alleged conduct, the severity of any injuries and, if applicable, any information concerning the death of the child; and

(3) The disposition of the case.

(d) Provide to the parent or guardian of the child who is the subject of the report:

(1) A written summary of the outcome of the investigation of the allegations in the report which must not identify the person who made the report, any child witnesses to the allegations in the report or any collateral sources and reporting parties; and

(2) A summary of any disciplinary action taken against the person who is named in the report as allegedly causing the abuse or neglect of the child or violating NRS 201.540, 201.560, 392.4633 or 394.366 ***or section 2 of this act*** which is known by the agency, including, without limitation, whether the name of such person will be placed in the Central Registry.

3. A parent or guardian who receives information pursuant to paragraph (d) of subsection 2 may disclose the information to an attorney for the child who is the subject of the report or the parent or guardian of the child.

Sec. 33. NRS 394.155 is hereby amended to read as follows:

394.155 1. Except as otherwise provided in NRS 394.157, each applicant for employment with or employee at a private school, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, or volunteer at a private school who is likely to have unsupervised contact with pupils, must, before beginning his or her employment or service as a volunteer and at least once every 5 years thereafter, submit to the administrator of the private school:

(a) A complete set of the applicant's, employee's or volunteer's fingerprints and written permission authorizing the administrator to forward the fingerprints to the Central Repository for Nevada Records of Criminal History

for its report on the criminal history of the applicant, employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant, employee or volunteer; and

(b) Written authorization for the administrator to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. The administrator of the private school shall:

(a) Submit the fingerprints of the applicant to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the administrator deems necessary; and

(b) Request any information that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

3. In conducting an investigation into the criminal history of an applicant, employee or volunteer, the administrator of a private school may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, employee or volunteer, including, without limitation, any record of warrants or applications for protective orders.

4. The administrator or governing body of a private school may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 ***or section 2 of this act*** obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

5. The administrator or governing body of a private school may not be held liable for damages resulting from taking any action authorized by subsection 3 or 4 or NRS 394.157.

Sec. 34. NRS 432.100 is hereby amended to read as follows:

432.100 1. There is hereby established a Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child. This Central Registry must be maintained by the Division.

2. The Central Registry must contain:

(a) The information in any substantiated report of child abuse or neglect made pursuant to NRS 392.303 or 432B.220;

(b) The information in any substantiated report of a violation of NRS 201.540, 201.560, 392.4633 or 394.366 ***or section 2 of this act*** made pursuant to NRS 392.303;

(c) Statistical information on the protective services provided in this State; and

(d) Any other information which the Division determines to be in furtherance of NRS 392.275 to 392.365, inclusive, 432.097 to 432.130, inclusive, and 432B.010 to 432B.400, inclusive.

3. The Division may release information contained in the Central Registry to an employer if:

(a) The person who is the subject of a background investigation by the employer provides written authorization for the release of the information; and

(b) Either:

(1) The employer is required by law to conduct the background investigation of the person for employment purposes; or

(2) The person who is the subject of the background investigation could, in the course of his or her employment, have regular and substantial contact with children or regular and substantial contact with elderly persons who require assistance or care from other persons,

➥ but only to the extent necessary to inform the employer whether the person who is the subject of the background investigation has been found to have abused or neglected a child.

4. Except as otherwise provided in this section or by specific statute, information in the Central Registry may be accessed only by:

(a) An employee of the Division;

(b) An agency which provides child welfare services;

(c) An employee of the Division of Public and Behavioral Health of the Department who is obtaining information in accordance with NRS 432A.170; and

(d) With the approval of the Administrator, an employee or contractor of any other state or local governmental agency responsible for the welfare of children who requests access to the information and who demonstrates to the satisfaction of the Administrator a bona fide need to access the information. Any approval or denial of a request submitted in accordance with this paragraph is at the sole discretion of the Administrator.

Sec. 35. NRS 432.120 is hereby amended to read as follows:

432.120 1. Information contained in the Central Registry must not be released unless the right of the applicant to the information is confirmed, the information concerning the report of abuse or neglect of the child or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 ***or section 2 of this act*** has been reported pursuant to NRS 392.337 or 432B.310, as applicable, the released information discloses the disposition of the case and, if the information is being provided pursuant to subsection 3 of NRS 432.100, the person who is the subject of the background investigation provides written authorization for the release of the information.

2. The information contained in the Central Registry concerning cases in which a report of abuse or neglect of a child has been substantiated by an agency which provides child welfare services must be deleted from the Central Registry not later than 10 years after the child who is the subject of the report reaches the age of 18 years.

3. The Division shall not release information from the Central Registry regarding a report of child abuse or neglect made pursuant to NRS 392.303 or 432B.220 that received a disposition other than substantiated to any person or entity except for an agency which provides child welfare services.

4. The Division shall adopt regulations to carry out the provisions of this section.

Sec. 36. NRS 433.639 is hereby amended to read as follows:

433.639 1. Not later than 3 days after employing a person to provide or supervise the provision of peer recovery support services in a position where the person has regular and substantial contact with minors or retaining a person as an independent contractor to provide or supervise the provision of peer recovery support services in such a position and every 5 years thereafter, an employer, or person or entity who retained the independent contractor, shall:

(a) Obtain from the employee or independent contractor written authorization for the release of any information that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100; and

(b) Complete a child abuse and neglect screening through the Central Registry to determine whether there has been a substantiated report of child abuse or neglect or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 ***or section 2 of this act*** made against the person.

2. Except as otherwise provided in any regulations adopted pursuant to subsection 4, upon receiving information pursuant to subsection 1 from the Central Registry or from any other source that an employee or independent contractor described in subsection 1 has, within the immediately preceding 5 years, had a substantiated report of child abuse or neglect or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 ***or section 2 of this act*** made against him or her, the employer or person or entity who retained the independent contractor shall terminate the employment or contract of the employee or independent contractor, as applicable, after allowing the employee or independent contractor time to correct the information as required pursuant to subsection 3.

3. If an employee or independent contractor described in subsection 1 believes that the information provided to the employer or person or entity who retained the independent contractor pursuant to subsection 2 is incorrect, the employee or independent contractor must inform the employer, person or entity immediately. The employer, person or entity shall give any such employee or independent contractor 30 days to correct the information.

4. The Division, in consultation with each agency which provides child welfare services, may establish by regulation a process by which it may review

evidence upon request to determine whether an employee or independent contractor described in subsection 1 who has, within the immediately preceding 5 years, had a substantiated report of child abuse or neglect or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 ***or section 2 of this act*** made against him or her may continue to provide or supervise the provision of peer recovery support services and have regular and substantial contact with minors despite the report. Any such review must be conducted in a manner which does not discriminate against a person in violation of 42 U.S.C. §§ 2000e et seq.

5. If a process for review is established pursuant to subsection 4, an employee or independent contractor described in subsection 1 may request such a review in the manner established by the Division. Any determination made by the Division is final for purposes of judicial review.

6. During any period in which an employee or independent contractor seeks to correct information pursuant to subsection 3 or requests a review of information pursuant to subsection 5, it is within the discretion of the employer or person or entity who retained the independent contractor whether to allow the employee or independent contractor to continue to work for the employer, person or entity, as applicable, except that the employee or independent contractor shall not have regular and substantial contact with minors without supervision during such a period.

7. The Division shall adopt regulations to establish civil penalties to be imposed against any person or entity that fails to comply with the requirements of this section.

8. As used in this section, "agency which provides child welfare services" has the meaning ascribed to it in NRS 424.011.

Sec. 37. The amendatory provisions of sections 1 to 36, inclusive, of this act apply to offenses committed on or after October 1, 2023.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 104.

Bill read third time.

The following amendment was proposed by Assemblywoman Brittney Miller:

Amendment No. 737.

AN ACT relating to vehicles; revising provisions relating to certain traffic and related violations; revising provisions relating to the suspension of the driver's license of a person; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

During the 2021 Legislative Session, the Legislature enacted Assembly Bill No. 116 (A.B. 116), which established civil penalties for certain traffic and related violations and enacted procedures for the adjudication of such

violations. (Assembly Bill No. 116, chapter 506, Statutes of Nevada 2021, at page 3297) The procedures for the adjudication of civil infractions prescribed by A.B. 116 were based, in part, on the procedures for the adjudication of criminal violations prescribed by chapter 176 of NRS.

During the 2021 Legislative Session, the Legislature also enacted Senate Bill No. 219 (S.B. 219), which revised certain statutory provisions upon which the requirements prescribed by A.B. 116 were based by removing the authority of a court to suspend the driver's license of a defendant or prohibit a defendant from applying for a driver's license for a specified period as a result of any delinquent fine, administrative assessment, fee or restitution owed. (Senate Bill No. 219, chapter 505, Statutes of Nevada 2021, at page 3292)

Section 2 of this bill makes a technical change to align provisions relating to the adjudication of certain traffic and related civil infractions with the changes made by S.B. 219. Specifically, **section 2** removes the authority of a court to order the suspension of the driver's license of a person or prohibit a person from applying for a driver's license for a specified period as a result of a delinquent fine, administrative assessment or fee associated with a civil penalty imposed for a traffic or related violation. (NRS 484A.7047) **Section 1** of this bill makes a conforming change relating to the removal of the authority of a court to suspend the driver's license of a person pursuant to **section 2**.

Section 3 of this bill provides that if, on or after the effective date of this bill, a person is subject to a suspension of his or her driver's license or a delay in the issuance of a driver's license imposed for failure to pay a delinquent fine, administrative assessment or fee, the Department of Motor Vehicles must: (1) immediately reinstate the driver's license of the person or the ability of the person to apply for the issuance of a driver's license; and (2) notify the person, as soon as possible, of the reinstatement of his or her driver's license or ability to apply for the issuance of a driver's license. **Section 3** also provides that the Department may not charge any fee for such reinstatement of a driver's license or require a person to undergo any physical or mental examination to be eligible for such reinstatement of a driver's license.

Existing law prescribes the required contents of traffic citations and civil infraction citations. (NRS 484A.630, 484A.7035) **Sections 1.3 and 1.4** of this bill revise the required contents of such citations.

Existing law provides that the juvenile court has exclusive original jurisdiction over a child who is alleged to have committed an act designated as a delinquent act, unless an exception applies. (NRS 62B.330, 62B.390) Under existing law, certain offenses are not considered delinquent acts and are therefore excluded from the jurisdiction of the juvenile court. (NRS 62B.330) **Section 2.76** of this bill provides that violations of law that are punishable as civil infractions are not considered delinquent acts and are therefore excluded from the jurisdiction of the juvenile court. Existing law grants justice courts and municipal courts jurisdiction to hear and dispose of violations of law that are punishable as civil infractions. (NRS 4.370, 5.050) Therefore, **section 2.76** clarifies that justice courts and municipal courts have jurisdiction to hear and

dispose of violations of law that are punishable as civil infractions, regardless of the age of the person alleged to have committed the violation.

Existing law authorizes a peace officer to request the electronic mail address and mobile telephone number of a person to whom a traffic citation is issued for the purpose of enabling the court in which the person is required to appear to communicate with the person. (NRS 484A.630) **Section 1.4** similarly authorizes a peace officer to request the electronic mail address and mobile telephone number of a person to whom a civil infraction citation is issued for the same purpose.

Existing law requires a court to send certain notice to a person who receives a civil infraction citation. (NRS 484A.704) **Section 1.6** of this bill requires this notice to include certain information regarding any online program of dispute resolution established by the court.

Existing law: (1) authorizes certain courts and traffic violations bureaus to establish a system through which certain persons may perform certain actions related to a traffic citation or civil infraction citation; and (2) prescribes certain requirements relating to any such system. (NRS 484A.615) **Section 1.2** of this bill additionally requires any such system to be capable of allowing certain persons to submit the state registration number of the vehicle the person was driving when the citation was issued.

Existing law requires a person who receives a civil infraction citation to respond to the citation within 90 days after the date on which the citation is issued. **Section 1.6** instead requires such a person to respond to the citation within 90 days after the date on which the citation is issued or filed with the court, whichever is later. **Section 1.4** makes a conforming change relating to the revised deadline set forth in **section 1.6**.

Under existing law, if a person receiving a civil infraction citation does not contest the determination that the person has committed the civil infraction set forth in the citation, the person must respond to the citation by: (1) indicating that the person does not contest the determination; and (2) submitting full payment of the monetary penalty specified in the citation. (NRS 484A.704) **Section 1.6** revises this requirement by authorizing such a person to request that the court waive or reduce the monetary penalty specified in the citation or enter into a payment plan with the person in lieu of requiring the person to submit full payment of the monetary penalty specified in the citation. **Section 1.8** of this bill authorizes the court to waive or reduce the monetary penalty or enter into a payment plan with a person who submits a request pursuant to **section 1.6** under certain circumstances.

Existing law establishes the procedures for a hearing at which a person may contest whether the person committed a violation set forth in a civil infraction citation and generally requires the person to post a bond in an amount equal to the monetary penalty, administrative assessments and fees specified in the civil infraction citation or alternatively deposit such an amount in cash with the court. (NRS 484A.7041) **Section 1.7** of this bill ~~[revises this requirement to instead require the person to post a bond equal to $50 or the amount of the~~

~~monetary penalty, administrative assessments and fees specified in the civil infraction citation, whichever is less, or alternatively deposit such an amount in cash with the court. Under existing law, any bond posted or cash deposited with the court must be forfeited upon the court's finding that the person committed a civil infraction. (NRS 484A.7041) Section 1.7 requires the court to enter a default judgment against the person for any amount remaining unsatisfied.]~~ **eliminates the requirement that a person who requests a hearing must post a bond or deposit cash with the court.**

Existing law authorizes a court having jurisdiction over a civil infraction to reduce any moving violation for which a person was issued a civil infraction citation to a nonmoving violation if the court determines that any circumstances warrant such a reduction. (NRS 484A.7043) **Section 1.8** clarifies that the court is not required to hold a hearing before reducing a moving violation to a nonmoving violation.

Under existing law, any civil penalty assessed against a person who is found to have committed a civil infraction must be paid to: (1) the treasurer of the city in which the civil infraction occurred; or (2) if the civil infraction did not occur in a city, the treasurer of the county in which the civil infraction occurred. (NRS 484A.7043) **Section 1.8** instead requires any such civil penalty to be paid to the treasurer of the city or county, as applicable, in which the civil infraction citation was filed.

Existing law: (1) authorizes a prosecuting attorney to elect to treat certain traffic and related offenses that are punishable as a misdemeanor instead as a civil infraction; and (2) provides a procedure for making such an election. Pursuant to this procedure, existing law requires the prosecuting attorney to make the election on or before the time scheduled for the first appearance of the defendant. (NRS 484A.7049) **Section 2.2** of this bill: (1) authorizes the prosecuting attorney to make the election at any time before the court enters a judgment of conviction; and (2) eliminates certain procedural requirements relating to making such an election. **Section 2.2** also authorizes the district attorney or city attorney of any county or city, respectively, to authorize a traffic enforcement agency over whom the district attorney or city attorney has jurisdiction to elect to treat certain traffic and related offenses that are punishable as a misdemeanor instead as a civil infraction. **Finally, section 2.2 provides that a bench warrant may not be issued for a violation that is treated as a civil infraction.**

Existing law authorizes a peace officer to arrest a person without a warrant if the peace officer has reasonable cause for believing that the person has committed homicide by vehicle, certain offenses involving driving under the influence and certain other traffic and related offenses. (NRS 484A.710) **Section 2.6** of this bill authorizes a peace officer who has reasonable cause for believing that a person has committed a violation for which existing law authorizes the peace officer to arrest a person to also arrest the person without a warrant for an offense that is punishable as a civil infraction. **Section 2.4** of

this bill makes a conforming change relating to arrests authorized by **section 2.6**.

Existing law establishes the jurisdiction of justice courts. (NRS 4.370) Section 2.67 of this bill authorizes the justice court to transfer original jurisdiction of a civil infraction to the district court or juvenile court if: (1) the person charged with the civil infraction is a person under 18 years of age; and (2) the district court or juvenile court, as applicable, approves the transfer.

Existing law provides certain persons with immunity from liability for certain acts or omissions under certain circumstances. (Chapter 41 of NRS) **Section 2.7** of this bill provides that a prosecuting attorney who prosecutes a person charged with a civil infraction or a violation of a traffic ordinance that is punishable by the imposition of a civil penalty is immune from liability to the same extent as a prosecuting attorney who prosecutes a person charged with violating a criminal law of this State. **Sections 2.72 and 2.74** of this bill make conforming changes to indicate the proper placement of **section 2.7** in the Nevada Revised Statutes.

Section 2.8 of this bill authorizes a board of county commissioners to provide by ordinance that a violation of a traffic ordinance enacted by the board imposes a civil penalty instead of a criminal sanction.

Section 2.9 of this bill requires the Department of Public Safety, in consultation with law enforcement agencies and courts of this State, to: (1) study best practices for developing and implementing a standardized, statewide uniform civil infraction citation; and (2) submit its findings and recommendations for legislation to the Joint Interim Standing Committee on the Judiciary. **Section 2.95** of this bill requires justice courts and municipal courts, on or before January 1, 2024, to adopt rules governing the practice and procedure for setting aside a default judgment in an action relating to a civil infraction.

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

Section 1. NRS 483.443 is hereby amended to read as follows:

483.443 1. The Department shall, upon receiving notification from a district attorney or other public agency collecting support for children pursuant to NRS 425.510 that a court has determined that a person:

(a) Has failed to comply with a subpoena or warrant relating to a proceeding to establish paternity or to establish or enforce an obligation for the support of a child; or

(b) Is in arrears in the payment for the support of one or more children,

➥ send a written notice to that person that his or her driver's license is subject to suspension.

2. The notice must include:

(a) The reason for the suspension of the license;

(b) The information set forth in subsections 3, 5 and 6; and

(c) Any other information the Department deems necessary.

3. If a person who receives a notice pursuant to subsection 1 does not, within 30 days after receiving the notice, comply with the subpoena or warrant or satisfy the arrearage as required in NRS 425.510, the Department shall suspend the license without providing the person with an opportunity for a hearing.

4. The Department shall suspend immediately the license of a defendant if so ordered pursuant to NRS 62B.420 ***.*** ~~[or 484A.7047.]~~

5. The Department shall reinstate the driver's license of a person whose license was suspended pursuant to this section if it receives:

(a) A notice from ***:*** ~~[any of the following:]~~

(1) The district attorney or other public agency pursuant to NRS 425.510 that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to that section ***;*** ~~[.]~~

(2) A traffic commissioner, referee, hearing master, municipal judge, justice of the peace or district judge, as applicable ~~[, that a delinquency for which the suspension was ordered pursuant to NRS 484A.7047 has been discharged.]~~ ***; or***

(3) A judge of the juvenile court that an unsatisfied civil judgment for which the suspension was ordered pursuant to NRS 62B.420 has been satisfied; and

(b) Payment of the fee for reinstatement of a suspended license prescribed in NRS 483.410.

6. The Department shall not require a person whose driver's license was suspended pursuant to this section to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of the reinstatement of the license.

Sec. 1.2. NRS 484A.615 is hereby amended to read as follows:

484A.615 1. A court having jurisdiction over an offense for which a traffic citation must be issued pursuant to NRS 484A.630 or that is punishable as a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive, or its traffic violations bureau may establish a system by which, except as otherwise provided in subsection 6, the court or traffic violations bureau may allow:

(a) A person who has been issued a traffic citation or a civil infraction citation that is filed with the court or traffic violations bureau to perform certain actions approved by the court or traffic violations bureau, including, without limitation, to make a plea and state his or her defense or, if authorized, any mitigating circumstances, by mail, by electronic mail, over the Internet or by other electronic means.

(b) A peace officer who issued a civil infraction citation to a person or, if the provisions of NRS 484A.7049 apply, a peace officer who halted a person, to perform certain actions approved by the court or traffic violations bureau, including, without limitation, to submit a written statement under oath by mail, by electronic mail, over the Internet or by other electronic means in lieu of his or her personal appearance at the hearing held pursuant to NRS 484A.7041 to

contest the determination that the person who has been issued the civil infraction citation committed a civil infraction.

2. Except as otherwise provided in subsection 6, if a court or traffic violations bureau has established a system pursuant to subsection 1, the court or traffic violations bureau may allow:

(a) A person described in paragraph (a) of subsection 1 to use the system to perform certain actions approved by the court or traffic violations bureau, including, without limitation, to make a plea or state his or her defense or, if authorized, any mitigating circumstances in lieu of making a plea and statement of his or her defense or any mitigating circumstances in court.

(b) A peace officer described in paragraph (b) of subsection 1 to use the system to perform certain actions approved by the court or traffic violations bureau, including, without limitation, to submit a written statement under oath in lieu of making a personal appearance in court.

3. Any plea or statement submitted through the system by a person or peace officer pursuant to subsection 2 must be received by the court before the date on which the person is required to appear in court pursuant to the traffic citation or civil infraction citation.

4. If a court or traffic violations bureau allows an eligible person to whom a traffic citation or civil infraction citation is issued to use a system established pursuant to subsection 1 to make a plea and state his or her defense or, if authorized, any mitigating circumstances and the person chooses to make a plea and state his or her defense or any mitigating circumstances by using such a system, the person waives any relevant constitutional right, including, without limitation, the right to a trial, the right to confront any witnesses and the right to counsel, as applicable.

5. Any system established pursuant to subsection 1 must:

(a) For the purpose of authenticating that the person making the plea and statement of his or her defense or any mitigating circumstances or performing any other approved action is the person to whom the traffic citation or civil infraction citation was issued, be capable of requiring the person to submit any of the following information, as applicable, at the discretion of the court or traffic violations bureau:

(1) The traffic citation number or civil infraction citation number;

(2) The name and address of the person;

(3) The state registration number of the ~~[person's]~~ vehicle ~~[,]~~ ***the person was driving when the traffic citation or civil infraction citation was issued,*** if any;

(4) The number of the driver's license of the person, if any;

(5) The offense charged or the civil infraction for which the citation was issued; and

(6) Any other information required by any rules adopted by the Nevada Supreme Court pursuant to subsection 7.

(b) For the purposes of authenticating that the peace officer submitting the written statement or performing any other approved action is the peace officer

who issued the civil infraction citation, be capable of requiring the peace officer to submit any of the following information at the discretion of the court or traffic violations bureau:

(1) The civil infraction citation number;

(2) The civil infraction for which the citation was issued; and

(3) The first initial, last name and personnel number of the peace officer.

(c) Provide notice to each person who uses the system to make a plea and statement of his or her defense or any mitigating circumstances that the person waives any relevant constitutional right, including, without limitation, the right to a trial, the right to confront any witnesses and the right to counsel, as applicable.

(d) If a plea and statement of the defense or mitigating circumstances of a person or a written statement of a peace officer is submitted by electronic mail, over the Internet or by other electronic means:

(1) Confirm receipt of:

(I) The plea and statement to the person making the plea; and

(II) The written statement to the peace officer; or

(2) Make available to:

(I) The person making the plea a copy of the plea and statement; and

(II) The peace officer submitting the written statement a copy of the written statement.

6. A person who has been issued a traffic citation for any of the following offenses may not make a plea and state his or her defense or any mitigating circumstances by using a system established pursuant to subsection 1:

(a) Aggressive driving in violation of NRS 484B.650;

(b) Reckless driving in violation of NRS 484B.653;

(c) Vehicular manslaughter in violation of NRS 484B.657; or

(d) Driving, operating or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance in violation of NRS 484C.110 or 484C.120, as applicable.

7. The Nevada Supreme Court may adopt rules not inconsistent with the laws of this State to carry out the provisions of this section.

Sec. 1.3. NRS 484A.630 is hereby amended to read as follows:

484A.630 1. Whenever a person is halted by a peace officer for any violation of chapters 484A to 484E, inclusive, of NRS and is not taken before a magistrate as required or permitted by NRS 484A.720 and 484A.730, the peace officer must prepare a traffic citation manually or electronically in the form of a complaint issuing in the name of "The State of Nevada," containing a notice to appear in court, the name and address of the person, the state registration number of the ~~[person's]~~ vehicle ~~[,]~~ ***the person was driving when the citation was issued,*** if any, the number of the person's driver's license, if any, the offense charged, including a brief description of the offense and the NRS citation, the time and place when and where the person is required to appear in court, and such other pertinent information as may be necessary. The peace officer may also request, and the person may provide, the electronic mail

address and mobile telephone number of the person for the purpose of enabling the court in which the person is required to appear to communicate with the person. If the peace officer requests such information, the peace officer shall expressly inform the person that providing such information is voluntary and, if the person provides such information, the person thereby gives his or her consent for the court to communicate with the person through such means. The peace officer shall sign the citation and deliver a copy of the citation to the person charged with the violation. If the citation is prepared electronically, the peace officer shall sign the copy of the citation that is delivered to the person charged with the violation.

2. The time specified in the notice to appear must be at least 5 days after the alleged violation.

3. The place specified in the notice to appear must be before a magistrate, as designated in NRS 484A.750.

4. The person charged with the violation may give his or her written promise to appear in court by signing or physically receiving at least one copy of the traffic citation prepared by the peace officer and thereupon the peace officer shall not take the person into physical custody for the violation. If the citation is prepared electronically, the peace officer shall indicate on the electronic record of the citation whether the person charged gave his or her written promise to appear. A copy of the citation that is signed by the person charged or the electronic record of the citation which indicates that the person charged gave his or her written promise to appear suffices as proof of service.

5. If the person charged with the violation refuses to sign a copy of the traffic citation but physically receives a copy of the citation delivered by the peace officer:

(a) The receipt shall be deemed personal service of the notice to appear in court;

(b) A copy of the citation signed by the peace officer suffices as proof of service; and

(c) The peace officer shall not take the person into physical custody for the violation.

Sec. 1.4. NRS 484A.7035 is hereby amended to read as follows:

484A.7035 1. When a person is halted by a peace officer in this State for any violation of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is a civil infraction, ***or, if authorized by a traffic enforcement agency pursuant to NRS 484A.7049, for a violation of certain such provisions that is punishable as a misdemeanor,*** or a prosecuting attorney elects to treat a violation of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a misdemeanor instead as a civil infraction in accordance with NRS 484A.7049, the peace officer or prosecuting attorney, as applicable, may prepare a civil infraction citation manually or electronically in the form of a complaint issuing in the name of "The State of Nevada," containing ***:*** ~~**[**, except as otherwise provided in paragraph (a) of subsection 2 of NRS 484A.7049:**]**~~

(a) A statement that the citation represents a determination by a peace officer or prosecuting attorney that a civil infraction has been committed by the person named in the citation and that the determination will be final unless contested as provided in NRS 484A.703 to 484A.705, inclusive;

(b) A statement that a civil infraction is not a criminal offense;

(c) The name, date of birth, residential address and mailing address, if different from the residential address, telephone number and electronic mail address of the person who is being issued the citation and an indication as to whether the person has agreed to receive communications relating to the civil infraction by text message;

(d) The state registration number of the ~~[person's]~~ vehicle ~~[,]~~ ***the person was driving when the citation was issued,*** if any;

(e) The number of the person's driver's license, if any;

(f) The civil infraction for which the citation was issued;

(g) The personnel number or other unique agency identification number of the peace officer issuing the citation ~~[and the address and phone number of the agency which employs the peace officer]~~ or, if a prosecuting attorney is issuing the citation, the personnel number or other unique agency identification number of the peace officer who halted the person for the violation or the volunteer appointed pursuant to NRS 484B.470 who issued the citation ~~[and the address and phone number of the agency which employs the peace officer or volunteer,]~~ preprinted or printed legibly on the citation;

(h) A statement of the options provided pursuant to NRS 484A.703 to 484A.705, inclusive, for responding to the citation and the procedures necessary to exercise these options;

(i) A statement that, at any hearing to contest the determination set forth in the citation, the facts that constitute the infraction must be proved by a preponderance of the evidence and the person may subpoena witnesses, including, without limitation, the peace officer or duly authorized member or volunteer of a traffic enforcement agency who issued the citation or halted the person; and

(j) A statement that the person must respond to the citation as provided in NRS 484A.703 to 484A.705, inclusive, within 90 calendar days ~~[.]~~ ***after the date on which the citation is issued or filed with the court, whichever is later.***

2. ***The peace officer may also request, and the person may provide, the electronic mail address and mobile telephone number of the person for the purpose of enabling the court in which the person is required to appear to communicate with the person. If the peace officer requests such information, the peace officer shall expressly inform the person that providing such information is voluntary and, if the person provides such information, the person thereby gives his or her consent for the court to communicate with the person through such means.***

3. A peace officer who issues a civil infraction citation pursuant to subsection 1 shall sign the citation and deliver a copy of the citation to the person charged with the civil infraction. If the citation is prepared

electronically, the peace officer shall sign the copy of the citation that is delivered to the person charged with the violation.

~~[~~3.~~]~~ ***4.*** A civil infraction citation may be served by delivering a copy of the citation to the person charged with the civil infraction pursuant to this section or NRS 484A.7049. The acceptance of a civil infraction citation by the person charged with the civil infraction shall be deemed personal service of the citation and a copy of the citation signed by the peace officer or prosecuting attorney, as applicable, constitutes proof of service. If a person charged with a civil infraction refuses to accept a civil infraction citation, the copy of the citation signed by the peace officer or prosecuting attorney, as applicable, constitutes proof of service.

Sec. 1.6. NRS 484A.704 is hereby amended to read as follows:

484A.704 1. Any person who receives a civil infraction citation pursuant to NRS 484A.7035 or 484A.7049 shall respond to the citation as provided in this section not later than 90 calendar days after the date on which the citation is issued ~~[.]~~ ***or filed with the court, whichever is later.***

2. If a person receiving a civil infraction citation does not contest the determination that the person has committed the civil infraction set forth in the citation, the person must respond to the citation by indicating that the person does not contest the determination and submitting ~~[~~full~~]~~ ***in person, by mail or through the Internet or other electronic means:***

(a) Full payment of the monetary penalty, the administrative assessment and any fees to the court specified in the citation, or its traffic violations bureau ~~[~~, in person, by mail or through the Internet or other electronic means.~~]~~ ***; or***

(b) A request that the court waive or reduce the monetary penalty or enter into a payment plan with the person, if the person believes that full payment of the monetary penalty and administrative assessment is excessive in relation to his or her financial resources or is not within his or her present financial ability to pay. Such a request must include any supporting documentation.

3. If a person receiving a civil infraction citation wishes to contest the determination that the person has committed the civil infraction set forth in the citation, the person must respond by requesting in person, by mail or through the Internet or other electronic means a hearing for that purpose. The court shall notify the person in writing of the time, place and date of the hearing, but the date of the hearing must not be earlier than 9 calendar days after the court provides notice of the hearing.

4. Except as otherwise provided in ~~[~~this~~]~~ subsection ~~[~~,~~]~~ ***5,*** not less than 30 days before the deadline for a person to respond to a civil infraction citation, the court must send to the address or electronic mail address of the person, as indicated on the civil infraction citation issued to the person ~~[~~, a~~]~~ ***:***

(a) A reminder that the person must respond to the civil infraction citation within 90 calendar days after the date on which the civil infraction citation is issued ~~[~~.~~]~~ ***or filed with the court, whichever is later; and***

(b) If the court has established an online program of dispute resolution, notice of the availability of the program and instructions for participation in the program.

5. If the person agreed to receive communications relating to the civil infraction by text message, the court may send ~~[such a]~~ ***the*** notice ***required by subsection 4*** to the telephone number of the person as indicated on the civil infraction citation.

6. If the person does not respond to the civil infraction citation in the manner specified by subsection 2 or 3 within 90 calendar days after the date on which the civil infraction citation is issued ~~[,]~~ ***or filed with the court, whichever is later,*** the court must enter an order pursuant to NRS 484A.7043 finding that the person committed the civil infraction and assessing the monetary penalty and administrative assessments prescribed for the civil infraction. A person who has been issued a civil infraction citation and who fails to respond to the civil infraction citation as required by this section may not appeal an order entered pursuant to this section.

~~[5.]~~ ***7.*** If any person issued a civil infraction citation fails to appear at a hearing requested pursuant to subsection 3, the court must enter an order pursuant to NRS 484A.7043 finding that the person committed the civil infraction and assessing the monetary penalty and administrative assessments prescribed for the civil infraction. A person who has been issued a civil infraction citation and who fails to appear at a hearing requested pursuant to subsection 3 may not appeal an order entered pursuant to this subsection.

~~[6.]~~ ***8.*** In addition to any other penalty imposed, any person who is found by the court to have committed a civil infraction pursuant to subsection ~~[5]~~ ***7*** shall pay the witness fees, per diem allowances, travel expenses and other reimbursement in accordance with NRS 50.225.

~~[7.]~~ ***9.*** If a court has established a system pursuant to NRS 484A.615, any person issued a civil infraction citation may, if authorized by the court, use the system to perform any applicable actions pursuant to this section.

Sec. 1.7. NRS 484A.7041 is hereby amended to read as follows:

484A.7041 1. If, pursuant to subsection 3 of NRS 484A.704, a person receiving a civil infraction citation requests a hearing to contest the determination that the person has committed the civil infraction set forth in the citation, the hearing must be conducted in accordance with this section.

2. ~~[Except as otherwise provided in this subsection, before a hearing to contest the determination that a person has committed a civil infraction, the court shall require the person to post a bond equal to~~ ***$50 or*** ~~the amount of the full payment of the monetary penalty, the administrative assessment and any fees specified in the civil infraction citation.~~ ***, whichever is less.*** ~~In lieu of posting such a bond, the person may instead deposit cash with the court in the amount of the bond required pursuant to this subsection. Any bond posted or cash deposited with the court pursuant to this subsection must be forfeited upon~~ ***Upon*** ~~the court's finding that the person committed the civil infraction.~~

~~*(a) Any bond posted or cash deposited with the court pursuant to this subsection must be forfeited; and*~~

~~*(b) The court shall enter a default judgment against the person for any amount remaining unsatisfied.*~~

~~*3.* Any person whom the court determines is unable to pay the costs of defending the action or is a client of a program for legal aid in accordance with NRS 12.015 must not be required to post a bond or deposit cash with the court in accordance with this subsection.~~

~~3.~~*2.*

~~*4.]*~~ The person who requested the hearing may, at his or her expense, be represented by counsel, and a city attorney or district attorney, in his or her discretion and as applicable, may represent the plaintiff.

~~[4.~~*5.]* ***3.*** A hearing conducted pursuant to this section must be conducted by the court without a jury. In lieu of the personal appearance at the hearing by the peace officer who issued the civil infraction citation, the court may consider the information contained in the civil infraction citation and any other written statement submitted under oath by the peace officer. If the court has established a system pursuant to NRS 484A.615, the peace officer may, if authorized by the court, use the system to submit such a statement. The person named in the civil infraction citation may subpoena witnesses, including, without limitation, the peace officer who issued the citation, and has the right to present evidence and examine witnesses present in court.

~~[5.~~*6.]* ***4.*** After consideration of the evidence and argument, the court shall determine whether a civil infraction was committed by the person named in the civil infraction citation. The court must find by a preponderance of the evidence that the person named in the civil infraction citation committed a civil infraction. If it has not been established by a preponderance of the evidence that the infraction was committed by the person named in the citation, the court must enter an order dismissing the civil infraction citation in the court's records. If it has been established by a preponderance of the evidence that the infraction was committed, the court must enter in the court's records an order pursuant to NRS 484A.7043.

~~[6.~~*7.]* ***5.*** An appeal from the court's determination or order may be taken in the same manner as any other civil appeal from a municipal court or justice court, as applicable, except that:

(a) The notice of appeal must be filed not later than 7 calendar days after the court enters in the court's records an order pursuant to NRS 484A.7043;

(b) If the appellant is the person charged with the civil infraction, any bond required to be given by the appellant in order to secure a stay of execution of the order of the court during the pendency of the appeal must equal the amount of the monetary penalty and administrative assessments which the court has ordered the appellant to pay pursuant to NRS 484A.7043. Any bond must be forfeited if the order of the court is affirmed on appeal; and

(c) If a prosecuting attorney does not represent the plaintiff during the proceedings in the justice court or municipal court, the appellate court shall

review the record and any arguments presented by the person charged with the civil infraction and render a decision.

Sec. 1.8. NRS 484A.7043 is hereby amended to read as follows:

484A.7043 1. Except as otherwise provided in this section, a person who is found to have committed a civil infraction shall be punished by a civil penalty of not more than $500 per violation unless a greater civil penalty is authorized by specific statute. Except as otherwise provided in NRS 484A.792, any civil penalty collected pursuant to NRS 484A.703 to 484A.705, inclusive, must be paid to:

(a) The treasurer of the city in which the civil infraction ~~[occurred;]~~ ***citation was filed;*** or

(b) If the civil infraction did not occur in a city, the treasurer of the county in which the civil infraction ~~[occurred.]~~ ***citation was filed.***

2. If a person is found to have committed a civil infraction, in addition to any civil penalty imposed on the person, the court shall order the person to pay the administrative assessments set forth in NRS 176.059, 176.0611, 176.0613 and 176.0623 in the amount that the person would be required to pay if the civil penalty were a fine imposed on a defendant who pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor. If, in lieu of a civil penalty, the court authorizes a person to successfully complete a course of traffic safety approved by the Department of Motor Vehicles, the court must order the person to pay the amount of the administrative assessment that corresponds to the civil penalty for which the defendant would have otherwise been responsible. The administrative assessments imposed pursuant to this subsection must be collected and distributed in the same manner as the administrative assessments imposed and collected pursuant to NRS 176.059, 176.0611, 176.0613 and 176.0623.

3. If the court determines that a civil penalty or administrative assessment ***specified in the civil infraction citation or*** imposed pursuant to this section is:

(a) Excessive in relation to the financial resources of the defendant, the court may waive or reduce the monetary penalty accordingly.

(b) Not within the defendant's present financial ability to pay, the court may enter into a payment plan with the person.

4. A court having jurisdiction over a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive, may:

(a) In addition to ordering a person who is found to have committed a civil infraction to pay a civil penalty and administrative assessments pursuant to this section, order the person to successfully complete a course of traffic safety approved by the Department of Motor Vehicles.

(b) Waive or reduce the civil penalty that a person who is found to have committed a civil infraction would otherwise be required to pay if the court determines that any circumstances warrant such a waiver or reduction.

(c) Reduce any moving violation for which a person was issued a civil infraction citation to a nonmoving violation if the court determines that any circumstances warrant such a reduction.

5. Nothing in this section shall be construed to require a court having jurisdiction over a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive, to hold a hearing before reducing a moving violation for which a person was issued a civil infraction citation to a nonmoving violation.

Sec. 2. NRS 484A.7047 is hereby amended to read as follows:

484A.7047 1. If a civil penalty, administrative assessment or fee is imposed upon a person who is found to have committed a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive, whether or not the civil penalty, administrative assessment or fee is in addition to any other punishment, and the civil penalty, administrative assessment or fee or any part of it remains unpaid after the time established by the court for its payment, the delinquent person is liable for a collection fee, to be imposed by the court at the time it finds that the civil penalty, administrative assessment or fee is delinquent, of:

(a) Not more than $100, if the amount of the delinquency is less than $2,000.

(b) Not more than $500, if the amount of the delinquency is $2,000 or greater, but is less than $5,000.

(c) Ten percent of the amount of the delinquency, if the amount of the delinquency is $5,000 or greater.

2. The city or county that is responsible for collecting a delinquent civil penalty, administrative assessment or fee may, in addition to attempting to collect the delinquent amounts through any other lawful means, contract with a collection agency licensed pursuant to NRS 649.075 to collect the delinquent amounts owed by a person who is found to have committed a civil infraction. The collection agency must be paid as compensation for its services an amount not greater than the amount of the collection fee imposed pursuant to subsection 1 in accordance with the provisions of the contract.

3. If a court finds that a person committed a civil infraction, the civil penalty, administrative assessments and fees prescribed for the civil infraction may be enforced in the manner provided by law for the enforcement of a judgment for money rendered in a civil action except that the judgment and any lien for the judgment expires 10 years after the date the judgment was docketed and may not be renewed. The court may ~~[~~:

~~(a) Request~~] ***request*** that the city or county in which the court has jurisdiction undertake collection of the delinquency, including, without limitation, the original amount of the civil judgment entered pursuant to this subsection and the collection fee, by attachment or garnishment of the property, wages or other money receivable of the delinquent person.

~~[(b) Order the suspension of the driver's license of the delinquent person. If the delinquent person does not possess a driver's license, the court may prohibit him or her from applying for a driver's license for a specified period. If the delinquent person is already the subject of a court order suspending or delaying the issuance of his or her driver's license, the court may order the additional suspension or delay, as appropriate, to apply consecutively with the~~

~~previous order. At the time the court issues an order pursuant to this paragraph suspending the driver's license of a delinquent person or delaying the ability of a delinquent person to apply for a driver's license, the court shall, within 5 days after issuing the order, forward to the Department a copy of the order. The Department shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the delinquent person's driving record, but such a suspension must not be considered for the purpose of rating or underwriting.~~**]**

4. Money collected from a collection fee imposed pursuant to subsection 1 must be distributed in the following manner:

(a) Except as otherwise provided in paragraph (c), if the money is collected by or on behalf of a municipal court, the money must be deposited in a special fund in the appropriate city treasury. The city may use the money in the fund only to develop and implement a program for the collection of civil penalties, administrative assessments and fees and to hire additional personnel necessary for the success of such a program.

(b) Except as otherwise provided in paragraph (c), if the money is collected by or on behalf of a justice court, the money must be deposited in a special fund in the appropriate county treasury. The county may use the money in the special fund only to:

(1) Develop and implement a program for the collection of civil penalties, administrative assessments and fees and to hire additional personnel necessary for the success of such a program; or

(2) Improve the operations of a court by providing funding for:

(I) A civil law self-help center; or

(II) Court security personnel and equipment for a regional justice center that includes the justice courts of that county.

(c) If the money is collected by a collection agency, after the collection agency has been paid its fee pursuant to the terms of the contract, any remaining money must be deposited in the state, city or county treasury, whichever is appropriate, to be used only for the purposes set forth in paragraph (a) or (b).

Sec. 2.2. NRS 484A.7049 is hereby amended to read as follows:

484A.7049 1. A prosecuting attorney may ***, at any time before a court having jurisdiction over the alleged offense enters a judgment of conviction against a defendant,*** elect to treat a violation of a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a misdemeanor, other than a violation of NRS 484C.110 or 484C.120, as a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive.

2. The ~~[prosecuting attorney shall make the election described in subsection 1 on or before the time scheduled for the first appearance of the defendant by:~~

~~(a) Preparing a civil infraction citation in accordance with subsection 1 of NRS 484A.7035 that contains all applicable information that is known to the prosecuting attorney, signing the citation and filing the citation with a court~~

~~having jurisdiction over the alleged offense or with its traffic violations bureau;~~

~~(b) Filing notice of the prosecuting attorney's election with the court having jurisdiction of the underlying criminal charge; and~~

~~(c) Delivering a copy of the notice and citation to the defendant.~~

~~3. Upon the filing of a notice pursuant to paragraph (b) of subsection 2, the court shall dismiss the underlying criminal charge.~~**]** ***district attorney or city attorney of any county or city, respectively, may authorize a traffic enforcement agency over whom the district attorney or city attorney, as applicable, has jurisdiction to elect to treat a violation of a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a misdemeanor, other than a violation of NRS 484C.110 or 484C.120, as a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive. If so authorized, a traffic enforcement agency may authorize a peace officer employed by the agency to treat a violation of such provisions as a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive.***

3. A bench warrant may not be issued for a violation treated as a civil infraction pursuant to this section.

Sec. 2.4. NRS 484A.705 is hereby amended to read as follows:

484A.705 Notwithstanding any other provision of law, if a person commits a violation of a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a civil infraction while the person is under the influence of alcohol or a controlled substance, the person may ~~[instead]~~ be ~~[charged]~~ ***:***

1. Charged with a misdemeanor ~~[.]~~ ***; and***

2. Arrested, if authorized pursuant to NRS 484A.710.

Sec. 2.6. NRS 484A.710 is hereby amended to read as follows:

484A.710 1. Any peace officer may, without a warrant, arrest a person if the officer has reasonable cause for believing that the person has committed ~~[any]~~ ***:***

(a) Any of the following offenses:

~~[(a)]~~ ***(1)*** Homicide by vehicle;

~~[(b)]~~ ***(2)*** A violation of NRS 484C.110 or 484C.120;

~~[(c)]~~ ***(3)*** A violation of NRS 484C.430;

~~[(d)]~~ ***(4)*** A violation of NRS 484C.130;

~~[(e)]~~ ***(5)*** Failure to stop, give information or render reasonable assistance in the event of a crash resulting in death or personal injuries in violation of NRS 484E.010 or 484E.030;

~~[(f)]~~ ***(6)*** Failure to stop or give information in the event of a crash resulting in damage to a vehicle or to other property legally upon or adjacent to a highway in violation of NRS 484E.020 or 484E.040;

~~[(g)]~~ ***(7)*** Reckless driving;

~~[(h)]~~ ***(8)*** Driving a motor vehicle on a highway or on premises to which the public has access at a time when the person's driver's license has been cancelled, revoked or suspended; or

~~[(i)]~~ ***(9)*** Driving a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to the person pursuant to NRS 483.490.

(b) An offense that is punishable as a civil infraction, if the officer has reasonable cause for believing that the person has committed an offense listed in paragraph (a).

2. Whenever any person is arrested as authorized in this section, the person must be taken without unnecessary delay before the proper magistrate as specified in NRS 484A.750.

Sec. 2.65. NRS 484A.760 is hereby amended to read as follows:

484A.760 Whenever any person is taken into custody by a peace officer for the purpose of taking him or her before a magistrate or court as authorized or required in chapters 484A to 484E, inclusive, of NRS upon any charge other than a felony or the offenses enumerated in ~~[paragraphs (a) to (e),]~~ ***subparagraphs (1) to (5),*** inclusive, of ***paragraph (a) of*** subsection 1 of NRS 484A.710, and no magistrate is available at the time of arrest, and there is no bail schedule established by the magistrate or court and no lawfully designated court clerk or other public officer who is available and authorized to accept bail upon behalf of the magistrate or court, the person must be released from custody upon the issuance to the person of a misdemeanor citation or traffic citation and the person signing a promise to appear, as provided in NRS 171.1773 or 484A.630, respectively, or physically receiving a copy of the traffic citation, as provided in NRS 484A.630.

Sec. 2.67. **NRS 4.370 is hereby amended to read as follows:**

4.370 1. Except as otherwise provided in subsection 2, justice courts have jurisdiction of the following civil actions and proceedings and no others except as otherwise provided by specific statute:

(a) In actions arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, does not exceed $15,000.

(b) In actions for damages for injury to the person, or for taking, detaining or injuring personal property, or for injury to real property where no issue is raised by the verified answer of the defendant involving the title to or boundaries of the real property, if the damage claimed does not exceed $15,000.

(c) Except as otherwise provided in paragraph (l), in actions for a fine, penalty or forfeiture not exceeding $15,000, given by statute or the ordinance of a county, city or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll or municipal fine.

(d) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed $15,000, though the penalty may exceed that sum. Bail bonds and other undertakings posted in criminal matters may be forfeited regardless of amount.

(e) In actions to recover the possession of personal property, if the value of the property does not exceed $15,000.

(f) To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, does not exceed $15,000.

(g) Of actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed $15,000 or when no damages are claimed.

(h) Of actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed $15,000 or when no damages are claimed.

(i) Of suits for the collection of taxes, where the amount of the tax sued for does not exceed $15,000.

(j) Of actions for the enforcement of mechanics' liens, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $15,000.

(k) Of actions for the enforcement of liens of owners of facilities for storage, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $15,000.

(l) In actions for a civil penalty imposed for a violation of NRS 484D.680.

(m) Except as otherwise provided in this paragraph, in any action for the issuance of a temporary or extended order for protection against domestic violence pursuant to NRS 33.020. A justice court does not have jurisdiction in an action for the issuance of a temporary or extended order for protection against domestic violence:

(1) In a county whose population is 100,000 or more and less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more;

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court; or

(4) Where the adverse party against whom the order is sought is under 18 years of age.

(n) Except as otherwise provided in this paragraph, in any action for the issuance of an emergency or extended order for protection against high-risk behavior pursuant to NRS 33.570 or 33.580. A justice court does not have jurisdiction in an action for the issuance of an emergency or extended order for protection against high-risk behavior:

(1) In a county whose population is 100,000 or more but less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more;

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court; or

(4) Where the adverse party against whom the order is sought is under 18 years of age.

(o) In an action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive, where the adverse party against whom the order is sought is 18 years of age or older.

(p) In small claims actions under the provisions of chapter 73 of NRS.

(q) In actions to contest the validity of liens on mobile homes or manufactured homes.

(r) In any action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment where the adverse party against whom the order is sought is 18 years of age or older.

(s) In any action pursuant to NRS 200.378 for the issuance of a protective order against a person alleged to have committed the crime of sexual assault where the adverse party against whom the order is sought is 18 years of age or older.

(t) In actions transferred from the district court pursuant to NRS 3.221.

(u) In any action for the issuance of a temporary or extended order pursuant to NRS 33.400.

(v) In any action seeking an order pursuant to NRS 441A.195.

(w) In any action to determine whether a person has committed a civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive. ***Upon approval of the district court or juvenile court, as applicable, the justice court may transfer original jurisdiction of a civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive, to the district court or juvenile court, as applicable, if the person charged with the civil infraction is a person under 18 years of age.***

2. The jurisdiction conferred by this section does not extend to civil actions, other than for forcible entry or detainer, in which the title of real property or mining claims or questions affecting the boundaries of land are involved.

3. Justice courts have jurisdiction of all misdemeanors and no other criminal offenses except as otherwise provided by specific statute. Upon approval of the district court, a justice court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to NRS 176A.250 or, if the justice court has not established a program pursuant to NRS 176A.280, to a program established pursuant to that section.

4. Except as otherwise provided in subsections 5, 6 and 7, in criminal cases the jurisdiction of justices of the peace extends to the limits of their respective counties.

5. A justice of the peace may conduct a pretrial release hearing for a person located outside of the township of the justice of the peace.

6. In the case of any arrest made by a member of the Nevada Highway Patrol, the jurisdiction of the justices of the peace extends to the limits of their

respective counties and to the limits of all counties which have common boundaries with their respective counties.

7. Each justice court has jurisdiction of any violation of a regulation governing vehicular traffic on an airport within the township in which the court is established.

Sec. 2.7. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

A prosecuting attorney who prosecutes a person charged with a civil infraction or a violation of a traffic ordinance that is punishable by imposition of a civil penalty is immune from liability to the same extent as a prosecuting attorney who prosecutes a person charged with violating a criminal law of this State.

Sec. 2.72. NRS 41.0307 is hereby amended to read as follows:

41.0307 As used in NRS 41.0305 to 41.039, inclusive ~~[.]~~ ***, and section 2.7 of this act:***

1. "Employee" includes an employee of a:

(a) Part-time or full-time board, commission or similar body of the State or a political subdivision of the State which is created by law.

(b) Charter school.

(c) University school for profoundly gifted pupils described in chapter 388C of NRS.

2. "Employment" includes any services performed by an immune contractor.

3. "Immune contractor" means any natural person, professional corporation or professional association which:

(a) Is an independent contractor with the State pursuant to NRS 333.700; and

(b) Contracts to provide medical services for the Department of Corrections.

➥ As used in this subsection, "professional corporation" and "professional association" have the meanings ascribed to them in NRS 89.020.

4. "Public officer" or "officer" includes:

(a) A member of a part-time or full-time board, commission or similar body of the State or a political subdivision of the State which is created by law.

(b) A public defender and any deputy or assistant attorney of a public defender or an attorney appointed to defend a person for a limited duration with limited jurisdiction.

(c) A district attorney and any deputy or assistant district attorney or an attorney appointed to prosecute a person for a limited duration with limited jurisdiction.

Sec. 2.74. NRS 41.031 is hereby amended to read as follows:

41.031 1. The State of Nevada hereby waives its immunity from liability and action and hereby consents to have its liability determined in accordance with the same rules of law as are applied to civil actions against natural persons and corporations, except as otherwise provided in NRS 41.032 to 41.038,

inclusive, ***and section 2.7 of this act,*** 485.318, subsection 3 and any statute which expressly provides for governmental immunity, if the claimant complies with the limitations of NRS 41.010 or the limitations of NRS 41.032 to 41.036, inclusive. The State of Nevada further waives the immunity from liability and action of all political subdivisions of the State, and their liability must be determined in the same manner, except as otherwise provided in NRS 41.032 to 41.038, inclusive, ***and section 2.7 of this act,*** subsection 3 and any statute which expressly provides for governmental immunity, if the claimant complies with the limitations of NRS 41.032 to 41.036, inclusive.

2. An action may be brought under this section against the State of Nevada or any political subdivision of the State. In any action against the State of Nevada, the action must be brought in the name of the State of Nevada on relation of the particular department, commission, board or other agency of the State whose actions are the basis for the suit. An action against the State of Nevada must be filed in the county where the cause or some part thereof arose or in Carson City. In an action against the State of Nevada, the summons and a copy of the complaint must be served upon:

(a) The Attorney General, or a person designated by the Attorney General, at the Office of the Attorney General in Carson City; and

(b) The person serving in the office of administrative head of the named agency.

3. The State of Nevada does not waive its immunity from suit conferred by Amendment XI of the Constitution of the United States.

Sec. 2.76. NRS 62B.330 is hereby amended to read as follows:

62B.330 1. Except as otherwise provided in this title, the juvenile court has exclusive original jurisdiction over a child living or found within the county who is alleged or adjudicated to have committed a delinquent act.

2. For the purposes of this section, a child commits a delinquent act if the child:

(a) Violates a county or municipal ordinance other than those:

(1) Specified in paragraph (f) or (g) of subsection 1 of NRS 62B.320;

(2) Concerning an offense related to tobacco; or

(3) Relating to the consumption or possession of alcohol or the possession of 1 ounce or less of marijuana that are punishable pursuant to paragraph (a) of subsection 1 of NRS 62E.173.

(b) Violates any rule or regulation having the force of law; or

(c) Commits an act designated a criminal offense pursuant to the laws of the State of Nevada.

3. ~~[For]~~ ***Except as otherwise provided in NRS 4.370, for*** the purposes of this section, each of the following acts shall be deemed not to be a delinquent act, and the juvenile court does not have jurisdiction over a person who is charged with committing such an act:

(a) Murder or attempted murder and any other related offense arising out of the same facts as the murder or attempted murder, regardless of the nature of

the related offense, if the person was 16 years of age or older when the murder or attempted murder was committed.

(b) A felony resulting in death or substantial bodily harm to the victim and any other related offense arising out of the same facts as the felony, regardless of the nature of the related offense, if:

(1) The felony was committed on the property of a public or private school when pupils or employees of the school were present or may have been present, at an activity sponsored by a public or private school or on a school bus while the bus was engaged in its official duties; and

(2) The person intended to create a great risk of death or substantial bodily harm to more than one person by means of a weapon, device or course of action that would normally be hazardous to the lives of more than one person.

(c) A category A or B felony and any other related offense arising out of the same facts as the category A or B felony, regardless of the nature of the related offense, if the person was at least 16 years of age but less than 18 years of age when the offense was committed, and:

(1) The person is not identified by law enforcement as having committed the offense and charged before the person is at least 20 years, 3 months of age, but less than 21 years of age; or

(2) The person is not identified by law enforcement as having committed the offense until the person reaches 21 years of age.

(d) ***A violation of a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive.***

(e) Any other offense if, before the offense was committed, the person previously had been convicted of a criminal offense.

Sec. 2.8. NRS 244.3575 is hereby amended to read as follows:

244.3575 A board of county commissioners may by ordinance provide that ~~[the]~~ ***:***

1. The violation of a specific ordinance regulating parking imposes a civil penalty in an amount not to exceed $155, instead of a criminal sanction.

2. A violation of a traffic ordinance enacted by the board of county commissioners pursuant to NRS 484A.400 imposes a civil penalty in an amount not to exceed $500, instead of a criminal sanction.

Sec. 2.9. On or before July 1, 2024, the Department of Public Safety, in consultation with law enforcement agencies and courts of this State, shall:

1. Study uniform civil infraction citations used in different states to determine best practices for developing and implementing a standardized, statewide uniform civil infraction citation in this State that may be issued through the electronic traffic citation system developed pursuant to NRS 484B.830; and

2. Submit its findings and any recommendations for legislation resulting from the study to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on the Judiciary.

Sec. 2.95. On or before January 1, 2024, the justice courts and municipal courts in this State shall adopt rules governing the practice and procedure for setting aside a default judgment entered in an action initiated pursuant to NRS 484A.703 to 484A.705, inclusive.

Sec. 3. 1. If, on or after the effective date of this act, a person is subject to:

(a) A suspension of his or her driver's license pursuant to paragraph (b) of subsection 3 of NRS 484A.7047; or

(b) A court order delaying the issuance of a driver's license pursuant to paragraph (b) of subsection 3 of NRS 484A.7047,

➥ as that section existed before the effective date of this act, the Department of Motor Vehicles shall immediately reinstate the driver's license of the person or the ability of the person to apply for the issuance of a driver's license, as applicable, and shall notify the person, as soon as possible, of the reinstatement of his or her driver's license or ability to apply for the issuance of a driver's license, as applicable.

2. The Department of Motor Vehicles may not:

(a) Charge any fee for the reinstatement of the driver's license of a person in accordance with this section; or

(b) Require a person to undergo any physical or mental examination pursuant to NRS 483.330 or 483.495 to be eligible for reinstatement of his or her driver's license.

Sec. 4. The amendatory provisions of this act apply to offenses committed before, on or after the effective date of this act.

Sec. 5. This act becomes effective upon passage and approval.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 376.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 726.

AN ACT relating to state employment; establishing provisions governing paid family leave for certain state employees under certain circumstances; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, state employees in the public service are entitled to certain types of leave, including, without limitation, annual, sick and disability leave and leaves of absence under certain provisions. (NRS 284.355, 284.360) **Section 1** of this bill provides that an employee of the Executive Department of the State Government is entitled to take 8 weeks of paid family leave over the course of a 12-month period to: (1) bond with a newborn child of the

employee or a newborn child of the domestic partner of the employee; (2) bond with a newly adopted child of the employee; (3) recover from or undergo treatment for a serious illness; (4) care for a seriously ill member of the immediate family of the employee; or (5) participate in a qualifying event resulting from the military deployment to a foreign country of an immediate family member of the employee. To be eligible for such paid family leave, **section 1** provides that an employee must: (1) be employed by the State for not less than 12 consecutive months; (2) have accrued not less than 40 hours of sick leave; and (3) have used any accrued sick leave in excess of 40 hours before taking paid family leave. **Section 1** further: (1) requires an appointing authority to pay an employee on paid family leave 50 percent of the regular wage the employee would have earned if the employee was not on leave; and (2) prohibits the appointing authority or designee of the appointing authority from denying an eligible employee paid family leave or retaliating or taking any adverse action against an employee for taking paid family leave.

Section 2 of this bill makes a conforming change to provide that an employee may use his or her sick leave for the purposes set forth in **section 1** before taking paid family leave. **Section 3** of this bill makes a conforming change to provide that the provisions authorizing an employee to be granted a leave of absence without pay do not affect the rights of an employee to take paid family leave.

Section 3.5 of this bill makes an appropriation to the Department of Administration for the costs of computer programming to carry out the provisions of this bill.

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

Section 1. Chapter 284 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, an employee of the Executive Department of the State Government who has been employed for not less than 12 consecutive months is entitled to take 8 weeks of paid family leave:

(a) To bond with a newborn child of the employee or a newborn child of the domestic partner of the employee;

(b) To bond with a newly adopted child of the employee;

(c) To recover from or undergo treatment for a serious illness;

(d) To care for a seriously ill member of the immediate family of the employee; or

(e) For a qualifying event resulting from the military deployment to a foreign country of an immediate family member of the employee.

2. An employee eligible for paid family leave pursuant to subsection 1 must have not less than 40 hours of sick leave accrued pursuant to NRS 284.355 before taking paid family leave. Any sick leave accrued in excess of 40 hours must be used before taking paid family leave.

3. An appointing authority shall pay an employee on paid family leave 50 percent of the regular wage the employee would have earned if the employee was not on leave.

4. An employee that is entitled to take paid family leave pursuant to subsection 1 is not required to take paid family leave consecutively and may take paid family leave over the course of a 12-month period.

5. An appointing authority or his or her designee shall not deny an eligible employee the right to take paid family leave in accordance with the provisions of this section or retaliate or take any adverse action against an employee for taking paid family leave pursuant to subsection 1.

6. As used in this section:

(a) "Domestic partner" means a person who is in a domestic partnership which is registered or recognized pursuant to chapter 122A of NRS and which has not been terminated pursuant to that chapter.

(b) "Immediate family" means a parent, sibling, child by blood, adoption or marriage, spouse, grandparent or grandchild.

(c) "Qualifying event" means any military event or essential need resulting from the military deployment of an immediate family member. The term includes, without limitation, arranging for child care or parental care during deployment, representing the military family member at a federal, state or local event during deployment and addressing issues due to the death of the military family member.

(d) "Serious illness" has the meaning ascribed to it in NRS 232.4854.

Sec. 2. NRS 284.355 is hereby amended to read as follows:

284.355 1. Except as otherwise provided in this section, all employees in the public service, whether in the classified or unclassified service, are entitled to sick and disability leave with pay of 1 1/4 working days for each month of service, which may be cumulative from year to year. After an employee has accumulated 90 working days of sick leave, the amount of additional unused sick leave which the employee is entitled to carry forward from 1 year to the next is limited to one-half of the unused sick leave accrued during that year, but the Commission may by regulation provide for subsequent use of unused sick leave accrued but not carried forward because of this limitation in cases where the employee is suffering from a long-term or chronic illness and has used all sick leave otherwise available to the employee.

2. ***An employee who is entitled to receive paid family leave pursuant to section 1 of this act may use his or her accrued sick leave for any purpose set forth in subsection 1 of section 1 of this act.***

3. Upon the retirement of an employee, the employee's termination through no fault of the employee or the employee's death while in public employment, the employee or the employee's beneficiaries are entitled to payment:

(a) For the employee's unused sick leave in excess of 30 days, exclusive of any unused sick leave accrued but not carried forward, according to the

employee's number of years of public service, except service with a political subdivision of the State, as follows:

(1) For 10 years of service or more but less than 15 years, not more than $2,500.

(2) For 15 years of service or more but less than 20 years, not more than $4,000.

(3) For 20 years of service or more but less than 25 years, not more than $6,000.

(4) For 25 years of service, not more than $8,000.

(b) For the employee's unused sick leave accrued but not carried forward, an amount equal to one-half of the sum of:

(1) The employee's hours of unused sick leave accrued but not carried forward; and

(2) An additional 120 hours.

~~[3.]~~ ***4.*** The Commission may by regulation provide for additional sick and disability leave for long-term employees and for prorated sick and disability leave for part-time employees.

~~[4.]~~ ***5.*** An employee entitled to payment for unused sick leave pursuant to subsection ~~[2]~~ ***3*** may elect to receive the payment in any one or more of the following forms:

(a) A lump-sum payment.

(b) An advanced payment of the premiums or contributions for insurance coverage for which the employee is otherwise eligible pursuant to chapter 287 of NRS. If the insurance coverage is terminated and the money advanced for premiums or contributions pursuant to this subsection exceeds the amount which is payable for premiums or contributions for the period for which the former employee was actually covered, the unused portion of the advanced payment must be paid promptly to the former employee or, if the employee is deceased, to the employee's beneficiary.

(c) The purchase of additional retirement credit, if the employee is otherwise eligible pursuant to chapter 286 of NRS.

~~[5.]~~ ***6.*** Officers and members of the faculty of the Nevada System of Higher Education are entitled to sick and disability leave as provided by the regulations adopted pursuant to subsection 2 of NRS 284.345.

~~[6.]~~ ***7.*** The Commission may by regulation provide policies concerning employees with mental or emotional disorders which:

(a) Use a liberal approach to the granting of sick leave or leave without pay to such an employee if it is necessary for the employee to be absent for treatment or temporary hospitalization.

(b) Provide for the retention of the job of such an employee for a reasonable period of absence, and if an extended absence necessitates separation or retirement, provide for the reemployment of such an employee if at all possible after recovery.

(c) Protect employee benefits, including, without limitation, retirement, life insurance and health benefits.

~~[7.]~~ ***8.*** The Commission shall establish by regulation a schedule for the accrual of sick leave for employees who regularly work more than 40 hours per week or 80 hours biweekly. The schedule must provide for the accrual of sick leave at the same rate proportionately as employees who work a 40-hour week accrue sick leave.

~~[8.]~~ ***9.*** The Division may investigate any instance in which it believes that an employee has taken sick or disability leave to which the employee was not entitled. If, after notice to the employee and a hearing, the Commission determines that the employee has taken sick or disability leave to which the employee was not entitled, the Commission may order the forfeiture of all or part of the employee's accrued sick leave.

Sec. 3. NRS 284.360 is hereby amended to read as follows:

284.360 1. Any person holding a permanent position in the classified service may be granted a leave of absence without pay. Leave of absence may be granted to any person holding a position in the classified service to permit acceptance of an appointive position in the unclassified service. Leave of absence must be granted to any person holding a position in the classified service to permit acceptance of a position in the Legislative Branch during a regular or special session of the Legislature, including a reasonable period before and after the session if the entire period of employment in the Legislative Branch is continuous.

2. If a person is granted a leave of absence without pay to permit acceptance of an appointive position in the unclassified service or a position in the Legislative Branch, any benefits earned while the person is in the:

(a) Classified service are retained and must be paid by the employer in the classified service, whether or not the person returns to the classified service.

(b) Unclassified service or employed by the Legislative Branch are retained and must be paid by the appointing authority in the unclassified service or by the Legislative Branch, if the person does not return to the classified service, or by the employer in the classified service, if the person returns to the classified service.

3. Any person in the unclassified service, except members of the academic staff of the Nevada System of Higher Education, may be granted by the appointing authority a leave of absence without pay for a period not to exceed 6 months.

4. Officers and members of the faculty of the Nevada System of Higher Education may be granted leaves of absence without pay as provided by the regulations prescribed pursuant to subsection 2 of NRS 284.345.

5. Except as otherwise provided in subsection 6, a person in the classified or unclassified service who:

(a) Is the natural parent of a child who is less than 6 months old; or

(b) Has recently adopted a child,

➥ must be granted, upon request, a leave of absence without pay for a period not to exceed 12 weeks. Such a request by natural parents must be submitted at least 3 months before the date upon which the requested leave will begin,

unless a shorter notice is approved by the employer. Such a request by adoptive parents must be submitted not fewer than 2 working days after the parents receive notice of the approval of the adoption. This subsection does not affect the rights of an employee set forth in NRS 284.350 **, ~~[or]~~** 284.355 **~~[.]~~** ***and section 1 of this act.***

6. The provisions of subsection 5 are effective only if the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq., or a subsequent federal law ceases to provide for a parental leave of absence of at least 12 weeks.

Sec. 3.5. **1. There is hereby appropriated from the State General Fund to the Department of Administration the sum of $18,154 for the costs of computer programming to carry out the provisions of this act.**

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 4. 1. This section **~~[becomes]~~ and section 3.5 become** effective upon passage and approval.

2. Sections 1, 2 and 3 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 57.

Bill read third time.

Roll call on Senate Bill No. 57:

YEAS—40.

NAYS—None.

EXCUSED—Bilbray-Axelrod, C.H. Miller—2.

Senate Bill No. 57 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 60.

Bill read third time.

Roll call on Senate Bill No. 60:

YEAS—26.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

EXCUSED—Bilbray-Axelrod, C.H. Miller—2.

Senate Bill No. 60 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 80.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

I rise today in support of Senate Bill 80. Senate Bill 80 is the work of 21 Nevada Youth legislators. I want to acknowledge how hard they have worked and the dedication they have put in throughout the year to narrow down so many impressive proposals to just one, the one you have before you today. This bill will help students who have suffered traumatic brain injuries go back to school.

I want to thank them, especially the two youth legislators who are sitting with me here today, for their time in this building, working with Senators, Assembly members, lobbyists, policy analysts, and legal counsel. Boy, did they get the full legislative experience.

I urge all of my colleagues to support Senate Bill 80.

Roll call on Senate Bill No. 80:

YEAS—40.

NAYS—None.

EXCUSED—Bilbray-Axelrod, C.H. Miller—2.

Senate Bill No. 80 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 251.

Bill read third time.

Roll call on Senate Bill No. 251:

YEAS—26.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

EXCUSED—Bilbray-Axelrod, C.H. Miller—2.

Senate Bill No. 251 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 322.

Bill read third time.

Remarks by Assemblyman Yurek.

ASSEMBLYMAN YUREK:

Senate Bill 322 enacts Rex's Law. I want to say today that working on this piece of legislation has truly been one of my greatest legislative privileges. I know my colleague, Senator Stone, is in the gallery watching. It has been an amazing privilege to work with not only him but so many of you in this Chamber as well as many of our colleagues in the Senate Chamber, to come alongside this family that has suffered an unimaginable tragedy. They have demonstrated

tremendous courage in leveraging that tragedy to help try to prevent this sort of tragedy from befalling anybody else in our community.

Roll call on Senate Bill No. 322:
YEAS—40.
NAYS—None.
EXCUSED—Bilbray-Axelrod, C.H. Miller—2.

Senate Bill No. 322 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 384.

Bill read third time.

Roll call on Senate Bill No. 384:
YEAS—26.
NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.
EXCUSED—Bilbray-Axelrod, C.H. Miller—2.

Senate Bill No. 384 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 418.

Bill read third time.

Roll call on Senate Bill No. 418:
YEAS—38.
NAYS—Anderson, Considine—2.
EXCUSED—Bilbray-Axelrod, C.H. Miller—2.

Senate Bill No. 418 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 429.

Bill read third time.

Roll call on Senate Bill No. 429:
YEAS—26.
NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.
EXCUSED—Bilbray-Axelrod, C.H. Miller—2.

Senate Bill No. 429 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 436.

Bill read third time.

Roll call on Senate Bill No. 436:
YEAS—40.
NAYS—None.
EXCUSED—Bilbray-Axelrod, C.H. Miller—2.

Senate Bill No. 436 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Monroe-Moreno moved that Senate Bill No. 35 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 404, 415.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 26, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 281.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 281.

Assemblyman Watts moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 520, 522.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:53 p.m.

ASSEMBLY IN SESSION

At 7:40 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 243, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHELLE GORELOW, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 498, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were referred Assembly Bills Nos. 472, 475, 476, 477, 478, 479, 486, 492, 496, 500, 504, 508, 509, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DANIELE MONROE-MORENO, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 9—Designating certain members of the Assembly as regular and alternate members of the Legislative Commission for the 2023-2025 biennium.

RESOLVED, by the Assembly of the State of Nevada, That, pursuant to the provisions of NRS 218E.150 and the Joint Standing Rules of the Legislature, the following members of the Assembly are designated regular and alternate members of the Legislative Commission to serve until their successors are designated: Mr. Steve Yeager, Ms. Sandra Jauregui, Ms. Shea Backus, Mr. C.H. Miller; Mr. Rich DeLong and Ms. Alexis Hansen are designated as the regular Assembly members; Ms. Sarah Peters and Ms. Shannon Bilbray-Axelrod are designated as the first and second alternate members, respectively, for Mr. Steve Yeager; Ms. Daniele Monroe-Moreno and Ms. Selena Torres are designated as the first and second alternate members, respectively, for Ms. Sandra Jauregui; Ms. Elaine Marzola and Ms. Venicia Considine are designated as the first and second alternate members, respectively, for Ms. Shea Backus; Mr. Howard Watts and Ms. Natha Anderson are designated as the first and second alternate members, respectively, for Mr. C.H. Miller; Mr. Phillip P.K. O'Neill and Ms. Danielle Gallant are designated as the first and second alternate members, respectively, for Mr. Rich DeLong; and Ms. Jill Dickman and Ms. Melissa Hardy are designated as the first and second alternate members, respectively, for Ms. Alexis Hansen; and be it further

RESOLVED, That this resolution becomes effective upon adoption.

Assemblywoman Gorelow moved the adoption of the resolution.

Resolution adopted.

Assemblywoman Jauregui moved that Senate Bill No. 76 be taken from the Chief Clerk's Desk and placed on the General File.

Motion carried.

Assemblywoman Jauregui moved that Senate Bill No. 155 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblywoman Jauregui moved that Senate Bill No. 335 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 243.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 568.

AN ACT relating to legislative affairs; **making various changes relating to legislative interim committees and presiding officers of those committees;** revising provisions relating to ~~[certain vacancies in]~~ Joint Interim Standing Committees **;** ~~[of the Legislature and the use of alternate committee members; transferring certain duties of the Joint Interim Standing Committee on Legislative Operations and Elections to the Joint Interim Standing Committee on Government Affairs;]~~ revising the deadline to submit an application to **the Joint Interim Standing Committee on Education to** serve on the Nevada State Teacher Recruitment and Retention Advisory Task Force; repealing the requirement that the Joint Interim Standing Committee on Health and Human Services review certain regulations; **revising provisions relating to legislative committee members and staff regulated by the Nevada Lobbying Disclosure and Regulation Act and Nevada Financial Disclosure Act;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes various legislative interim committees that are created or authorized to conduct studies or investigations or perform other legislative business during the interim between legislative sessions, and existing law provides for the appointment or designation of chairs and vice chairs of such interim committees. (Chapter 218E of NRS, NRS 232B.210-232B.250) Existing law also contains provisions that apply exclusively to such interim committees without applying to any session committees. (NRS 218E.105-218E.140)

Under the term-limit provisions of the Nevada Constitution, Legislators are subject to limitations on the number of years that they may serve in each House of the Legislature. (Nev. Const. Art. 4, §§ 3, 4) Section 2 of this bill amends the statutory provisions that apply to interim committees in order to provide, with certain exceptions, that if a Legislator is serving the final term in his or her current House under the term-limit provisions, the Legislator is not eligible for the position of chair or vice chair of an interim committee during the legislative interim period that: (1) begins immediately after adjournment sine die of the last regular session in which the Legislator is eligible to serve in his or her current House; and (2) ends at the expiration of the Legislator's current term of office in that House. However, section 2 contains an exception for the position of Chair or Vice Chair of the Legislative Commission. Sections 3, 7, 8, 11-14 and 49 of this bill make conforming changes.

Under existing common-law principles of parliamentary law, the chair of a committee serves as the presiding officer of the committee and may take, direct or require any necessary and reasonable actions to carry out the committee's management, government, budget, meetings and proceedings, subject to the laws and rules governing the committee. In addition, if a vacancy occurs in the position of chair, or if the chair is prohibited or disqualified from participating or acting on a particular matter for any reason or is absent, disabled or otherwise unavailable or unable to carry out the position for any reason, the vice chair of the committee serves as the acting chair, with all the powers, privileges and immunities of the position of chair, until the vacancy is filled or the chair is eligible, available or able to carry out the position again, as applicable. (*Mason's Manual of Legislative Procedure* §§ 575-579, 608-611 (2020); Luther S. Cushing, *Elements of the Law & Practice of Legislative Assemblies* §§ 287, 308, 313, 314, 1910 (1856); *Hicks v. Long Branch Comm'n*, 55 A. 250, 250-51 (N.J. 1903)) To assist interim committees in conducting their legislative business consistently with existing common-law principles of parliamentary law, sections 4-6 of this bill codify those existing common-law principles into the statutory provisions that apply to interim committees. (*Welfare Div. v. Maynard*, 84 Nev. 525, 529 (1968) ("A statutory enactment can be simply a legislative pronouncement of already existing law."); *State Gaming Comm'n v. Southwest Sec.*, 108 Nev. 379, 383-84 (1992))

Existing law: (1) establishes Joint Interim Standing Committees of the Legislature that may evaluate and review issues within the jurisdiction of the corresponding standing committees from the preceding regular session of the Legislature, exercise certain investigative powers and, under certain circumstances, conduct studies directed by the Legislature or the Legislative Commission; (2) provides for the appointment of regular members and alternative members to each Joint Interim Standing Committee; and (3) requires the Legislative Commission to select a Chair and a Vice Chair for each Joint Interim Standing Committee. (NRS 218E.320, 218E.330) ~~[Section 1 of this bill provides that if the position of Chair of a Joint Interim Standing Committee is vacant, the Vice Chair shall serve as acting Chair until the vacancy is filled. Section 2]~~

Sections 8-10 of this bill clarify and revise various requirements governing the Joint Interim Standing Committees. Section 8 of this bill requires the appointing authorities to appoint the committee members, along with the Chairs and Vice Chairs, not later than August 31 following the adjournment of each regular session. Section 8 also clarifies the length of the terms that the committee members and the Chairs and Vice Chairs serve while qualified.

Section 9 of this bill authorizes the Joint Interim Standing Committees to begin holding their meetings on September 1 after the adjournment of each regular session, instead of November 1 under existing law. Section 9

~~[of this bill]~~ provides that if a regular member ~~[of a Joint Interim Standing Committee]~~ cannot attend a meeting of the Committee, an ~~[alternative]~~ **alternate** member must, to the extent practicable, be of the same political party as the regular member ~~[.]~~ **, and section 9 clarifies that, when acting in place of a regular member, an alternate member has all the powers, privileges and immunities of a regular member.**

Existing law requires that any recommended legislation proposed by a Joint Interim Standing Committee must be approved by a majority of the members of the Senate and a majority of the members of the Assembly serving on the Committee. (NRS 218E.325) Section 9 changes this requirement by providing that any recommended legislation proposed by a Committee must be approved by a vote in favor of such legislation by at least five members of the eight-member Committee, regardless of their House.

Existing law requires the Joint Interim Standing Committee on Legislative Operations and Elections to evaluate and review issues relating to governmental purchasing. (NRS 218E.330) **Section ~~[3]~~ 10** of this bill transfers such duties ~~[from the Joint Interim Standing Committee on Legislative Operations and Elections]~~ to the Joint Interim Standing Committee on Government Affairs. **Section ~~[6]~~ 44** of this bill makes a conforming change to require that the biennial report on recommendations for legislation relating to government purchasing be submitted to the Joint Interim Standing Committee on Government Affairs.

Existing law creates the Subcommittee on Public Lands of the Joint Interim Standing Committee on Natural Resources and prescribes the Subcommittee's powers and duties. (NRS 218E.500-218E.525, NRS 321.7355) Sections 15-17, 43 and 51 of this bill eliminate the Subcommittee and transfer its powers and duties to the Joint Interim Standing Committee on Natural Resources.

Existing law creates: (1) the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System; and (2) the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs. (NRS 218E.550-218E.570, 218E.745-218E.760) Sections 18 and 19 of this bill revise the membership, organization and operations of each Legislative Committee.

Existing law creates the Sunset Subcommittee of the Legislative Commission. (NRS 232B.210-232B.250) Sections 33-40 of this bill: (1) rename the Sunset Subcommittee as the Sunset Committee of the Legislature; and (2) revise the membership, organization and operations of the Sunset Committee.

Existing law authorizes Joint Interim Standing Committees and other interim committees to request the drafting of a certain number legislative measures for each regular session. (NRS 218D.160) Section 1 of this bill revises the number of such requests that may be made by: (1) the Joint Interim Standing Committee on Health and Human Services; (2) the Joint

Interim Standing Committee on the Judiciary; (3) the Joint Interim Standing Committee on Natural Resources; and (4) the Sunset Committee of the Legislature.

Existing law requires the Joint Interim Standing Committee on Health and Human Services to review certain regulations that are proposed or adopted by certain licensing boards and that are related to health care. (NRS 439B.225) **Section ~~[9]~~ 51** of this bill repeals the requirement that the Joint Interim Standing Committee on Health and Human Services review such regulations. **Sections ~~[4 and 5]~~ 41 and 42** of this bill make conforming changes to eliminate the requirement that such regulations be submitted to the Joint Interim Standing Committee on Health and Human Services.

Existing law requires a teacher who wishes to serve on the Nevada State Teacher Recruitment and Retention Advisory Task Force to submit an application to the Joint Interim Standing Committee on Education on or before January 15 of an even-numbered year. (NRS 391.494) **Section ~~[7]~~ 46** of this bill moves the due date of the application from January 15 of an even-numbered year to December 1 of an odd-numbered year.

Existing law requires various reports, documents and other information to be compiled by state or local governmental agencies and then reported to certain legislative committees or staff. (NRS 193.309, 209.192, 209.461, 209.4818, 332.215, 388.887, 449.242) Sections 29-32, 44, 45 and 47 of this bill revise those reporting requirements.

Under existing law, the Nevada Lobbying Disclosure and Regulation Act (Lobbying Act) prohibits, with certain exceptions, Legislators, legislative officers and legislative staff members from knowingly or willfully soliciting or accepting any gift from a lobbyist, whether or not the Legislature is in a regular or special session. (NRS 218H.060, 218H.090, 218H.930) Under existing exceptions to the gift prohibitions, if Legislators or members of their households receive anything of value from a lobbyist to undertake or attend any educational or informational meetings, events or trips, such meetings, events or trips are excluded from the term "gift" under the Lobbying Act, but the Legislators are required to report the educational or informational meetings, events or trips on their financial disclosure statements under the Nevada Financial Disclosure Act (Financial Disclosure Act). (NRS 218H.045, 218H.060, 281.5583, 281.571)

Sections 20-27 of this bill create exceptions for legislative committee investigative meetings, events or trips. Section 22 of this bill defines a "legislative committee investigative meeting, event or trip" to include any meetings, events or trips that the chair of a legislative committee authorizes as official meetings, events or trips of the committee in order for the members of the committee and legislative staff members to investigate or otherwise receive any education or information on matters that are pertinent to the committee's legislative business or possible future legislative action. Based on the exceptions in sections 24 and 26 of this bill,

such legislative committee investigative meetings, events or trips are not required to be reported on financial disclosure statements under the Financial Disclosure Act. (NRS 281.5583, 281.5585)

Sections 24 and 26 also make the existing exceptions for educational or informational meetings, events or trips applicable to: (1) legislative officers, such as the Secretary of the Senate and the Chief Clerk of the Assembly; and (2) legislative staff members but only if such staff members have the approval of their chief administrative supervisors to undertake or attend the educational or informational meetings, events or trips. Because the Financial Disclosure Act applies to legislative officers, such as the Secretary of the Senate and the Chief Clerk of the Assembly, and to certain senior staff members of the Legislative Counsel Bureau, such as the Director and the chiefs of the divisions, they are required to report the educational or informational meetings, events or trips on financial disclosure statements. By contrast, if rank-and-file legislative staff members have the approval of their chief administrative supervisors to undertake or attend any educational or informational meetings, events or trips, they are not required to report the educational or informational meetings, events or trips on financial disclosure statements, unless they qualify as a public officer or candidate or a member of a public officer's or candidate's household for the purposes of the Financial Disclosure Act. (NRS 281.005, 281.558, 281.5583, 281.5587)

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

Section 1. **NRS 218D.160 is hereby amended to read as follows:**

218D.160 1. The Chair of the Legislative Commission may request the drafting of not more than 10 legislative measures before the first day of a regular session, with the approval of the Legislative Commission, which relate to the affairs of the Legislature or its employees, including legislative measures requested by the legislative staff.

2. The Chair of the Interim Finance Committee may request the drafting of not more than 10 legislative measures before the first day of a regular session, with the approval of the Committee, which relate to matters within the scope of the Committee.

3. Except as otherwise provided by a specific statute, joint rule or concurrent resolution:

(a) ~~[Except as otherwise provided in paragraphs (b), (c) and (d), a]~~ ***A*** Joint Interim Standing Committee may request the drafting of not more than 10 legislative measures which relate to matters within the scope of the Committee ~~[.~~

~~(b) The Joint Interim Standing Committee on Health and Human Services may request the drafting of not more than 15 legislative measures which relate to matters within the scope of the Committee, at least 5 of which must relate to matters relating to child welfare.~~

~~(c) The~~ **, *unless another provision in this subsection authorizes a different number of requests for a specific Joint Interim Standing Committee.***

(b) In addition to the number of requests authorized pursuant to paragraph (a), the Joint Interim Standing Committee on the Judiciary may ***also*** request the drafting of not more ~~[15]~~ ***than 5*** legislative measures ~~[which relate to matters within the scope of the Committee, at least 5 of which must relate to matters]~~ ***relating to child welfare and not more than 5 legislative measures*** relating to juvenile justice.

~~[(d) The Joint Interim Standing Committee on Natural Resources may request the drafting of not more than 14 legislative measures which relate to matters within the scope of the Committee, at least 4 of which must relate to matters relating to public lands based on the recommendations for legislation submitted by the Subcommittee on Public Lands pursuant to NRS 218E.525.~~

~~(e)~~ ***(c)*** Any legislative committee created by a statute, other than the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs created by NRS 218E.750 ***, the Sunset Committee of the Legislature created by NRS 232B.210*** or an interim legislative committee, may request the drafting of not more than 10 legislative measures which relate to matters within the scope of the committee.

~~[(f)]~~ ***(d)*** The Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs created by NRS 218E.750 may request the drafting of not more than 6 legislative measures which relate to matters within the scope of the Committee.

~~[(g)]~~ ***(e) The Sunset Committee of the Legislature created by NRS 232B.210 may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the Committee, except that the Committee may request the drafting of additional legislative measures if the Legislative Commission approves each additional request by a majority vote.***

(f) Any committee or subcommittee established by an order of the Legislative Commission pursuant to NRS 218E.200 may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study or investigation, except that such a committee or subcommittee may request the drafting of additional legislative measures if the Legislative Commission approves each additional request by a majority vote.

~~[(h)]~~ ***(g)*** Any other committee established by the Legislature which conducts an interim legislative study or investigation may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study or investigation.

➥ The requests authorized pursuant to this subsection must be submitted to the Legislative Counsel on or before September 1 preceding a regular session unless the Legislative Commission authorizes submitting a request after that date.

4. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.

Sec. 2. **Chapter 218E of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Except as otherwise provided in this section, if at the expiration of a Legislator's current term of office, the Legislator will be prohibited from serving again in his or her current House because of the limitations on the number of years of service pursuant to Section 3 or 4 of Article 4 of the Nevada Constitution, as applicable, the Legislator is not eligible to be appointed, designated or selected as the chair or vice chair of a committee, or serve in either position, during the legislative interim period that:

(a) Begins immediately after adjournment sine die of the last regular session in which the Legislator is eligible to serve in his or her current House; and

(b) Ends at the expiration of the Legislator's current term of office in that House.

2. The provisions of this section apply to a Legislator whether or not the Legislator is eligible to serve in or becomes a candidate for a seat in the other House during his or her current term of office, except that the provisions of this section do not apply to a Legislator who is appointed to fill a vacancy in the other House before the expiration of his or her current term of office.

3. The provisions of this section do not apply to the position of Chair or Vice Chair of the Legislative Commission.

Sec. 3. **NRS 218E.105 is hereby amended to read as follows:**

218E.105 As used in NRS 218E.105 to 218E.140, inclusive, ***and section 2 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 218E.110, 218E.115 and 218E.120 have the meanings ascribed to them in those sections.

Sec. 4. **NRS 218E.110 is hereby amended to read as follows:**

218E.110 1. "Committee" means the Legislative Commission, a Joint Interim Standing Committee ***, the Sunset Committee of the Legislature created by NRS 232B.210*** and any other legislative committee or subcommittee created by ***the provisions of this chapter or*** a specific statute, concurrent resolution or order of the Legislative Commission to conduct studies or investigations or perform any other legislative business during the legislative interim.

2. ***The term includes, without limitation, any interim, advisory or other similar committee or subcommittee for which legislative staff members serve as the primary administrative or professional staff.***

3. The term does not include any legislative committee or subcommittee appointed by the Legislature or either House to conduct or perform legislative business during a regular or special session, including, without limitation, any joint, standing, temporary, special or select committee or committee of the whole.

Sec. 5. **NRS 218E.125 is hereby amended to read as follows:**

218E.125 1. The provisions of NRS 218E.105 to 218E.140, inclusive, ***and section 2 of this act,*** are intended to supplement the other provisions of

this chapter and any other ~~[law]~~ ***laws or rules*** governing the legislative proceedings of a committee, ***including, without limitation, any applicable principles of parliamentary law,*** and the provisions of NRS 218E.105 to 218E.140, inclusive, ***and section 2 of this act,*** do not limit the application of such other ~~[provisions.]~~ ***legal authorities.***

2. The powers, privileges and immunities granted by the provisions of NRS 218E.105 to 218E.140, inclusive, ***and section 2 of this act,*** are in addition to any other powers, privileges and immunities recognized by ~~[law,]~~ ***any other laws or rules, including, without limitation, any applicable principles of parliamentary law,*** and all such powers, privileges and immunities are cumulative, so that the application or attempted application of any one does not bar the application or attempted application of any other.

Sec. 6. **NRS 218E.130 is hereby amended to read as follows:**

218E.130 1. A committee may conduct investigations and hold hearings regarding any matter which is pertinent to its legislative business or possible future legislative action and may exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive ~~[.]~~ ***, and section 2 of this act.***

2. The secretary of the committee or any member of the committee may administer oaths to witnesses who appear before the committee.

3. The chair of the committee, or the secretary of the committee on behalf of the chair, may cause the deposition of witnesses to be taken, whether the witnesses reside within or without the State, in the manner prescribed by court rules for taking depositions in civil actions in the district court.

4. The chair of the committee may take, direct or require any necessary and reasonable actions to carry out the committee's management, government, budget, meetings and proceedings, subject to the laws and rules governing the committee, including, without limitation, any applicable principles of parliamentary law.

5. If a vacancy occurs in the position of chair of the committee, or if the chair is prohibited or disqualified from participating or acting on a particular matter for any reason or is absent, disabled or otherwise unavailable or unable to carry out the position for any reason, the vice chair of the committee shall serve as the acting chair, with all the powers, privileges and immunities of the position of chair, until the vacancy is filled or the chair is eligible, available or able to carry out the position again, as applicable.

Sec. 7. **NRS 218E.240 is hereby amended to read as follows:**

218E.240 1. There is hereby created an Audit Subcommittee of the Legislative Commission consisting of five members.

2. The Chair of the Legislative Commission shall:

(a) Appoint the members of the Audit Subcommittee from among the members of the Legislative Commission and the Interim Finance Committee; and

(b) ~~[Designate]~~ ***Except as otherwise provided in section 2 of this act, designate*** one of the members of the Audit Subcommittee as Chair.

3. The Chair of the Legislative Commission shall designate five Legislators from among the members of the Legislative Commission and the Interim Finance Committee to serve as alternates for the members of the Audit Subcommittee.

4. The Legislative Auditor or a member of the staff of the Audit Division appointed by the Legislative Auditor shall serve as Secretary of the Audit Subcommittee.

5. The Audit Subcommittee shall meet at the times and places specified by a call of the Chair.

6. Three members of the Audit Subcommittee constitute a quorum, and a quorum may exercise all the power and authority conferred on the Audit Subcommittee.

~~[Section 1.]~~ ***Sec. 8.*** NRS 218E.320 is hereby amended to read as follows:

218E.320 1. There are hereby created the following Joint Interim Standing Committees of the Legislature:

(a) Commerce and Labor;

(b) Education;

(c) Government Affairs;

(d) Growth and Infrastructure;

(e) Health and Human Services;

(f) Judiciary;

(g) Legislative Operations and Elections;

(h) Natural Resources; and

(i) Revenue.

2. Each Joint Interim Standing Committee consists of eight regular members and five alternate members. As soon as is practicable after the adjournment of each regular session ~~[.]~~ ***and not later than August 31 immediately following such adjournment:***

(a) The Speaker of the Assembly shall appoint three members of the Assembly as regular members of each Committee and two members of the Assembly as alternate members of each Committee.

(b) The Minority Leader of the Assembly shall appoint two members of the Assembly as regular members of each Committee and one member of the Assembly as an alternate member of each Committee.

(c) The Majority Leader of the Senate shall appoint two Senators as regular members of each Committee and one Senator as an alternate member of each Committee.

(d) The Minority Leader of the Senate shall appoint one Senator as a regular member of each Committee and one Senator as an alternate member of each Committee.

3. Before making their respective appointments, the Speaker of the Assembly, the Majority Leader of the Senate and the Minority Leaders of the Senate and Assembly shall consult so that, to the extent practicable:

(a) At least five of the regular members appointed to each Joint Interim Standing Committee served on the corresponding standing committee or committees during the preceding regular session.

(b) Not more than five of the regular members appointed to each Joint Interim Standing Committee are members of the same political party.

4. ~~[The]~~ ***Except as otherwise provided in section 2 of this act, the*** Legislative Commission shall ~~[select]~~ ***appoint*** the Chair and Vice Chair of each Joint Interim Standing Committee from among the members of the Committee ~~[.]~~ ***and shall make such appointments as soon as is practicable after the adjournment of each regular session and not later than August 31 immediately following such adjournment.*** The Chair must be appointed from one House of the Legislature and the Vice Chair from the other House. The position of Chair must alternate each biennium between the Houses of the Legislature. ~~[Each of those officers]~~

5. Except as otherwise provided in this section and section 2 of this act, each Chair and Vice Chair holds the position ***, while qualified,*** until a successor is appointed after the next regular session. If a vacancy occurs in the position of Chair or Vice Chair , the ~~[:~~

~~*(a) The]*~~ vacancy must be filled in the same manner as the original ~~[selection]~~ ***appointment*** for the remainder of the unexpired term. ~~*[; and*~~

~~*(b) The Vice Chair shall serve as acting Chair until the vacancy is filled.*~~

~~5.]~~ ***6. Except as otherwise provided in this subsection, a member of a Joint Interim Standing Committee holds his or her membership on the Committee, while qualified, until a successor is appointed after the next regular session.*** The membership of any member of a Joint Interim Standing Committee who does not become a candidate for reelection or who is defeated for reelection terminates on the day next after the general election. The Speaker designate of the Assembly or the Majority Leader designate of the Senate, as the case may be, may appoint a member to fill the vacancy for the remainder of the unexpired term.

~~[6.]~~ ***7.*** Vacancies on a Joint Interim Standing Committee must be filled in the same manner as original appointments.

~~[Sec. 2.]~~ ***Sec. 9.*** NRS 218E.325 is hereby amended to read as follows:

218E.325 1. Except as otherwise ordered by the Legislative Commission, the members of a Joint Interim Standing Committee shall meet not earlier than ~~[November 1 of each odd-numbered year]~~ ***September 1 immediately following the adjournment of each regular session*** and not later than August 31 of the following even-numbered year at the times and places specified by a call of the Chair ~~[, or a majority of the Committee.]~~ .

2. The Director or his or her designee shall act as the nonvoting recording Secretary of each Joint Interim Standing Committee.

3. Five members of a Joint Interim Standing Committee constitute a quorum, and a quorum may exercise all the power and authority conferred on the Committee, except that any recommended legislation proposed by ~~[a]~~ ***the*** Committee must be approved by a ~~[majority of the members of the Senate and~~

~~a majority of the members of the Assembly serving on~~] ***vote in favor of such legislation by at least five members of*** the Committee.

4. ***All requests for the drafting of recommended legislation approved by a Joint Interim Standing Committee must be made in accordance with NRS 218D.160.***

5. If ~~[a regular]~~ ***an alternate member of a Joint Interim Standing Committee attends a meeting of the Committee in place of a regular member who cannot attend*** ~~[a meeting of the Committee,]~~ ***the meeting, the alternate member who attends the meeting must, to the extent practicable, be of the same political party as the regular member. When acting in place of a regular member, an alternate member has all the powers, privileges and immunities of a regular member.***

~~[5.]~~ ***6.*** Except during a regular or special session, for each day or portion of a day during which a member of a Joint Interim Standing Committee attends a meeting of the Committee or is otherwise engaged in the work of the Committee, the member is entitled to receive the:

(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;

(b) Per diem allowance provided for state officers and employees generally; and

(c) Travel expenses provided pursuant to NRS 218A.655.

~~[.~~]

7. The compensation, per diem allowances and travel expenses of the members of a ***Joint Interim Standing*** Committee must be paid from the Legislative Fund.

~~[Sec. 3.]~~ ***Sec. 10.*** NRS 218E.330 is hereby amended to read as follows:

218E.330 1. A Joint Interim Standing Committee may:

(a) Evaluate and review issues within the jurisdiction of the corresponding standing committee or committees from the preceding regular session;

(b) Exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive ~~[.]~~ ***, and section 2 of this act;*** and

(c) Within the limits of the Committee's budget, conduct studies directed by the Legislature or the Legislative Commission.

2. In addition to the authorized scope of issues set forth in paragraph (a) of subsection 1:

(a) ~~[The Joint Interim Standing Committee on Health and Human Services shall, either as part of its regular work or through appointment of a subcommittee, evaluate and review issues relating to child welfare.~~

~~(b)]~~ The Joint Interim Standing Committee on the Judiciary shall, either as part of its regular work or through appointment of a subcommittee, evaluate and review issues relating to ***child welfare and*** juvenile justice.

~~[(c)]~~ ***(b)*** The Joint Interim Standing Committee on ~~[Legislative Operations and Elections]~~ ***Government Affairs*** may evaluate and review issues relating to governmental purchasing, including, without limitation, recommendations

submitted to the Joint Interim Standing Committee by the Commission to Study Governmental Purchasing pursuant to NRS 332.215.

3. The Legislative Commission shall review and approve the budget and work program of each Joint Interim Standing Committee and any changes to the budget or work program.

4. A Joint Interim Standing Committee shall prepare a comprehensive report of the Committee's activities in the interim and its findings and any recommendations for proposed legislation. The report must be submitted to the Director for distribution to the next regular session.

Sec. 11. **NRS 218E.400 is hereby amended to read as follows:**

218E.400 1. There is hereby created in the Legislative Counsel Bureau an Interim Finance Committee. Except as otherwise provided in this section, the Interim Finance Committee is composed of the members of the Assembly Standing Committee on Ways and Means and the Senate Standing Committee on Finance during the current or immediately preceding regular session.

2. Except as otherwise provided in ~~[this subsection, the]~~ ***subsections 3 and 4:***

(a) The immediate past Chair of the Senate Standing Committee on Finance is the Chair of the Interim Finance Committee for the period ending with the convening of each even-numbered regular session ~~[.]~~ ***;***

(b) The immediate past Chair of the Assembly Standing Committee on Ways and Means is the Chair of the Interim Finance Committee during the next legislative interim ~~[, and the]~~ ***; and***

(c) The position of Chair ***of the Interim Finance Committee*** alternates between the Houses according to this pattern.

3. Except as otherwise provided in subsection 4, if the immediate past Chair of the Senate Standing Committee on Finance or the Assembly Standing Committee on Ways and Means, as applicable, is not eligible to serve as the Chair of the Interim Finance Committee pursuant to section 2 of this act, the position of Chair of the Interim Finance Committee must be appointed as follows:

(a) If the position is entitled to be filled by the Senate for that legislative interim, the Majority Leader of the Senate shall appoint an eligible immediate past member of the Senate Standing Committee on Finance as the Chair of the Interim Finance Committee.

(b) If the position is entitled to be filled by the Assembly for that legislative interim, the Speaker of the Assembly shall appoint an eligible immediate past member of the Assembly Standing Committee on Ways and Means as the Chair of the Interim Finance Committee.

4. The term of the Chair of the Interim Finance Committee terminates if a new Chair of the Assembly Standing Committee on Ways and Means or the Senate Standing Committee on Finance, as the case may be, is designated for the next regular session, in which case that person so designated serves as the Chair of the Interim Finance Committee until the convening of that regular session.

~~[3.]~~ ***5.*** If any regular member of the Interim Finance Committee informs the Secretary that the member will be unable to attend a particular meeting, the Secretary shall notify the Speaker of the Assembly or the Majority Leader of the Senate, as the case may be, to appoint an alternate for that meeting from the same House and political party as the absent member.

~~[4.]~~ ***6.*** Except as otherwise provided in subsection ~~[5,]~~ ***7,*** the term of a member of the Interim Finance Committee expires upon the convening of the next regular session unless the member is replaced by the appointing authority. If the Speaker designate of the Assembly or the Majority Leader designate of the Senate designates members of the Assembly Standing Committee on Ways and Means or the Senate Standing Committee on Finance, as applicable, for the next regular session, the designated members become members of the Interim Finance Committee. A member may be reappointed.

~~[5.]~~ ***7.*** The membership of any member who does not become a candidate for reelection or who is defeated for reelection terminates on the day next after the general election. The Speaker designate of the Assembly or the Majority Leader designate of the Senate, as the case may be, shall appoint an alternate to fill the vacancy on the Interim Finance Committee. Except as otherwise provided in this subsection, each alternate serves on the Interim Finance Committee:

(a) If the alternate is a member of the Assembly, until the Speaker designate of the Assembly designates the members of the Assembly Standing Committee on Ways and Means for the next regular session or appoints a different alternate.

(b) If the alternate is a member of the Senate, until the Majority Leader designate of the Senate designates the members of the Senate Standing Committee on Finance for the next regular session or appoints a different alternate.

~~[6.]~~ ***8.*** The Director shall act as the Secretary of the Interim Finance Committee.

~~[7.]~~ ***9.*** A majority of the members of the Assembly Standing Committee on Ways and Means and a majority of the members of the Senate Standing Committee on Finance, jointly, may call a meeting of the Interim Finance Committee if the Chair does not do so.

~~[8.]~~ ***10.*** In all matters requiring action by the Interim Finance Committee, the vote of the Assembly members and the Senate members must be taken separately. No action may be taken unless it receives the affirmative vote of a majority of the Assembly members and a majority of the Senate members.

~~[9.]~~ ***11.*** The Interim Finance Committee may conduct investigations and hold hearings in connection with its functions and duties and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive ~~[.~~ ~~10.]~~ ***, and section 2 of this act.***

12. Except during a regular or special session, for each day or portion of a day during which a member of the Interim Finance Committee and appointed alternate attends a meeting of the Interim Finance Committee or is otherwise

engaged in the business of the Interim Finance Committee, the member or appointed alternate is entitled to receive:

(a) The compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;

(b) The per diem allowance provided for state officers and employees generally; and

(c) The travel expenses provided pursuant to NRS 218A.655.

~~[11.]~~ ***13.*** All such compensation, per diem allowances and travel expenses must be paid from the Contingency Fund in the State Treasury.

Sec. 12. **NRS 218E.405 is hereby amended to read as follows:**

218E.405 1. Except as otherwise provided in subsection 2, the Interim Finance Committee may exercise the powers conferred upon it by law only when the Legislature is not in a regular or special session.

2. During a regular or special session, the Interim Finance Committee may also perform the duties imposed on it by NRS 228.1111, subsection 5 of NRS 284.115, NRS 285.070, subsection 2 of NRS 321.335, NRS 322.007, subsection 2 of NRS 323.020, NRS 323.050, subsection 1 of NRS 323.100, subsection 3 of NRS 341.126, NRS 341.142, paragraph (f) of subsection 1 of NRS 341.145, subsection 3 of NRS 349.073, NRS 353.220, 353.224, 353.2705 to 353.2771, inclusive, 353.288, 353.335, 353C.224, 353C.226, paragraph (b) of subsection 4 of NRS 407.0762, NRS 428.375, 433.732, 439.4905, 439.620, 439.630, 445B.830, subsection 1 of NRS 445C.320 and NRS 538.650. In performing those duties, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means may meet separately and transmit the results of their respective votes to the Chair of the Interim Finance Committee to determine the action of the Interim Finance Committee as a whole.

3. The Chair of the Interim Finance Committee may appoint a subcommittee consisting of six members of the Committee to review and make recommendations to the Committee on matters of the State Public Works Division of the Department of Administration that require prior approval of the Interim Finance Committee pursuant to subsection 3 of NRS 341.126, NRS 341.142 and paragraph (f) of subsection 1 of NRS 341.145. If the Chair appoints such a subcommittee:

(a) ~~[The]~~ ***Except as otherwise provided in section 2 of this act, the*** Chair shall designate one of the members of the subcommittee to serve as the chair of the subcommittee;

(b) The subcommittee shall meet throughout the year at the times and places specified by the call of the chair of the subcommittee; and

(c) The Director or the Director's designee shall act as the nonvoting recording secretary of the subcommittee.

Sec. 13. **NRS 218E.420 is hereby amended to read as follows:**

218E.420 1. There is hereby created an Interim Retirement and Benefits Committee of the Legislature to:

(a) Review the operation of the Public Employees' Retirement System, the Judicial Retirement System established pursuant to chapter 1A of NRS and the Public Employees' Benefits Program; and

(b) Make recommendations to the Public Employees' Retirement Board and the Board of the Public Employees' Benefits Program, the Legislative Commission and the Legislature.

2. The Interim Retirement and Benefits Committee consists of six members appointed as follows:

(a) Three members of the Senate, one of whom is the ***immediate past*** Chair of the ***Senate Standing*** Committee on Finance during the preceding regular session and two of whom are appointed by the Majority Leader of the Senate.

(b) Three members of the Assembly, one of whom is the ***immediate past*** Chair of the ***Assembly Standing*** Committee on Ways and Means during the preceding regular session and two of whom are appointed by the Speaker of the Assembly.

3. The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program.

4. ***Except as otherwise provided in subsection 5:***

(a) The immediate past Chair of the Senate Standing Committee on Finance is the Chair of the Interim Retirement and Benefits Committee for the period ending with the convening of each odd-numbered regular session ~~[.]~~ ***;***

(b) The immediate past Chair of the Assembly Standing Committee on Ways and Means is the Chair of the Interim Retirement and Benefits Committee during the next legislative interim ~~[, and the]~~ ***; and***

(c) The position of Chair ***of the Interim Retirement and Benefits Committee*** alternates between the Houses according to this pattern.

5. ***If the immediate past Chair of the Senate Standing Committee on Finance or the Assembly Standing Committee on Ways and Means, as applicable, is not eligible to serve as the Chair of the Interim Retirement and Benefits Committee pursuant to section 2 of this act, the position of Chair of the Interim Retirement and Benefits Committee must be appointed as follows:***

(a) If the position is entitled to be filled by the Senate for that legislative interim, the Majority Leader of the Senate shall appoint an eligible immediate past member of the Senate Standing Committee on Finance as the Chair of the Interim Retirement and Benefits Committee.

(b) If the position is entitled to be filled by the Assembly for that legislative interim, the Speaker of the Assembly shall appoint an eligible immediate past member of the Assembly Standing Committee on Ways and Means as the Chair of the Interim Retirement and Benefits Committee.

6. The Interim Retirement and Benefits Committee may exercise the powers conferred on it by law only when the Legislature is not in a regular or special session and shall meet at the call of the Chair.

~~[6.]~~ ***7.*** The Interim Retirement and Benefits Committee may conduct investigations and hold hearings in connection with its functions and duties and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive ~~[.~~

~~7.]~~ ***, and section 2 of this act.***

8. The Director shall provide a Secretary for the Interim Retirement and Benefits Committee.

~~[8.]~~ ***9.*** For each day or portion of a day during which members of the Interim Retirement and Benefits Committee attend a meeting of the Interim Retirement and Benefits Committee or are otherwise engaged in the business of the Interim Retirement and Benefits Committee, the members are entitled to receive:

(a) The compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;

(b) The per diem allowance provided for state officers and employees generally; and

(c) The travel expenses provided pursuant to NRS 218A.655.

~~[9.]~~ ***10.*** All such compensation, per diem allowances and travel expenses must be paid from the Legislative Fund.

Sec. 14. **NRS 218E.440 is hereby amended to read as follows:**

218E.440 1. If:

(a) The Legislature, by concurrent resolution, during a regular session; or

(b) The Interim Finance Committee, by resolution, while the Legislature is not in a regular session,

➥ determines that the performance of a fundamental review of the base budget of a particular agency is necessary, the Interim Finance Committee shall create a legislative committee for the fundamental review of the base budgets of state agencies.

2. The Interim Finance Committee:

(a) May create more than one such committee if the number of agencies designated for review warrants additional committees; and

(b) If more than one such committee is created, shall determine which agencies are to be reviewed by the respective committees.

3. For each such committee, the Interim Finance Committee shall:

(a) Appoint all the members;

(b) Appoint an equal number of members from the Senate and the Assembly;

(c) Appoint at least a majority of the members from the Interim Finance Committee; and

(d) ~~[~~Designate~~]~~ ***Except as otherwise provided in section 2 of this act, designate*** the chair.

4. Any member of a committee who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular or special session convenes.

5. Vacancies on a committee must be filled in the same manner as original appointments.

6. A majority of the members appointed to a committee constitutes a quorum.

7. The Director shall assign employees of the Legislative Counsel Bureau to provide such technical, clerical and operational assistance to a committee as the functions and operations of the committee may require.

Sec. 15. **NRS 218E.500 is hereby amended to read as follows:**

218E.500 The Legislature finds and declares that:

1. Policies and issues relating to public lands and state sovereignty as impaired by federal ownership of land are matters of continuing concern to this State.

2. This concern necessarily includes an awareness that all federal statutes, policies and regulations which affect the management of public lands are likely to have extensive effects within the State and must not be ignored or automatically dismissed as beyond the reach of the state's policymakers.

3. Experience with federal regulations relating to public lands has demonstrated that the State of Nevada and its citizens are subjected to regulations which sometimes are unreasonable, arbitrary, beyond the intent of the Congress or the scope of the authority of the agency adopting them and that as a result these regulations should be subjected to legislative review and comment, and judicially tested where appropriate, to protect the rights and interests of the State and its citizens.

4. Other western states where public lands comprise a large proportion of the total area have shown an interest in matters relating to public lands and those states, along with Nevada, have been actively participating in cooperative efforts to acquire, evaluate and share information and promote greater understanding of the issues. Since Nevada can both contribute to and benefit from such interstate activities, it is appropriate that ~~[a subcommittee on matters relating to public lands]~~ ***the Joint Interim Standing Committee on Natural Resources*** be assigned primary responsibility for participating in them.

Sec. 16. **NRS 218E.520 is hereby amended to read as follows:**

218E.520 1. The ~~[Subcommittee]~~ ***Joint Interim Standing Committee on Natural Resources*** may:

(a) Review and comment on any administrative policy, rule or regulation of the:

(1) Secretary of the Interior which pertains to policy concerning or management of public lands under the control of the Federal Government; and

(2) Secretary of Agriculture which pertains to policy concerning or management of national forests;

(b) Conduct investigations and hold hearings in connection with its review, including, but not limited to, investigating the effect on the State, its citizens, political subdivisions, businesses and industries of those policies, rules,

regulations and related laws, and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive ~~[.]~~ ***, and section 2 of this act;***

(c) Consult with and advise the State Land Use Planning Agency on matters concerning federal land use, policies and activities in this State;

(d) Direct the Legislative Counsel Bureau to assist in its research, investigations, review and comment;

(e) Recommend to the Legislature as a result of its review any appropriate state legislation or corrective federal legislation;

(f) Advise the Attorney General if it believes that any federal policy, rule or regulation which it has reviewed encroaches on the sovereignty respecting land or water or their use which has been reserved to the State pursuant to the Constitution of the United States;

(g) Enter into a contract for consulting services for land planning and any other related activities, including, but not limited to:

(1) Advising the ~~[Subcommittee]~~ ***Committee*** and the State Land Use Planning Agency concerning the revision of the plans pursuant to NRS 321.7355;

(2) Assisting local governments in the identification of lands administered by the Federal Government in this State which are needed for residential or economic development or any other purpose; and

(3) Assisting local governments in the acquisition of federal lands in this State;

(h) Apply for any available grants and accept any gifts, grants or donations to assist the ~~[Subcommittee]~~ ***Committee*** in carrying out its duties; and

(i) Review and comment on any other matter relating to the preservation, conservation, use, management or disposal of public lands deemed appropriate by the Chair of the ~~[Subcommittee]~~ ***Committee*** or by a majority of the members of the ~~[Subcommittee.]~~ ***Committee.***

2. Any reference in this section to federal policies, rules, regulations and related federal laws includes those which are proposed as well as those which are enacted or adopted.

Sec. 17. **NRS 218E.525 is hereby amended to read as follows:**

218E.525 1. The ~~[Subcommittee]~~ ***Joint Interim Standing Committee on Natural Resources*** shall:

(a) Actively support the efforts of state and local governments in the western states regarding public lands and state sovereignty as impaired by federal ownership of land.

(b) Advance knowledge and understanding in local, regional and national forums of Nevada's unique situation with respect to public lands.

(c) Support legislation that will enhance state and local roles in the management of public lands and will increase the disposal of public lands.

2. The ~~[Subcommittee:]~~ ***Committee:***

(a) Shall review the programs and activities of:

(1) The Colorado River Commission of Nevada;

(2) All public water authorities, districts and systems in the State of Nevada, including, without limitation, the Southern Nevada Water Authority, the Truckee Meadows Water Authority, the Virgin Valley Water District, the Carson Water Subconservancy District, the Humboldt River Basin Water Authority and the Truckee-Carson Irrigation District; and

(3) All other public or private entities with which any county in the State has an agreement regarding the planning, development or distribution of water resources, or any combination thereof; ***and***

(b) ~~[Shall submit recommendations for legislation to the Joint Interim Standing Committee on Natural Resources;~~

~~(c) Shall, on or before January 15 of each odd-numbered year, submit to the Joint Interim Standing Committee on Natural Resources for transmittal to the Legislature a report concerning the review conducted pursuant to paragraph (a); and~~

~~(d)]~~ May review and comment on other issues relating to water resources in this State, including, without limitation:

(1) The laws, regulations and policies regulating the use, allocation and management of water in this State; and

(2) The status of existing information and studies relating to water use, surface water resources and groundwater resources in this State.

Sec. 18. **NRS 218E.555 is hereby amended to read as follows:**

218E.555 1. There is hereby created the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System . ~~[consisting of three members of the Senate and three members of the Assembly, appointed by the Legislative Commission with]~~

2. The Committee consists of eight regular members and five alternate members who are appointed in the same manner as the members of a Joint Interim Standing Committee pursuant to NRS 218E.320, except that the members of the Committee must be appointed, to the extent practicable:

(a) With appropriate regard for their experience with and knowledge of matters relating to the management of natural resources ~~[. The members must be appointed to]~~ ***; and***

(b) To provide representation from the various geographical regions of the State.

~~[2. The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program.~~

~~3. The members of the Committee shall elect a Chair from one House and a Vice Chair from the other House. Each Chair and Vice Chair holds office for a term of 2 years commencing on July 1 of each odd-numbered year.~~

~~4. Any member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular or special session convenes.~~

~~5. Vacancies on the Committee must be filled in the same manner as original appointments.~~

~~6. The Committee shall report annually to the Legislative Commission concerning its activities and any recommendations.~~**]**

3. Except as otherwise provided in this section, the provisions of NRS 218E.320, 218E.325 and 218E.330:

(a) Apply to the Committee in the same manner as a Joint Interim Standing Committee, including, without limitation, providing the Committee with any powers, privileges and immunities set forth in those provisions; and

(b) Control the Committee's formation, organization and operations, including, without limitation, its membership, officers, management, government, budget, compensation, allowances, expenses, meetings and proceedings, but the Committee shall not be deemed a Joint Interim Standing Committee for the purposes of the number of requests that it may submit for the drafting of legislative measures pursuant to NRS 218D.160.

4. If there is a conflict between the provisions of NRS 218E.320, 218E.325 and 218E.330 and the provisions of a specific statute that applies to the Committee, the provisions of the specific statute control.

Sec. 19. **NRS 218E.750 is hereby amended to read as follows:**

218E.750 1. The Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs **[**~~, consisting of six members,~~**]** is hereby created.

2. The **[**~~membership of the~~**]** Committee consists of **[**~~:~~

~~(a) Three members of the Senate appointed by the Majority Leader of the Senate, at least one of whom must be a member of the minority political party; and~~

~~(b) Three members of the Assembly appointed by the Speaker of the Assembly, at least one of whom must be a member of the minority political party.~~

~~2. The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program.~~

~~3. The Legislative Commission shall select the Chair and Vice Chair of the Committee from among the members of the Committee. After the initial selection, each Chair and Vice Chair holds office for a term of 2 years commencing on July 1 of each odd-numbered year. The office of Chair of the Committee must alternate each biennium between the Houses. If a vacancy occurs in the office of Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.~~

~~4. A member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular or special session convenes.~~

~~5. A vacancy on the Committee must be filled in the same manner as the original appointment for the remainder of the unexpired term.~~**]** ***eight regular members and five alternate members who are appointed in the same manner***

as the members of a Joint Interim Standing Committee pursuant to NRS 218E.320.

3. Except as otherwise provided in this section, the provisions of NRS 218E.320, 218E.325 and 218E.330:

(a) Apply to the Committee in the same manner as a Joint Interim Standing Committee, including, without limitation, providing the Committee with any powers, privileges and immunities set forth in those provisions; and

(b) Control the Committee's formation, organization and operations, including, without limitation, its membership, officers, management, government, budget, compensation, allowances, expenses, meetings and proceedings, but the Committee shall not be deemed a Joint Interim Standing Committee for the purposes of the number of requests that it may submit for the drafting of legislative measures pursuant to NRS 218D.160.

4. If there is a conflict between the provisions of NRS 218E.320, 218E.325 and 218E.330 and the provisions of a specific statute that applies to the Committee, the provisions of the specific statute control.

Sec. 20. **Chapter 218H of NRS is hereby amended by adding thereto the provisions set forth as sections 21 and 22 of this act.**

Sec. 21. 1. "Legislative committee" means any committee, subcommittee, commission or similar body created or authorized by the Legislature or either House to conduct or perform legislative business at the direction of or on behalf of the Legislature or either House.

2. The term includes, without limitation, any interim, advisory or other committee, subcommittee, commission or similar body for which legislative staff members serve as the primary administrative or professional staff.

Sec. 22. "Legislative committee investigative meeting, event or trip" means any meeting, event or trip that the chair of a legislative committee authorizes as an official meeting, event or trip of the committee in order for the members of the committee and legislative staff members to investigate or otherwise receive any education or information on matters that are pertinent to the committee's legislative business or possible future legislative action.

Sec. 23. **NRS 218H.030 is hereby amended to read as follows:**

218H.030 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 218H.033 to 218H.110, inclusive, ***and sections 21 and 22 of this act,*** have the meanings ascribed to them in those sections.

Sec. 24. **NRS 218H.045 is hereby amended to read as follows:**

218H.045 1. "Educational or informational meeting, event or trip" means any meeting, event or trip undertaken or attended by a Legislator ~~[if,]~~ ***or legislative officer, or any legislative staff member with the approval of his or her chief administrative supervisor, if*** in connection with the meeting, event or trip:

(a) The Legislator ***, legislative officer or legislative staff member,*** or a member of ~~[the Legislator's]~~ ***his or her*** household ***,*** receives anything of value from a lobbyist to undertake or attend the meeting, event or trip; and

(b) The Legislator ***, legislative officer or legislative staff member*** provides or receives any education or information on matters relating to the legislative, administrative or political action of the Legislator ~~[.]~~ ***or the Legislative Branch.***

2. The term includes, without limitation, any reception, gathering, conference, convention, discussion, forum, roundtable, seminar, symposium, speaking engagement or other similar meeting, event or trip with an educational or informational component.

3. The term does not include:

(a) A meeting, event or trip undertaken or attended by a Legislator ***, legislative officer or legislative staff member,*** or a member of ~~[the Legislator's]~~ ***his or her*** household ***,*** for personal reasons or for reasons relating to any professional or occupational license held by the ~~[Legislator or the member of the Legislator's household,]~~ ***person,*** unless the ~~[Legislator or the member of the Legislator's household]~~ ***person*** participates as one of the primary speakers, instructors or presenters at the meeting, event or trip.

(b) A meeting, event or trip undertaken or attended by a Legislator ***, legislative officer or legislative staff member,*** or a member of ~~[the Legislator's]~~ ***his or her*** household ***,*** if the meeting, event or trip is undertaken or attended as part of his or her bona fide employment or service as an employee or independent contractor and anything of value received by the ~~[Legislator or the member of the Legislator's household]~~ ***person*** for the meeting, event or trip or otherwise paid for or reimbursed to the ~~[Legislator or the member of the Legislator's household]~~ ***person*** as part of his or her bona fide employment or service as an employee or independent contractor.

(c) A party, meal, function or other social event to which every Legislator is invited where educational or informational displays or materials are available but no formal speech, presentation or other similar action to educate or inform the Legislators occurs.

(d) A legislative committee investigative meeting, event or trip.

4. For the purposes of this section, "anything of value" includes, without limitation, any actual expenses for food, beverages, registration fees, travel or lodging provided or given to or paid for the benefit of the Legislator ***, legislative officer or legislative staff member,*** or a member of ~~[the Legislator's]~~ ***his or her*** household ***,*** or reimbursement for any such actual expenses paid by the ~~[Legislator or a member of the Legislator's household,]~~ ***person,*** if the expenses are incurred on a day during which the ~~[Legislator or a member of the Legislator's household]~~ ***person*** undertakes or attends the meeting, event or trip or during which the ~~[Legislator or a member of the Legislator's household]~~ ***person*** travels to or from the meeting, event or trip.

5. For the purposes of this section, if a legislative staff member undertakes or attends a meeting, event or trip that meets the definition of "educational or informational meeting, event or trip" set forth in this section, the legislative staff member is not subject to the Nevada Financial Disclosure Act in NRS 281.5555 to 281.581, inclusive, unless the legislative

staff member is a public officer or candidate or a member of a public officer's or candidate's household for the purposes of that Act.

Sec. 25. **NRS 218H.050 is hereby amended to read as follows:**

218H.050 1. "Expenditure" means any of the following acts by a lobbyist while the Legislature is in a regular or special session:

(a) Any payment, conveyance, transfer, distribution, deposit, advance, loan, forbearance, subscription, pledge or rendering of money, services or anything else of value; or

(b) Any contract, agreement, promise or other obligation, whether or not legally enforceable, to make any such expenditure.

2. The term includes, without limitation:

(a) Anything of value provided for an educational or informational meeting, event or trip ~~[.]~~ ***or a legislative committee investigative meeting, event or trip.***

(b) The cost of a party, meal, function or other social event to which every Legislator is invited.

3. The term does not include:

(a) A prohibited gift.

(b) A lobbyist's personal expenditures for his or her own food, beverages, lodging, travel expenses or membership fees or dues.

Sec. 26. **NRS 218H.060 is hereby amended to read as follows:**

218H.060 1. "Gift" means any payment, conveyance, transfer, distribution, deposit, advance, loan, forbearance, subscription, pledge or rendering of money, services or anything else of value, unless consideration of equal or greater value is received.

2. The term does not include:

(a) Any political contribution of money or services related to a political campaign.

(b) Any commercially reasonable loan made in the ordinary course of business.

(c) Anything of value provided for an educational or informational meeting, event or trip ~~[.]~~ ***or a legislative committee investigative meeting, event or trip.***

(d) The cost of a party, meal, function or other social event to which every Legislator is invited, including, without limitation, the cost of food or beverages provided at the party, meal, function or other social event. For the purposes of this paragraph, there is a presumption that every Legislator is invited if the party, meal, function or other social event is held at any governmental building, facility or other property or the invitation for or notice of the party, meal, function or other social event indicates that it is a legislative event.

(e) Any ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion from a donor who is not a lobbyist.

(f) Anything of value received from a person who is:

(1) Related to the recipient, or to the spouse or domestic partner of the recipient, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity; or

(2) A member of the recipient's household.

(g) Anything of value received by a person as part of his or her bona fide employment or service as an employee or independent contractor or otherwise paid for or reimbursed to the person as part of his or her bona fide employment or service as an employee or independent contractor.

Sec. 27. **NRS 218H.092 is hereby amended to read as follows:**

218H.092 ~~["Member of the Legislator's household" means]~~ ***For the purposes of this chapter, "member of the person's household" or "member of his or her household," or any variation thereof, shall be deemed to mean:***

1. For a person who is ***subject to the Nevada Financial Disclosure Act in NRS 281.5555 to 281.581, inclusive,*** a member of ~~[the Legislator's]~~ ***his or her*** household for the purposes of ***that Act.***

2. For any other person, a substantially similar member of his or her household as if the Nevada Financial Disclosure Act in NRS 281.5555 to 281.581, inclusive ~~[.]~~ ***, applied to the person but only for the limited purposes of this definition.***

Sec. 28. **NRS 176.0129 is hereby amended to read as follows:**

176.0129 ***1.*** The Office of Finance shall, on an annual basis, contract for the services of an independent contractor, in accordance with the provisions of NRS 333.700, to review sentences imposed in this State and the practices of the State Board of Parole Commissioners and project annually the number of persons who will be:

~~[1.]~~ ***(a)*** In a facility or institution of the Department of Corrections;

~~[2.]~~ ***(b)*** On probation;

~~[3.]~~ ***(c)*** On parole; and

~~[4.]~~ ***(d)*** Serving a term of residential confinement,

➥ during the 10 years immediately following the date of the projection.

2. On or before December 1 of each year, the Office of Finance shall prepare an annual report of the review and projections made by the independent contractor pursuant to subsection 1 and provide the report to:

(a) The Joint Interim Standing Committee on the Judiciary; and

(b) The Department of Sentencing Policy.

Sec. 29. **NRS 193.309 is hereby amended to read as follows:**

193.309 1. Each law enforcement agency shall annually make available to the public and on a monthly basis submit to the Central Repository a report that includes, without limitation, a compilation of statistics relating to incidents involving the use of force that occurred during the immediately preceding calendar year, or month, as applicable, including, without limitation:

(a) The number of complaints against peace officers employed by the law enforcement agency relating to the use of force and the number of such complaints that were substantiated; and

(b) A compilation of statistics relating to incidents involving the use of force that, for each incident, includes, without limitation, all information collected by the National Use-of-Force Data Collection of the Federal Bureau of Investigation.

2. Each law enforcement agency shall submit the report required pursuant to subsection 1 in a manner approved by the Director of the Department of Public Safety and in accordance with the policies, procedures and definitions of the Department.

3. The Central Repository shall make the use-of-force data submitted by each law enforcement agency pursuant to subsection 1 available for access by the public on the Internet website of the Central Repository.

4. The Central Repository may accept gifts, grants and donations from any source for the purpose of carrying out the provisions of this section.

5. To the extent of legislative appropriation, the Office of the Attorney General shall:

(a) Review the use-of-force data that is publicly available on the Internet website of the Central Repository;

(b) Prepare a report containing any conclusions or recommendations resulting from its review; and

(c) On or before December 1 of each year, submit to the Governor **, *the Joint Interim Standing Committee on the Judiciary*** and ~~[to]~~ the Director of the Legislative Counsel Bureau for transmittal to the Legislature the report prepared pursuant to paragraph (b).

6. Each law enforcement agency in this State shall participate in the National Use-of-Force Data Collection of the Federal Bureau of Investigation.

7. Information collected pursuant to this section must not be introduced into evidence or otherwise used in any way against a peace officer during a criminal proceeding.

8. As used in this section:

(a) "Central Repository" means the Central Repository for Nevada Records of Criminal History.

(b) "Law enforcement agency" means:

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

(2) A metropolitan police department;

(3) A police department of an incorporated city;

(4) The Department of Corrections;

(5) The police department for the Nevada System of Higher Education;

(6) Any political subdivision of this State employing park rangers to enforce laws within its jurisdiction; or

(7) Any political subdivision of this State which has as its primary duty the enforcement of law and which employs peace officers to fulfill its duty.

Sec. 30. **NRS 209.192 is hereby amended to read as follows:**

209.192 1. There is hereby created in the State Treasury a Fund for New Construction of Facilities for Prison Industries as a capital projects fund. The Director shall deposit in the Fund the deductions made pursuant to subparagraph (3) of paragraph (a) of subsection 3 or subparagraph (2) of paragraph (a) of subsection 4 of NRS 209.463. The money in the Fund must only be expended:

(a) To house new industries or expand existing industries in the industrial program to provide additional employment of offenders;

(b) To relocate, expand, upgrade or modify an existing industry in the industrial program to enhance or improve operations or security or to provide additional employment or training of offenders;

(c) To purchase or lease equipment to be used for the training of offenders or in the operations of prison industries;

(d) To pay or fund the operations of prison industries, including, without limitation, paying the salaries of staff and wages of offenders if the cash balance in the Fund for Prison Industries is below the average monthly expenses for the operation of prison industries;

(e) To advertise and promote the goods produced and services provided by prison industries; or

(f) For any other purpose authorized by the Legislature.

2. Before money in the Fund may be expended:

(a) As described in paragraphs (b) to (e), inclusive, of subsection 1, the Director shall submit a proposal for the expenditure to the ~~[Joint Interim Standing Committee on the Judiciary]~~ ***Interim Finance Committee*** and the State Board of Examiners.

(b) For construction, the Director shall submit a proposal for the expenditure to the State Board of Examiners.

3. Upon making a determination that the proposed expenditure is appropriate and necessary, the State Board of Examiners shall recommend to the Interim Finance Committee, or the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means when the Legislature is in general session, that the expenditure be approved. Upon approval of the appropriate committee or committees, the money may be so expended.

4. If any money in the Fund is used as described in paragraph (d) of subsection 1, the Director shall repay the amount used as soon as sufficient money is available in the Fund for Prison Industries.

5. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund.

6. As used in this section, "Fund" means Fund for New Construction of Facilities for Prison Industries.

Sec. 31. **NRS 209.461 is hereby amended to read as follows:**

209.461 1. The Director shall:

(a) To the greatest extent possible, approximate the normal conditions of training and employment in the community.

(b) Except as otherwise provided in this section, to the extent practicable, require each offender, except those whose behavior is found by the Director to preclude participation, to spend 40 hours each week in vocational training or employment, unless excused for a medical reason or to attend educational classes in accordance with NRS 209.396. The Director shall require as a condition of employment that an offender sign an authorization for the

deductions from his or her wages made pursuant to NRS 209.463. Authorization to make the deductions pursuant to NRS 209.463 is implied from the employment of an offender and a signed authorization from the offender is not required for the Director to make the deductions pursuant to NRS 209.463.

(c) Use the earnings from services and manufacturing conducted by the institutions and the money paid by private employers who employ the offenders to offset the costs of operating the prison system and to provide wages for the offenders being trained or employed.

(d) Provide equipment, space and management for services and manufacturing by offenders.

(e) Employ craftsmen and other personnel to supervise and instruct offenders.

(f) Contract with governmental agencies and private employers for the employment of offenders, including their employment on public works projects under contracts with the State and with local governments.

(g) Contract for the use of offenders' services and for the sale of goods manufactured by offenders.

(h) On or before January 1, 2014, and every 5 years thereafter, submit a report to the Director of the Legislative Counsel Bureau for distribution to the Joint Interim Standing Committee on the Judiciary. The report must include, without limitation, an analysis of existing contracts with private employers for the employment of offenders and the potential impact of those contracts on private industry in this State.

(i) Submit a report to each meeting of the Interim Finance Committee identifying any accounts receivable related to a program for the employment of offenders.

2. Every program for the employment of offenders established by the Director must:

(a) Employ the maximum number of offenders possible;

(b) Except as otherwise provided in NRS 209.192, provide for the use of money produced by the program to reduce the cost of maintaining the offenders in the institutions;

(c) Have an insignificant effect on the number of jobs available to the residents of this State; and

(d) Provide occupational training for offenders.

3. An offender may not engage in vocational training, employment or a business that requires or permits the offender to:

(a) Telemarket or conduct opinion polls by telephone; or

(b) Acquire, review, use or have control over or access to personal information concerning any person who is not incarcerated.

4. Each fiscal year, the cumulative profits and losses, if any, of the programs for the employment of offenders established by the Director must result in a profit for the Department. The following must not be included in determining whether there is a profit for the Department:

(a) Fees credited to the Fund for Prison Industries pursuant to NRS 482.268, any revenue collected by the Department for the leasing of space, facilities or equipment within the institutions or facilities of the Department, and any interest or income earned on the money in the Fund for Prison Industries.

(b) The selling expenses of the Central Administrative Office of the programs for the employment of offenders. As used in this paragraph, "selling expenses" means delivery expenses, salaries of sales personnel and related payroll taxes and costs, the costs of advertising and the costs of display models.

(c) The general and administrative expenses of the Central Administrative Office of the programs for the employment of offenders. As used in this paragraph, "general and administrative expenses" means the salary of the Deputy Director of Industrial Programs and the salaries of any other personnel of the Central Administrative Office and related payroll taxes and costs, the costs of telephone usage, and the costs of office supplies used and postage used.

5. If any state-sponsored program incurs a net loss for 2 consecutive fiscal years, the Director shall appear before the ~~[Joint Interim Standing Committee on the Judiciary]~~ ***Interim Finance Committee*** to explain the reasons for the net loss and provide a plan for the generation of a profit in the next fiscal year. If the program does not generate a profit in the third fiscal year, the Director shall take appropriate steps to resolve the issue.

6. Except as otherwise provided in subsection 3, the Director may, with the approval of the Board:

(a) Lease spaces and facilities within any institution of the Department to private employers to be used for the vocational training and employment of offenders.

(b) Grant to reliable offenders the privilege of leaving institutions or facilities of the Department at certain times for the purpose of vocational training or employment.

7. Before entering into any contract with a private employer for the employment of offenders pursuant to subsection 1, the Director shall obtain from the private employer:

(a) A personal guarantee to secure an amount fixed by the Director of:

(1) For a contract that does not relate to construction, not less than 25 percent of the prorated annual amount of the contract but not more than 100 percent of the prorated annual amount of the contract, a surety bond made payable to the State of Nevada in an amount fixed by the Director of not less than 25 percent of the prorated annual amount of the contract but not more than 100 percent of the prorated annual amount of the contract and conditioned upon the faithful performance of the contract in accordance with the terms and conditions of the contract; or

(2) For a contract that relates to construction, not less than 100 percent of the prorated annual amount of the contract, a surety bond made payable to the State of Nevada in an amount fixed by the Director of not less than 100 percent of the prorated annual amount of the contract and conditioned upon the faithful

performance of the contract in accordance with the terms and conditions of the contract,

➥ or a security agreement to secure any debt, obligation or other liability of the private employer under the contract, including, without limitation, lease payments, wages earned by offenders and compensation earned by personnel of the Department. The Director shall appear before the ~~[Joint Interim Standing Committee on the Judiciary]~~ ***Interim Finance Committee*** to explain the reasons for the amount fixed by the Director for any personal guarantee or surety bond.

(b) A detailed written analysis on the estimated impact of the contract on private industry in this State. The written analysis must include, without limitation:

(1) The number of private companies in this State currently providing the types of products and services offered in the proposed contract.

(2) The number of residents of this State currently employed by such private companies.

(3) The number of offenders that would be employed under the contract.

(4) The skills that the offenders would acquire under the contract.

8. The provisions of this chapter do not create a right on behalf of the offender to employment or to receive the federal or state minimum wage for any employment and do not establish a basis for any cause of action against the State or its officers or employees for employment of an offender or for payment of the federal or state minimum wage to an offender.

9. As used in this section, "state-sponsored program" means a program for the vocational training or employment of offenders which does not include a contract of employment with a private employer.

Sec. 32. **NRS 209.4818 is hereby amended to read as follows:**

209.4818 1. The ~~[Joint Interim Standing Committee on the Judiciary]~~ ***Interim Finance Committee*** shall:

(a) Be informed on issues and developments relating to industrial programs for correctional institutions;

(b) ~~[Submit a semiannual report to the Interim Finance Committee before July 1 and December 1 of each year on the status of current and proposed industrial programs for correctional institutions;~~

~~(c)]~~ Report to the Legislature on any ~~[other]~~ matter relating to industrial programs for correctional institutions that it deems appropriate;

~~[(d)]~~ ***(c)*** Recommend three persons to the Director for appointment as the Deputy Director for Industrial Programs whenever a vacancy exists;

~~[(e)]~~ ***(d)*** Before any new industrial program is established by the Director, review the proposed program for compliance with the requirements of subsections 2, 3, 4 and 7 of NRS 209.461 and submit to the Director its recommendations concerning the proposed program; and

~~[(f)]~~ ***(e)*** Review each state-sponsored industry program established pursuant to subsection 2 of NRS 209.461 to determine whether the program is operating profitably. If the Committee determines that a program has incurred

a net loss in 3 consecutive fiscal years, the Committee shall report its finding to the Director with a recommendation regarding whether the program should be continued or terminated. If the Director does not accept the recommendation of the Committee, the Director shall submit a written report to the Committee setting forth his or her reasons for rejecting the recommendation.

2. Upon the request of the ~~[Joint Interim Standing Committee on the Judiciary,]~~ ***Interim Finance Committee,*** the Director and the Deputy Director for Industrial Programs shall provide to the Committee any information that the Committee determines is relevant to the performance of the duties of the Committee.

3. As used in this section, "state-sponsored industry program" means a program for the vocational training or employment of offenders which does not include a contract of employment with a private employer.

Sec. 33. **Chapter 232B of NRS is hereby amended by adding thereto a new section to read as follows:**

As used in this section and NRS 232B.210 to 232B.250, inclusive, unless the context otherwise requires, "Sunset Committee" or "Committee" means the Sunset Committee of the Legislature created by NRS 232B.210.

Sec. 34. **NRS 232B.210 is hereby amended to read as follows:**

232B.210 1. The Sunset ~~[Subcommittee of the Legislative Commission, consisting of nine members,]~~ ***Committee of the Legislature*** is hereby created.

2. The ~~[membership of the Sunset Subcommittee]~~ ***Committee*** consists of ~~[:~~

~~(a) Three voting members of the Legislature appointed by the Majority Leader of the Senate, at least one of whom must be a member of the minority political party;~~

~~(b) Three voting members of the Legislature appointed by the Speaker of the Assembly, at least one of whom must be a member of the minority political party; and~~

~~(c) Three nonvoting members of the general public appointed by the Chair of the Legislative Commission from among the names of nominees submitted by the Governor pursuant to subsection 2.~~

~~2. The Governor shall, at least 30 days before the beginning of the term of any member appointed pursuant to paragraph (c) of subsection 1, or within 30 days after such a position on the Sunset Subcommittee becomes vacant, submit to the Legislative Commission the names of at least three persons qualified for membership on the Sunset Subcommittee. The Chair of the Legislative Commission shall appoint a new member or fill the vacancy from the list, or request a new list. The Chair of the Legislative Commission may appoint any qualified person who is a resident of this State to a position described in paragraph (c) of subsection 1.~~

~~3. Each member of the Sunset Subcommittee serves at the pleasure of the appointing authority.~~

~~4. The voting members of the Sunset Subcommittee shall elect a Chair from one House of the Legislature and a Vice Chair from the other House. Each Chair and Vice Chair holds office for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the office of Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.~~

~~5. The membership of any member of the Sunset Subcommittee who is a Legislator and who is not a candidate for reelection or who is defeated for reelection terminates on the day next after the general election.~~

~~6. A vacancy on the Sunset Subcommittee must be filled in the same manner as the original appointment.~~

~~7. The Sunset Subcommittee shall meet at the times and places specified by a call of the Chair. Four voting members of the Sunset Subcommittee constitute a quorum, and a quorum may exercise any power or authority conferred on the Sunset Subcommittee.~~

~~8. For each day or portion of a day during which a member of the Sunset Subcommittee who is a Legislator attends a meeting of the Sunset Subcommittee or is otherwise engaged in the business of the Sunset Subcommittee, except during a regular or special session of the Legislature, the Legislator is entitled to receive the:~~

~~(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;~~

~~(b) Per diem allowance provided for state officers generally; and~~

~~(c) Travel expenses provided pursuant to NRS 218A.655.~~

~~➡ The compensation, per diem allowances and travel expenses of the members of the Sunset Subcommittee who are Legislators must be paid from the Legislative Fund.~~

~~9. While engaged in the business of the Sunset Subcommittee, the members of the Subcommittee who are not Legislators are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.~~] ***eight regular members and five alternate members who are appointed in the same manner as the members of a Joint Interim Standing Committee pursuant to NRS 218E.320.***

3. Except as otherwise provided in this section, the provisions of NRS 218E.320, 218E.325 and 218E.330:

(a) Apply to the Committee in the same manner as a Joint Interim Standing Committee, including, without limitation, providing the Committee with any powers, privileges and immunities set forth in those provisions; and

(b) Control the Committee's formation, organization and operations, including, without limitation, its membership, officers, management, government, budget, compensation, allowances, expenses, meetings and proceedings, but the Committee shall not be deemed a Joint Interim Standing Committee for the purposes of the number of requests that it may submit for the drafting of legislative measures pursuant to NRS 218D.160.

4. If there is a conflict between the provisions of NRS 218E.320, 218E.325 and 218E.330 and the provisions of a specific statute that applies to the Committee, the provisions of the specific statute control.

Sec. 35. **NRS 232B.220 is hereby amended to read as follows:**

232B.220 1. The Sunset ~~[Subcommittee of the Legislative Commission]~~ ***Committee*** shall conduct a review of each board and commission in this State which is not provided for in the Nevada Constitution or established by an executive order of the Governor to determine whether the board or commission should be terminated, modified, consolidated with another board or commission or continued. Such a review must include, without limitation:

(a) An evaluation of the major policies and programs of the board or commission, including, without limitation, an examination of other programs or services offered in this State to determine if any other provided programs or services duplicate those offered by the board or commission;

(b) Any recommendations for improvements in the policies and programs offered by the board or commission; and

(c) A determination of whether any statutory tax exemptions, abatements or money set aside to be provided to the board or commission should be terminated, modified or continued.

2. The ~~[Sunset Subcommittee]~~ ***Committee*** shall review not less than 10 boards and commissions specified in subsection 1 ***during*** each legislative interim.

3. Any action taken by the ~~[Sunset Subcommittee]~~ ***Committee*** concerning a board or commission pursuant to NRS 232B.210 to 232B.250, inclusive, ***and section 33 of this act*** is in addition or supplemental to any action taken by the Legislative Commission pursuant to NRS 232B.010 to 232B.100, inclusive.

Sec. 36. **NRS 232B.230 is hereby amended to read as follows:**

232B.230 1. Each board and commission subject to review by the Sunset ~~[Subcommittee of the Legislative Commission]~~ ***Committee*** shall submit information to ~~[the Sunset Subcommittee]~~ ***it*** on a form prescribed by the ~~[Sunset Subcommittee.]~~ ***Committee.*** The information must include, without limitation:

(a) The name of the board or commission;

(b) The name of each member of the board or commission;

(c) The address of the Internet website established and maintained by the board or commission, if any;

(d) The name and contact information of the executive director of the board or commission, if any;

(e) A list of the members of the staff of the board or commission;

(f) The authority by which the board or commission was created;

(g) The governing structure of the board or commission, including, without limitation, information concerning the method, terms, qualifications and conditions of appointment and removal of the members of the board or commission;

(h) The duties of the board or commission;

(i) The operating budget of the board or commission;

(j) A statement setting forth the income and expenses of the board or commission for at least 3 years immediately preceding the date on which the board or commission submits the form required by this subsection, including the balances of any fund or account maintained by or on behalf of the board or commission;

(k) The most recent audit conducted of the board or commission, if any;

(l) The dates of the immediately preceding six meetings held by the board or commission;

(m) A statement of the objectives and programs of the board or commission;

(n) A conclusion concerning the effectiveness of the objectives and programs of the board or commission;

(o) Any recommendations for statutory changes which are necessary for the board or commission to carry out its objectives and programs; and

(p) Such other information as the ~~[Sunset Subcommittee]~~ ***Committee*** may require.

2. The ~~[Sunset Subcommittee]~~ ***Committee*** may direct the Legislative Counsel Bureau to assist in its research, investigations, review and analysis of the information submitted by each board and commission pursuant to subsection 1.

Sec. 37. **NRS 232B.235 is hereby amended to read as follows:**

232B.235 1. At any time during a legislative interim, if the Sunset ~~[Subcommittee of the Legislative Commission]~~ ***Committee*** determines that a board or commission subject to ***its*** review ~~[by the Sunset Subcommittee]~~ should be audited, the ~~[Sunset Subcommittee]~~ ***Committee*** shall make such a recommendation to the Legislative Commission. The ~~[Sunset Subcommittee]~~ ***Committee*** shall include with its recommendation a summary of the justification for the recommendation.

2. After receiving a recommendation from the ~~[Sunset Subcommittee]~~ ***Committee*** pursuant to subsection 1, the Legislative Commission shall evaluate the recommendation and determine whether to direct the Legislative Auditor to perform an audit of the board or commission pursuant to NRS 218G.120. In making its determination, the Legislative Commission shall consider the current workload of the Audit Division of the Legislative Counsel Bureau.

3. The Legislative Auditor shall not perform more than four audits directed by the Legislative Commission pursuant to this section during a legislative interim.

Sec. 38. **NRS 232B.237 is hereby amended to read as follows:**

232B.237 1. The Sunset ~~[Subcommittee of the Legislative Commission]~~ ***Committee*** shall conduct a review of each professional or occupational licensing board and regulatory body in this State to determine whether the restrictions on the criminal history of an applicant for an occupational or professional license are appropriate.

2. Each professional or occupational licensing board and regulatory body subject to review pursuant to subsection 1 must submit information to the ~~[Sunset Subcommittee]~~ ***Committee*** on a form prescribed by the ~~[Sunset Subcommittee.]~~ ***Committee.*** The information must include, without limitation:

(a) The number of petitions submitted to a professional or occupational licensing board and regulatory body pursuant to NRS 1.545, 240A.275, 244.33504, 361.2212, 379.00785, ~~[433.616,]~~ 435.3395, 445B.7776, 449.03008, 449.4316, 450B.169, 455C.125, 457.1825, 458.0258, 477.2233, 482.163, 487.006, 489.298, 490.195, 502.375, 503.5831, 504.391, 505.013, 534.1405, 544.147, 555.305, 557.225, 576.037, 581.1033, 582.035, 584.2165, 587.014, 599A.057, 599B.127, 618.357, 622.085, 687B.630 and 706.4626;

(b) The number of determinations of disqualification made by the professional or occupational licensing board and regulatory body pursuant to NRS 1.545, 240A.275, 244.33504, 361.2212, 379.00785, ~~[433.616,]~~ 435.3395, 445B.7776, 449.03008, 449.4316, 450B.169, 455C.125, 457.1825, 458.0258, 477.2233, 482.163, 487.006, 489.298, 490.195, 502.375, 503.5831, 504.391, 505.013, 534.1405, 544.147, 555.305, 557.225, 576.037, 581.1033, 582.035, 584.2165, 587.014, 599A.057, 599B.127, 618.357, 622.085, 687B.630 and 706.4626; and

(c) The reasons for such determinations of disqualification.

3. As used in this section, "regulatory body" has the meaning ascribed to it in NRS 622.060.

Sec. 39. **NRS 232B.240 is hereby amended to read as follows:**

232B.240 1. The Sunset ~~[Subcommittee of the Legislative Commission]~~ ***Committee*** shall conduct public hearings for the purpose of obtaining comments on, and may require the Legislative Counsel Bureau to submit reports on, the need for the termination, modification, consolidation or continued operation of a board or commission.

2. The ~~[Sunset Subcommittee]~~ ***Committee*** shall consider any report submitted to it by the Legislative Counsel Bureau.

3. A board or commission has the burden of proving that there is a public need for its continued existence.

Sec. 40. **NRS 232B.250 is hereby amended to read as follows:**

232B.250 1. If the Sunset ~~[Subcommittee of the Legislative Commission]~~ ***Committee*** determines to recommend the termination of a board or commission, its recommendation must include suggestions for appropriate direct legislative action, if any, which is made necessary or desirable by the termination of the board or commission.

2. If the ~~[Sunset Subcommittee]~~ ***Committee*** determines to recommend the consolidation, modification or continuation of a board or commission, its recommendation must include suggestions for appropriate direct legislative action, if any, which would make the operation of the board or commission or its successor more efficient or effective.

3. If the ~~[Sunset Subcommittee]~~ ***Committee*** determines to recommend the modification, continuation or removal of the restrictions on the criminal

history of an applicant for an occupational or professional license, its recommendation must include suggestions for appropriate direct legislative action, if any, which is made necessary or desirable by any modification, continuation or removal of such restrictions.

4. ~~[On or before June 30, 2012, the Sunset Subcommittee shall make all of its initial recommendations pursuant to this section, if any. The Sunset Subcommittee]~~ ***The Committee*** shall make all ~~[subsequent]~~ recommendations pursuant to this section, if any, on or before ~~[June 30]~~ ***August 31*** of each even-numbered year ***.*** ~~[occurring thereafter.]~~

~~[Sec. 4.]~~ ***Sec. 41.*** NRS 233B.063 is hereby amended to read as follows:

233B.063 1. An agency that intends to adopt, amend or repeal a permanent regulation must deliver to the Legislative Counsel a copy of the proposed regulation. The Legislative Counsel shall examine and if appropriate revise the language submitted so that it is clear, concise and suitable for incorporation in the Nevada Administrative Code, but shall not alter the meaning or effect without the consent of the agency.

2. Unless the proposed regulation is submitted to the Legislative Counsel between July 1 of an even-numbered year and July 1 of the succeeding odd-numbered year, the Legislative Counsel shall deliver the approved or revised text of the regulation within 30 days after it is submitted to the Legislative Counsel. If the proposed or revised text of a regulation is changed before adoption, the agency shall submit the changed text to the Legislative Counsel, who shall examine and revise it if appropriate pursuant to the standards of subsection 1. Unless it is submitted between July 1 of an even-numbered year and July 1 of the succeeding odd-numbered year, the Legislative Counsel shall return it with any appropriate revisions within 30 days. ~~[If the agency is a licensing board as defined in NRS 439B.225 and the proposed regulation relates to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the agency, the Legislative Counsel shall also deliver one copy of the approved or revised text of the regulation to the Joint Interim Standing Committee on Health and Human Services.]~~

3. An agency may adopt a temporary regulation between August 1 of an even-numbered year and July 1 of the succeeding odd-numbered year without following the procedure required by this section and NRS 233B.064, but any such regulation expires by limitation on November 1 of the odd-numbered year. A substantively identical permanent regulation may be subsequently adopted.

4. An agency may amend or suspend a permanent regulation between August 1 of an even-numbered year and July 1 of the succeeding odd-numbered year by adopting a temporary regulation in the same manner and subject to the same provisions as prescribed in subsection 3.

~~[Sec. 5.]~~ ***Sec. 42.*** NRS 233B.070 is hereby amended to read as follows:

233B.070 1. A permanent regulation becomes effective when the Legislative Counsel files with the Secretary of State the original of the final

draft or revision of a regulation, except as otherwise provided in NRS 293.247 or where a later date is specified in the regulation.

2. Except as otherwise provided in NRS 233B.0633, an agency that has adopted a temporary regulation may not file the temporary regulation with the Secretary of State until 35 days after the date on which the temporary regulation was adopted by the agency. A temporary regulation becomes effective when the agency files with the Secretary of State the original of the final draft or revision of the regulation, together with the informational statement prepared pursuant to NRS 233B.066. The agency shall also file a copy of the temporary regulation with the Legislative Counsel, together with the informational statement prepared pursuant to NRS 233B.066.

3. An emergency regulation becomes effective when the agency files with the Secretary of State the original of the final draft or revision of an emergency regulation, together with the informational statement prepared pursuant to NRS 233B.066. The agency shall also file a copy of the emergency regulation with the Legislative Counsel, together with the informational statement prepared pursuant to NRS 233B.066.

4. The Secretary of State shall maintain the original of the final draft or revision of each regulation in a permanent file to be used only for the preparation of official copies.

5. The Secretary of State shall file, with the original of each agency's rules of practice, the current statement of the agency concerning the date and results of its most recent review of those rules.

6. Immediately after each permanent or temporary regulation is filed, the agency shall deliver one copy of the final draft or revision, bearing the stamp of the Secretary of State indicating that it has been filed, including material adopted by reference which is not already filed with the State Library, Archives and Public Records Administrator, to the State Library, Archives and Public Records Administrator for use by the public. ~~[If the agency is a licensing board as defined in NRS 439B.225 and it has adopted a permanent regulation relating to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the agency, the agency shall also deliver one copy of the regulation, bearing the stamp of the Secretary of State, to the Joint Interim Standing Committee on Health and Human Services within 10 days after the regulation is filed with the Secretary of State.]~~

7. Each agency shall furnish a copy of all or part of that part of the Nevada Administrative Code which contains its regulations, to any person who requests a copy, and may charge a reasonable fee for the copy based on the cost of reproduction if it does not have money appropriated or authorized for that purpose.

8. An agency which publishes any regulations included in the Nevada Administrative Code shall use the exact text of the regulation as it appears in the Nevada Administrative Code, including the leadlines and numbers of the sections. Any other material which an agency includes in a publication with its

regulations must be presented in a form which clearly distinguishes that material from the regulations.

Sec. 43. **NRS 321.7355 is hereby amended to read as follows:**

321.7355 1. The State Land Use Planning Agency may prepare, in cooperation with appropriate federal and state agencies and local governments throughout the State, plans or statements of policy concerning the administration of lands in the State of Nevada that are under federal management. The plans or statements of policy must not include matters concerning zoning or the division of land and must be consistent with local plans and regulations concerning the use of private property.

2. The State Land Use Planning Agency shall:

(a) Encourage public comment upon the various matters treated in a proposed plan or statement of policy throughout its preparation and incorporate such comments into the proposed plan or statement of policy as are appropriate;

(b) Submit its work on a plan or statement of policy periodically for review and comment by the Land Use Planning Advisory Council and ~~[the Subcommittee on Public Lands of]~~ the Joint Interim Standing Committee on Natural Resources; and

(c) Provide written responses to written comments received from a county or city upon the various matters treated in a proposed plan or statement of policy.

3. Whenever the State Land Use Planning Agency prepares plans or statements of policy pursuant to subsection 1 and submits those plans or statements of policy to the Governor, the Legislature, ~~[the Subcommittee on Public Lands of]~~ the Joint Interim Standing Committee on Natural Resources or an agency of the Federal Government, the State Land Use Planning Agency shall include with each plan or statement of policy the comments and recommendations of:

(a) The Land Use Planning Advisory Council; and

(b) The ~~[Subcommittee on Public Lands of the]~~ Joint Interim Standing Committee on Natural Resources.

4. A plan or statement of policy must be approved by the governing bodies of the county and cities affected by it before it is put into effect.

~~[Sec. 6.]~~ ***Sec. 44.*** NRS 332.215 is hereby amended to read as follows:

332.215 1. Each county of this state whose population is 100,000 or more, must be a member of the Commission to Study Governmental Purchasing which is composed of all purchasing agents of the local governments within those counties. Each county whose population is less than 100,000 may participate as a voting member of the Commission. The members shall select a Chair from among their number.

2. The Commission shall meet no less than quarterly or at the call of the Chair to study practices in governmental purchasing and laws relating thereto and shall make recommendations with respect to those laws to the next regular session of the Legislature.

3. On or before July 1 of each even-numbered year, the Commission shall submit a written report to the Joint Interim Standing Committee on ~~[Legislative Operations and Elections]~~ ***Government Affairs*** that includes any recommendations of the Commission for legislation relating to governmental purchasing.

Sec. 45. **NRS 388.887 is hereby amended to read as follows:**

388.887 1. The State Board shall create a subcommittee to review and make recommendations on the manner in which to provide age-appropriate and historically accurate instruction about the Holocaust and other genocides, such as the Armenian, Cambodian, Darfur, Guatemalan and Rwandan genocides, in social studies and language arts courses of study.

2. The review conducted and any recommendations made by the subcommittee pursuant to this section must include, without limitation:

(a) The manner in which to modify the curricula of relevant courses in social studies and language arts to include the instruction described in this section;

(b) An inventory of available classroom resources for educators to meet the requirements of this section;

(c) The professional development that may be necessary or appropriate for a teacher who provides the instruction described in this section; and

(d) Consideration of any similar instruction provided in another state or school district.

3. The subcommittee shall link current standards with community resources that may assist in the implementation of the instruction described in subsection 1. The subcommittee shall review the manner in which the current standards support comprehensive education regarding the Holocaust and other genocides, such as the Armenian, Cambodian, Darfur, Guatemalan and Rwandan genocides, including, without limitation, by:

(a) Preparing pupils to confront the immorality of the Holocaust, other genocides, such as the Armenian, Cambodian, Darfur, Guatemalan and Rwandan genocides, and other acts of mass violence and to reflect on the causes of related historical events;

(b) Addressing the breadth of the history of the Holocaust, including, without limitation, the dictatorship of the Third Reich, the system of concentration camps, the persecution of both Jewish and non-Jewish people, the resistance to the Third Reich and the Holocaust by both Jewish and non-Jewish people and the various trials that occurred after the end of World War II;

(c) Developing the respect of pupils for cultural diversity and helping pupils to gain insight into the importance of international human rights for all people;

(d) Promoting the understanding of pupils of how the Holocaust contributed to the need for the term “genocide” and led to international legislation that recognized genocide as a crime;

(e) Communicating the impact of personal responsibility, civic engagement and societal responsiveness;

(f) Stimulating the reflection of pupils on the role and responsibility of citizens in democratic societies to combat misinformation, indifference and discrimination through the development of critical thinking skills and through tools of resistance such as protest, reform and celebration;

(g) Providing pupils with opportunities to contextualize and analyze patterns of human behavior by persons and groups who belong in one or more categories, including, without limitation, perpetrator, collaborator, bystander, victim and rescuer;

(h) Enabling pupils to understand the ramifications of prejudice, racism and stereotyping;

(i) Preserving the memories of survivors of genocide and providing opportunities for pupils to discuss and honor the cultural legacies of survivors;

(j) Providing pupils with a foundation for examining the history of discrimination in this State;

(k) Including in curricula the use of personal narratives and multimedia primary source materials, which may include, without limitation, video testimony, photographs, artwork, diary entries, letters, government documents, maps and poems; and

(l) Exploring the various mechanisms of transitional and restorative justice that help humanity move forward in the aftermath of genocide.

4. The subcommittee must be composed of the Superintendent of Public Instruction, or his or her designee, and the following members appointed by the Superintendent:

(a) Three members representing the Governor's Advisory Council on Education Relating to the Holocaust created by NRS 233G.020;

(b) Three members representing nonprofit organizations that have developed curricula regarding the Holocaust for use in public schools;

(c) At least one member representing a school district in which 60,000 or more pupils are enrolled;

(d) At least one member representing a school district in which fewer than 60,000 pupils are enrolled;

(e) At least one member representing a charter school located in this State;

(f) At least one member representing nonprofit organizations that have developed curricula for use in public schools regarding the Armenian genocide; and

(g) At least one member representing nonprofit organizations that have developed curricula for use in public schools regarding genocides other than the Holocaust and the Armenian genocide.

5. On or before ~~[October]~~ ***July*** 1 of each even-numbered year, the State Board shall report its findings and any recommendations to the Joint Interim Standing Committee on Education, including, without limitation, any recommendations made by the subcommittee pursuant to subsection 1, as well as any actions the State Board has taken or intends to take to include the instruction in the relevant courses pursuant to subsection 2.

6. On or before ~~[February 1]~~ ***August 31*** of each ~~[odd-numbered]~~ ***even-numbered*** year, the Joint Interim Standing Committee on Education shall consider the report submitted by the State Board and prepare and submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature concerning the Committee's consideration of the matters described in this section and any recommendations for legislation to ensure the instruction described in this section is included in the curricula for the relevant courses.

7. As used in this section:

(a) "Genocide" means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group and includes, without limitation, genocides and other acts of mass atrocities identified by the United States Holocaust Memorial Museum:

(1) Killing members of the group;

(2) Causing serious bodily or mental harm to members of the group;

(3) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(4) Imposing measures intended to prevent births within the group; and

(5) Forcibly transferring children of the group to another group.

(b) "Holocaust" means the systematic, bureaucratic, state-sponsored persecution and murder of approximately 6,000,000 Jewish persons and 5,000,000 other persons by the Nazi regime and its collaborators.

~~[Sec. 7.]~~ ***Sec. 46.*** NRS 391.494 is hereby amended to read as follows:

391.494 1. Each member of the Task Force must:

(a) Be a licensed teacher with at least 5 consecutive years of experience teaching in a public school in this State;

(b) Be currently employed as a teacher and actively teaching in a public school in this State, and remain employed as a teacher in a public school in this State for the duration of the member's term; and

(c) Not be currently serving on any other education-related board, commission, council, task force or similar governmental entity.

2. On or before December 1, 2019, the Department shall prescribe a uniform application for a teacher to use to apply to serve on the Task Force.

3. A teacher who wishes to serve on the Task Force must submit an application prescribed pursuant to subsection 2 to the Joint Interim Standing Committee on Education on or before ~~[January 15]~~ ***December 1*** of an ~~[even-numbered]~~ ***odd-numbered*** year. On or before February 1 of each even-numbered year, the Joint Interim Standing Committee on Education shall select one or more teachers, as applicable, to serve as a member of the Task Force.

Sec. 47. **NRS 449.242 is hereby amended to read as follows:**

449.242 1. Except as otherwise provided in subsection 4, each hospital located in a county whose population is 100,000 or more and which is licensed to have more than 70 beds shall establish a staffing committee to develop a written policy as required pursuant to NRS 449.2423 and a documented

staffing plan as required pursuant to NRS 449.2421. Each staffing committee established pursuant to this subsection must consist of:

(a) Not less than one-half of the total regular members of the staffing committee from the licensed nursing staff and certified nursing assistants who are providing direct patient care at the hospital. The members described in this paragraph must consist of:

(1) One member representing each unit of the hospital who is a licensed nurse who provides direct patient care on that unit, elected by the licensed nursing staff who provide direct patient care on the unit that the member will represent.

(2) One member representing each unit of the hospital who is a certified nursing assistant who provides direct patient care on that unit, elected by the certified nursing assistants who provide direct patient care on the unit that the member will represent.

(b) Not less than one-half of the total regular members of the staffing committee appointed by the administration of the hospital.

(c) One alternate member representing each unit of the hospital who is a licensed nurse or certified nursing assistant who provides direct patient care on that unit, elected by the licensed nursing staff and certified nursing assistants who provide direct patient care on the unit that the member represents.

2. Each time a new staffing committee is formed pursuant to subsection 1, the administration of the hospital shall hold an election to select the members described in paragraphs (a) and (c) of subsection 1. Each licensed nurse and certified staffing assistant who provides direct patient care at the hospital must be allowed at least 3 days to vote for:

(a) The regular member described in paragraph (a) of subsection 1 who will represent his or her unit and profession; and

(b) The alternate member described in paragraph (c) of subsection 1 who will represent his or her unit.

3. If a vacancy occurs in a position on a staffing committee described in paragraph (a) or (c) of subsection 1, a new regular or alternate member, as applicable, must be elected in the same manner as his or her predecessor.

4. If a staffing committee is established for a health care facility described in subsection 1 through collective bargaining with an employee organization representing the licensed nursing staff and certified nursing assistants of the health care facility:

(a) The health care facility is not required to form a staffing committee pursuant to that subsection; and

(b) The staffing committee established pursuant to the collective bargaining agreement shall be deemed to be the staffing committee established for the health care facility pursuant to subsection 1.

5. In developing the written policy and the staffing plan, the staffing committee shall consider, without limitation, the information received pursuant to paragraph (b) of subsection 5 of NRS 449.2423 regarding requests

to be relieved of a work assignment, refusals of a work assignment and objections to a work assignment.

6. The staffing committee of a hospital shall meet at least quarterly.

~~[7. Each hospital that is required to establish a staffing committee pursuant to this section shall prepare a written report concerning the establishment of the staffing committee, the activities and progress of the staffing committee and a determination of the efficacy of the staffing committee. The hospital shall submit the report on or before December 31 of each:~~

~~(a) Even-numbered year to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.~~

~~(b) Odd-numbered year to the Joint Interim Standing Committee on Health and Human Services.]~~

~~[Sec. 8.]~~ ***Sec. 48.*** 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. 49. **The provisions of section 2 of this act apply to any Legislator who, at the expiration of his or her current term of office, will be prohibited from serving again in his or her current House because of the limitations on the number of years of service pursuant to Section 3 or 4 of Article 4 of the Nevada Constitution, as applicable, whether or not the Legislator's current term of office began before the effective date of this act.**

Sec. 50. **1. If the provisions of any other statute or any other act or resolution passed by the Legislature conflict with the provisions of this act because they assign a power, duty or legislative study or investigation to a legislative committee, subcommittee or other body abolished by the provisions of this act or because they require the submission of a report, document or other information to a legislative committee, subcommittee or other body abolished by the provisions of this act:**

(a) The conflicting provisions of the other statute, act or resolution are superseded and abrogated by the provisions of this act; and

(b) The power, duty or legislative study or investigation shall be deemed assigned to, or the report, document or other information shall be deemed required to be submitted to, the appropriate Joint Interim Standing Committee created by NRS 218E.320 which has jurisdiction over the subject matter, except that if the subject matter falls within the jurisdiction of more than one Joint Interim Standing Committee, the Legislative Commission shall decide and resolve the matter in a manner that is consistent with the intent of the Legislature as determined by the Legislative Commission.

2. The Legislative Counsel shall, in preparing the reprint and supplements to the Nevada Revised Statutes:

(a) Make any revisions that are necessary to carry out the provisions of this section; and

(b) Change any references to a legislative committee, subcommittee or other body which has been abolished by the provisions of this act, or whose name has been changed or whose responsibilities have been transferred by the provisions of this act, so that such references refer to the appropriate legislative committee, subcommittee or other body.

3. As used in this section, "legislative study or investigation" includes, without limitation:

(a) Any interim legislative study or investigation; or

(b) Any legislative study or investigation assigned to a statutory legislative committee, subcommittee or other body.

~~[Sec. 9.]~~ ***Sec. 51.*** NRS **218E.505, 218E.510, 218E.515, 218E.560, 218E.755 and** 439B.225 ~~[is]~~ **are** hereby repealed.

~~[Sec. 10.]~~ ***Sec. 52.*** **1.** This ~~[act becomes effective on July 1, 2023.]~~ **section and sections 1 to 28, inclusive, and 30 to 51, inclusive, of this act become effective upon passage and approval.**

2. Section 29 of this act becomes effective on the date that the Director of the Department of Public Safety determines that there is sufficient funding to carry out the provisions of NRS 193.309.

~~[TEXT OF]~~ **LEADLINES OF** REPEALED ~~[SECTION]~~ **SECTIONS**

218E.505 "Subcommittee" defined.

218E.510 Creation; membership; officers; terms; vacancies; alternates.

218E.515 Meetings; rules; quorum; compensation, allowances and expenses of members.

218E.560 Meetings; rules; quorum; compensation, allowances and expenses of members.

218E.755 Meetings; quorum; compensation, allowances and expenses of members.

439B.225 Committee to review certain regulations proposed or adopted by licensing boards; recommendations to Legislature.

~~[1. As used in this section, "licensing board" means any division or board empowered to adopt standards for the issuance or renewal of licenses, permits or certificates of registration pursuant to NRS 435.3305 to 435.339, inclusive, chapter 449, 625A, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640D, 641, 641A, 641B, 641C, 641D, 652, 653 or 654 of NRS.~~

~~2. The Committee shall review each regulation that a licensing board proposes or adopts that relates to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the board, giving consideration to:~~

~~(a) Any oral or written comment made or submitted to it by members of the public or by persons or facilities affected by the regulation;~~

~~(b) The effect of the regulation on the cost of health care in this State;~~

~~(c) The effect of the regulation on the number of licensed, permitted or registered persons and facilities available to provide services in this State; and~~

~~(d) Any other related factor the Committee deems appropriate.~~

~~3. After reviewing a proposed regulation, the Committee shall notify the agency of the opinion of the Committee regarding the advisability of adopting or revising the proposed regulation.~~

~~4. The Committee shall recommend to the Legislature as a result of its review of regulations pursuant to this section any appropriate legislation.]~~

Assemblywoman Gorelow moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 472.

Bill read second time and ordered to third reading.

Assembly Bill No. 475.

Bill read second time and ordered to third reading.

Assembly Bill No. 476.

Bill read second time and ordered to third reading.

Assembly Bill No. 477.

Bill read second time and ordered to third reading.

Assembly Bill No. 478.

Bill read second time and ordered to third reading.

Assembly Bill No. 479.

Bill read second time and ordered to third reading.

Assembly Bill No. 486.

Bill read second time and ordered to third reading.

Assembly Bill No. 492.

Bill read second time and ordered to third reading.

Assembly Bill No. 496.

Bill read second time and ordered to third reading.

Assembly Bill No. 498.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 748.

SUMMARY—Revises provisions relating to ~~[the Public Employees' Retirement System.]~~ **public employees' retirement.** (BDR 23-1200)

AN ACT relating to ~~[the Public Employees' Retirement System;]~~ **public employees' retirement;** revising the calculation of contribution rates to the Public Employees' Retirement System from state employees and employers;

revising the contribution rates for the separate retirement program provided by the Board of Regents of the University of Nevada; making appropriations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Retired]~~ **Existing law provides that certain** public employees receive retirement allowances through membership in and contributions to the Public Employees' Retirement System. (Chapter 286 of NRS) Existing law requires that: (1) the contribution rates of employees and employers to the System be adjusted every 2 years based on the actuarially determined contribution rate indicated in the biennial actuarial valuation and report of the immediately preceding year, unless the existing rate is higher or lower than the actuarially determined rate by a specified percentage; and (2) the employee and employer are responsible for an equal portion of any increase or decrease in the contribution rate. (NRS 286.410, 286.421, 286.450) **Section 5** of this bill revises the contribution rate for an employee of a participating state agency from a rate equal to that paid by the employer to one-half of the normal cost that is actuarially determined for police officers and firefighters and for regular members, depending on the retirement fund in which the member is participating. **Section 7** of this bill revises the employer contribution rate for a participating state agency to be the total contribution rate actuarially determined for police officers and firefighters and for regular members, depending on the retirement fund in which the member is participating, less the employee contribution rate of one-half of the normal costs determined pursuant to **section 5**. **Sections 5 and 7** also provide for the rounding of any adjusted contribution rate to the nearest one-quarter of 1 percent.

Section 6 of this bill makes conforming changes to **the Public Employees' Retirement System to** require, for purposes of the adjustment of salary increases and cost-of-living increases or of salary reductions, that the division of total contributions be determined in the same manner as provided for determining the employee and employer contribution rates.

Section 3 of this bill defines the term "normal costs" as that portion of the present value of projected benefits that is attributable to the current year of service, as determined by an actuary of the System. **Section 4** of this bill defines the term "participating state agency" to mean the following public employers that participate in the System: (1) an agency, bureau, board, commission, department, division, officer or other unit of the Executive Branch of the State Government, the Nevada System of Higher Education and the Public Employees' Retirement System; (2) the Legislative Branch of the State Government; and (3) the Judicial Branch of the State Government.

Existing law requires the Board of Regents of the University of Nevada to provide a retirement program separate from the Public Employees' Retirement System which provides retirement benefits for members of the professional staff. (NRS 286.802) Existing law further requires the Board of Regents and a participant in the retirement program to each contribute an amount equal to 10 percent of the participant's gross compensation,

but those contributions must not be less than the contributions made for the Public Employees' Retirement System. (NRS 286.808) Section 8 of this bill eliminates that threshold and increases to 17.5 percent of a participant's gross compensation the amount that the Board of Regents and each participant is required to contribute to the retirement program.

Sections 9-13 of this bill make appropriations for the purpose of meeting any deficiencies between the money appropriated to the departments, commissions and agencies of the State of Nevada for the 2023-2025 biennium and the increase in employer contributions to the Public Employees' Retirement System pursuant to this bill.

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

Section 1. Chapter 286 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***As used in NRS 286.410 to 286.462, inclusive, and sections 2, 3 and 4 of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Normal cost" means that portion of the present value of projected benefits that is attributable to the current year of service, as determined by an actuary of the System.***

Sec. 4. ***"Participating state agency" means the following public employers that participate in the System:***

1. An agency, bureau, board, commission, department, division, officer or other unit of the Executive Branch of the State Government. The term includes the Nevada System of Higher Education and the Public Employees' Retirement System.

2. The Legislative Branch of the State Government.

3. The Judicial Branch of the State Government.

Sec. 5. NRS 286.410 is hereby amended to read as follows:

286.410 1. ~~[The]~~ ***Except as otherwise provided in subsection 3, the*** employee contribution rate must be:

(a) The matching contribution rate for employees and employers that is actuarially determined for police officers and firefighters and for regular members, depending upon the retirement fund in which the member is participating.

(b) Except as otherwise provided in subsection 2, adjusted on the first monthly retirement reporting period commencing on or after July 1 of each odd-numbered year based on the actuarially determined contribution rate indicated in the biennial actuarial valuation and report of the immediately preceding year. The adjusted rate must be rounded to the nearest one-quarter of 1 percent.

2. ~~[The]~~ ***Except as provided in subsection 4, the*** employee's portion of the matching contribution rate for employees and employers must not be adjusted in accordance with the provisions of paragraph (b) of subsection 1 if:

(a) The existing rate is lower than the actuarially determined rate but within one-quarter of 1 percent of the actuarially determined rate.

(b) The existing rate is higher than the actuarially determined rate but is within 1 percent of the actuarially determined rate. If the existing rate is more than 1 percent higher than the actuarially determined rate, the existing rate must be reduced by the amount by which it exceeds 1 percent above the actuarially determined rate.

3. ***The employee contribution rate for a member who is an employee of a participating state agency must be:***

(a) One-half of the normal cost that is actuarially determined for police officers and firefighters and for regular members, depending on the retirement fund in which the member is participating.

(b) Except as otherwise provided in subsection 4, adjusted on the first monthly retirement reporting period commencing on or after July 1 of each odd-numbered year based on the actuarially determined contribution rate of one-half the normal cost as indicated in the biennial actuarial valuation and report of the immediately preceding year. The adjusted rate must be rounded to the nearest one-quarter of 1 percent.

4. The employee's portion of the contribution rate for employees of a participating state agency and employers must not be adjusted in accordance with the provisions of paragraph (b) of subsection 3 if:

(a) The existing rate is lower than the actuarially determined rate but within one-quarter of 1 percent of the actuarially determined rate.

(b) The existing rate is higher than the actuarially determined rate but is within 1 percent of the actuarially determined rate. If the existing rate is more than 1 percent higher than the actuarially determined rate, the existing rate must be reduced by the amount by which it exceeds 1 percent above the actuarially determined rate.

5. From each payroll during the period of the employee's membership, the employer shall deduct the amount of the member's contributions and transmit the deduction to the Board at intervals designated and upon forms prescribed by the Board. The contributions must be paid on compensation earned by a member from the member's first day of service.

~~[4.]~~ ***6.*** Any employee whose position is determined after July 1, 1971, to be eligible under the early retirement provisions for police officers and firefighters shall contribute the additional contributions required of police officers and firefighters from July 1, 1971, to the date of the employee's enrollment under the Police and Firefighters' Retirement Fund, if employment in this position occurred before July 1, 1971, or from date of employment in this position to the date of the employee's enrollment under the Police and Firefighters' Retirement Fund, if employment occurs later.

~~[5.]~~ ***7.*** Except as otherwise provided in NRS 286.430, the System shall guarantee to each member the return of at least the total employee contributions which the member has made and which were credited to the member's individual account. These contributions may be returned to the member, the member's estate or beneficiary or a combination thereof in monthly benefits, a lump-sum refund or both.

~~[6.]~~ ***8.*** Members with disabilities who are injured on the job and receive industrial insurance benefits for temporary total disability remain contributing members of the System for the duration of the benefits if and while the public employer continues to pay the difference between these benefits and the member's regular compensation. The public employer shall pay the employer contributions on these benefits.

Sec. 6. NRS 286.421 is hereby amended to read as follows:

286.421 1. A public employer that elected to pay on behalf of its employees the contributions required by subsection 1 of NRS 286.410 before July 1, 1983, shall continue to do so, but a public employer may not elect to pay those contributions on behalf of its employees on or after July 1, 1983.

2. An employee of a public employer that did not elect to pay on behalf of its employees the contributions required by subsection 1 of NRS 286.410 before July 1, 1983, may elect to:

(a) Pay the contribution required by subsection 1 ***or 3*** of NRS 286.410 ***, as applicable,*** on the employee's own behalf; or

(b) Have the employee's portion of the contribution paid by the employee's employer pursuant to the provisions of NRS 286.425.

3. Except for any person chosen by election or appointment to serve in an elective office of a political subdivision or as a district judge, a judge of the Court of Appeals or a justice of the Supreme Court of this State:

(a) Payment of the employee's portion of the contributions pursuant to subsection 1 ***or paragraph (b) of subsection 2*** must be:

(1) Made in lieu of equivalent basic salary increases or cost-of-living increases, or both; or

(2) Counterbalanced by equivalent reductions in employees' salaries.

(b) The average compensation from which the amount of benefits payable pursuant to this chapter is determined must be increased with respect to each month beginning after June 30, 1975, by 50 percent of the contribution made by the public employer, and must not be less than it would have been if contributions had been made by the member and the public employer separately. In the case of any officer or judge described in this subsection, any contribution made by the public employer on the officer's or judge's behalf does not affect the officer's or judge's compensation but is an added special payment.

4. Employee contributions made by a public employer must be deposited in either the Public Employees' Retirement Fund or the Police and Firefighters' Retirement Fund as is appropriate. These contributions must not

be credited to the individual account of the member and may not be withdrawn by the member upon the member's termination.

5. The membership of an employee who became a member on or after July 1, 1975, and all contributions on whose behalf were made by the member's public employer must not be cancelled upon the termination of the member's service.

6. If an employer is paying the basic contribution on behalf of an employee, the total contribution rate, in lieu of the amounts required by subsection 1 ***or 3*** of NRS 286.410 ***, as applicable,*** and NRS 286.450, must be:

(a) The total contribution rate for employers that is actuarially determined for police officers and firefighters and for regular members, depending upon the retirement fund in which the member is participating.

(b) Except as otherwise provided in subsection 7, adjusted on the first monthly retirement reporting period commencing on or after July 1 of each odd-numbered year based on the actuarially determined contribution rate indicated in the biennial actuarial valuation and report of the immediately preceding year. The adjusted rate must be rounded to the nearest one-quarter of 1 percent.

7. The total contribution rate for employers must not be adjusted in accordance with the provisions of paragraph (b) of subsection 6 if:

(a) The existing rate is lower than the actuarially determined rate but is within one-half of 1 percent of the actuarially determined rate.

(b) The existing rate is higher than the actuarially determined rate but is within 2 percent of the actuarially determined rate. If the existing rate is more than 2 percent higher than the actuarially determined rate, the existing rate must be reduced by the amount by which it exceeds 2 percent above the actuarially determined rate.

8. For the purposes of adjusting salary increases and cost-of-living increases or of salary reduction ~~[,]~~ ***:***

(a) For a member who is employed by a public employer that is not a participating state agency, the total contribution must be equally divided between employer and employee.

(b) For a member who is employed by a public employer that is a participating state agency, the total contribution must be divided between the participating state agency and employee in the same manner as the employee contribution rate is determined pursuant to subsection 3 of NRS 286.410 and the employer contribution rate is determined pursuant to section 2 of NRS 286.450.

9. Public employers other than the State of Nevada shall pay the entire employee contribution for those employees who contribute to the Police and Firefighters' Retirement Fund on and after July 1, 1981.

Sec. 7. NRS 286.450 is hereby amended to read as follows:

286.450 1. ~~[The]~~ ***Except as otherwise provided in subsection 3, the*** employer contribution rate must be:

(a) The matching contribution rate for employees and employers that is actuarially determined for police officers and firefighters and for regular members, depending upon the retirement fund in which the member is participating.

(b) Except as otherwise provided in subsection 2, adjusted on the first monthly retirement reporting period commencing on or after July 1 of each odd-numbered year based on the actuarially determined contribution rate indicated in the biennial actuarial valuation and report of the immediately preceding year. The adjusted rate must be rounded to the nearest one-quarter of 1 percent.

2. ~~[The]~~ ***Except as otherwise provided in subsection 4, the*** employer's portion of the matching contribution rate for employees and employers must not be adjusted in accordance with the provisions of paragraph (b) of subsection 1 if:

(a) The existing rate is lower than the actuarially determined rate but is within one-quarter of 1 percent of the actuarially determined rate.

(b) The existing rate is higher than the actuarially determined rate but is within 1 percent of the actuarially determined rate. If the existing rate is more than 1 percent higher than the actuarially determined rate, the existing rate must be reduced by the amount by which it exceeds 1 percent above the actuarially determined rate.

3. The employer contribution rate for a participating state agency must be:

(a) The total contribution rate that is actuarially determined for police officers and firefighters and for regular members, depending on the retirement fund in which the member is participating, less the employee contribution rate as determined by paragraph (a) of subsection 3 of NRS 286.410.

(b) Except as otherwise provided in subsection 4, adjusted on the first monthly retirement reporting period commencing on or after July 1 of each odd-numbered year based on the actuarially determined normal cost as indicated in the biennial actuarial valuation and report of the immediately preceding year. The adjusted rate must be rounded to the nearest one-quarter of 1 percent.

4. The employer's portion of the contribution rate for employees of a participating state agency and employers who are participating state agencies must not be adjusted in accordance with the provisions of paragraph (b) of subsection 3 if:

(a) The existing rate is lower than the actuarially determined rate but is within one-quarter of 1 percent of the actuarially determined rate.

(b) The existing rate is higher than the actuarially determined rate but is within 1 percent of the actuarially determined rate. If the existing rate is more than 1 percent higher than the actuarially determined rate, the existing rate must be reduced by the amount by which it exceeds 1 percent above the actuarially determined rate.

Sec. 8. **NRS 286.808 is hereby amended to read as follows:**

286.808 1. The Board of Regents of the University of Nevada shall contribute on behalf of each participant an amount equal to ~~[10]~~ ***17.5*** percent of the participant's gross compensation during continuance of employment. Each participant shall also contribute ~~[10]~~ ***17.5*** percent of the participant's gross compensation**.** ~~[, but the contributions required by this section must not be less than those authorized by NRS 286.410 and 286.450.]~~ Payment of the contributions required by this section must be made by the disbursing officer for the Nevada System of Higher Education to the designated investment entities for the benefit of each participant.

2. The Board of Regents of the University of Nevada may, on behalf of each participant, pay the contribution required to be paid by the participant in subsection 1. Any such payment must be:

(a) Made in lieu of an equivalent increase in the basic salary or in the cost of living for the participant, or both; or

(b) Counterbalanced by an equivalent reduction in the participant's salary.

Sec. 9. **1. Except as otherwise provided in this section and sections 10, 11 and 12 of this act, there is hereby appropriated from the State General Fund to the State Board of Examiners for the purpose of meeting any deficiencies which may be created between the money appropriated to the departments, commissions and agencies of the State of Nevada, including, without limitation, the Commission on Judicial Discipline, as fixed by the 82nd Session of the Nevada Legislature, and the requirements for increasing the employer contributions to the Public Employees' Retirement System pursuant to this act, the following sums:**

For the Fiscal Year 2023-2024..... $58,342,302

For the Fiscal Year 2024-2025..... $63,410,225

2. There is hereby appropriated from the State General Fund to the State Board of Examiners the sum of $12,934,788 for Fiscal Year 2023-2024 for reimbursement to any department, commission or agency of the State of Nevada whose positions are included in the Executive Budget, as provided by the 82nd Session of the Nevada Legislature, and whose budget accounts have authorized reserves or retained earnings, for the purpose of meeting any deficiencies which may be created between the authorized money of the respective departments, commissions and agencies of the State of Nevada, as fixed by the 82nd Session of the Nevada Legislature, and the requirements for increasing the employer contributions to the Public Employee's Retirement System pursuant to this act.

3. There is hereby appropriated from the State General Fund to the State Board of Examiners the sum of $12,483,068 for Fiscal Year 2023-2024 for reimbursement to any department, commission or agency of the State of Nevada whose positions are included in the Executive Budget, as provided by the 82nd Session of the Nevada Legislature, and whose budget accounts do not have authorized reserves or retained earnings and

do not receive any appropriations from the State General Fund or the State Highway Fund, for the purpose of meeting any deficiencies which may be created between the authorized money of the respective departments, commissions and agencies of the State of Nevada, as fixed by the 82nd Session of the Nevada Legislature, and the requirements for increasing the employer contributions to the Public Employee's Retirement System pursuant to this act.

4. Any remaining balance of the sums appropriated by subsections 1, 2 and 3 and, if applicable, transferred pursuant to this subsection, at the end of Fiscal Year 2023-2024 must be carried forward to Fiscal Year 2024-2025 to be used for the same purpose. The sums appropriated by subsection 1 for Fiscal Year 2024-2025 may be transferred from Fiscal Year 2024-2025 to Fiscal Year 2023-2024 with the approval of the Interim Finance Committee upon the recommendation of the Governor.

5. Any remaining balance of the appropriations made by this section must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 10. **1. There is hereby appropriated from the State General Fund to the Judicial Department Staff Salaries budget account for the purpose of meeting any deficiencies which may be created between the money appropriated to the Judicial Department Staff Salaries budget account, as fixed by the 82nd Session of the Nevada Legislature, and the requirements for increasing the employer contributions to the Public Employees' Retirement System pursuant to this act the following sums:**

For the Fiscal Year 2023-2024..... $1,568,795

For the Fiscal Year 2024-2025..... $1,734,157

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 11. **There is hereby appropriated from the State General Fund to the Legislative Fund created by NRS 218A.150 for the purpose of**

meeting any deficiencies which may be created between the money appropriated to the Legislative Fund, as fixed by the 82nd Session of the Nevada Legislature, and the requirements for increasing the employer contributions to the Public Employees' Retirement System pursuant to this act the following sums:

For the Fiscal Year 2023-2024 ..... $3,195,140

For the Fiscal Year 2024-2025 ..... $3,519,302

Sec. 12. **1. There is hereby appropriated from the State General Fund to the State Board of Examiners for the purpose of meeting any deficiencies which may be created between the money appropriated to the Nevada System of Higher Education, as fixed by the 82nd Session of the Nevada Legislature, and the requirements for increasing the employer contributions to the Public Employees' Retirement System pursuant to this act the following sums:**

For the Fiscal Year 2023-2024 ..... $16,552,651

For the Fiscal Year 2024-2025 ..... $17,000,141

2. Any remaining balance of the sums appropriated by subsection 1 at the end of Fiscal Year 2023-2024 must be carried forward to Fiscal Year 2024-2025 to be used for the same purpose. Any remaining balance of the sums appropriated by subsection 1 at the end of Fiscal Year 2024-2025 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 13. **1. There is hereby appropriated from the State Highway Fund to the State Board of Examiners for the purpose of meeting any deficiencies which may be created between the money appropriated to the departments, commissions and agencies of the State of Nevada, as fixed by the 82nd Session of the Nevada Legislature, and the requirements for increasing the employer contributions to the Public Employees' Retirement System pursuant to this act the following sums:**

For the Fiscal Year 2023-2024 ..... $19,263,280

For the Fiscal Year 2024-2025 ..... $20,703,524

2. Any remaining balance of the sums appropriated by subsection 1 and, if applicable, transferred pursuant to this subsection, at the end of Fiscal Year 2023-2024 must be carried forward to Fiscal Year 2024-2025 to be used for the same purpose. The sums appropriated by subsection 1 for Fiscal Year 2024-2025 may be transferred from Fiscal Year 2024-2025 to Fiscal Year 2023-2024 with the approval of the Interim Finance Committee upon the recommendation of the Governor.

3. Any remaining balance of the appropriations made by this section must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 19, 2025.

~~[Sec. 8.]~~ ***Sec. 14.*** This act becomes effective on July 1, 2023.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 500.
Bill read second time and ordered to third reading.

Assembly Bill No. 504.
Bill read second time and ordered to third reading.

Assembly Bill No. 508.
Bill read second time and ordered to third reading.

Assembly Bill No. 509.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 335.
Bill read third time.
The following amendment was proposed by Assemblywoman Jauregui:
Amendment No. 764.

AN ACT relating to property; authorizing tenants subject to certain actions for summary eviction to request that the court stay the action until a decision concerning an application for rental assistance is made and establishing procedures relating thereto; requiring a landlord to accept payment of rent from a tenant and rental assistance on behalf of a tenant under certain circumstances; authorizing a justice court to establish a diversion program for certain tenants subject to an action for summary eviction; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In general, existing law provides for a summary eviction procedure when a tenant defaults in the payment of rent. (NRS 40.253) **Section 9** of this bill authorizes a tenant who has been served with a notice to pay rent or surrender the premises to request that the court stay an action for summary eviction based on a default in the payment of rent until a decision concerning an application for rental assistance is made. **Section 9** establishes the procedure for a tenant

to request such a stay and criteria for the issuance of a stay. If the court issues such a stay, **section 9 : (1)** authorizes a landlord to file a motion to lift the stay under certain circumstances ~~[.]~~ **; and (2) requires that the stay expire not later than 60 days after it is issued.** If an application for rental assistance is granted in an amount that will allow the tenant in an action that has been stayed to cure the default, **section 9** requires the landlord to accept payment of rent from the tenant and rental assistance on behalf of the tenant. If the application for rental assistance is denied or granted in an amount that will not allow the tenant in an action that has been stayed to cure the default, **section 9** requires the court to proceed with the action for summary eviction in accordance with the requirements prescribed by existing law. **Section 21.2** of this bill makes a conforming change relating to the submission of an affidavit pursuant to **section 9**. **Section 9.1 of this bill creates a similar process that becomes effective if and only if Assembly Bill No. 340 of this session is enacted by the Legislature and approved by the Governor.**

In general, existing law provides for a summary eviction procedure when a tenant neglects or fails to perform a condition or covenant of a lease or agreement. (NRS 40.254) **Section** ~~[9.2 of this bill authorizes a tenant who has been served with a notice to surrender the premises to request that the court stay an action for summary eviction based on neglect or failure to perform a condition or covenant of the lease or agreement until a decision concerning an application for rental assistance is made. Section 9.2 establishes the procedure for a tenant to request such a stay and criteria for the issuance of a stay. Among other requirements, section 9.2 requires the tenant to submit proof that: (1) the tenant was in default on the payment when the landlord initiated the action for summary eviction; and (2) the condition or covenant of the lease or agreement that the tenant allegedly neglected or failed to perform is not material to the lease or agreement. If the court issues such a stay, section 9.2 authorizes a landlord to file a motion to lift the stay under certain circumstances. When any stay issued by the court is lifted, section 9.2 requires the court to proceed with the action for summary eviction in accordance with the requirements prescribed by existing law. If an application for rental assistance is granted in an amount that will allow the tenant to cure the default, section 9.2 requires the landlord to accept payment of rent from the tenant and rental assistance on behalf of the tenant. Section 21.4 makes a conforming change relating to the submission of an affidavit pursuant to section 9.2.~~

~~— Sections 9.1 and 9.3]~~ **9.7 of this bill requires a court to dismiss an action for summary eviction based on neglect or failure to perform a condition or covenant of a lease or agreement if the court finds that the affidavit of complaint for summary eviction was filed by the landlord in bad faith or as a pretext for evicting a tenant who is in default in the payment of rent. Section 21.4** of this bill ~~[create]~~ **creates** a similar ~~[process]~~ **requirement** that becomes effective if and only if Assembly Bill No. 340 of this session is **not** enacted by the Legislature and approved by the Governor.

Section 9.5 of this bill authorizes a justice court to establish a diversion program to which it may assign an eligible tenant subject to an action for summary eviction. **Section 9.5** sets forth factors the court may consider in determining whether a tenant is eligible for assignment to such a diversion program. If the court assigns a tenant to such a diversion program, **section 9.5** requires the court to: (1) stay the pending action for summary eviction for not more than 60 days; and (2) if the tenant pays the landlord the rent that is in default or surrenders the premises before the expiration of the stay, dismiss the action.

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

Section 1. Chapter 40 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~[9.5,]~~ **9.7,** inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. ***1. A tenant who has been served with a notice pursuant to subsection 1 of NRS 40.253 may request that the court stay any action for summary eviction initiated by the landlord against the tenant pursuant to subsection 5 of NRS 40.253 until a decision concerning an application for rental assistance is made.***

2. To request a stay pursuant to subsection 1, a tenant must:

(a) File, within the time specified in subsection 1 of NRS 40.253 for the payment of rent or surrender of the premises, an affidavit with the court that has jurisdiction over the matter stating that the tenant has a pending application for rental assistance; and

(b) Provide proof to the court of the date on which the application for rental assistance was submitted.

3. If the court determines that an affidavit filed pursuant to subsection 2 is accompanied by sufficient proof, the court shall stay any action for summary eviction initiated by the landlord against the tenant pursuant to subsection 5 of NRS 40.253 until the applicable time described in subsection 4.

4. If the court grants a stay pursuant to subsection 3, the stay must be maintained by the court until ~~[such time as:]~~ not later than the earliest of:

(a) The date on which the application for rental assistance is no longer pending or a determination is made on the pending application for rental assistance; ~~[or]~~

(b) The date on which the court grants a motion filed pursuant to subsection 5 ~~[.]~~ ; or

(c) Sixty days after the date on which the stay is granted.

5. A landlord may file a motion to lift a stay issued pursuant to subsection 3.

6. The court may grant a motion filed pursuant to subsection 5 if, at a hearing conducted on the motion, the court finds that:

(a) Evidence exists that the landlord faces a realistic threat of the foreclosure of the premises if the landlord is not able to evict the tenant, including, without limitation, evidence that:

(1) The property is subject to a lien, including, without limitation, a tax lien or lien for charges relating to utilities; or

(2) The landlord has missed three or more consecutive mortgage payments;

(b) The application for rental assistance was submitted in bad faith; or

(c) It is unlikely that:

(1) The application for rental assistance will be granted; or

(2) The tenant will be able to cure the default in the payment of rent, regardless of whether the application for rental assistance is granted.

7. If a tenant in bad faith submits an application for rental assistance, the landlord may, in a separate cause of action, recover damages from the tenant.

8. If a landlord in bad faith files a motion pursuant to subsection 5, the tenant may, in a separate cause of action, recover from the landlord an amount equal to damages, 1 month's rent or $1,000, whichever is greater, reasonable attorney's fees and costs of court.

9. If the application for rental assistance is:

(a) Granted in an amount that, together with any other available funds, will allow the tenant to cure the default in the payment of rent:

(1) The landlord must accept payment of rent from the tenant and rental assistance on behalf of the tenant; and

(2) The court must dismiss any action for summary eviction initiated by the landlord against the tenant pursuant to subsection 5 of NRS 40.253.

(b) Denied, or granted in amount that, together with any other available funds, will not allow the tenant to cure the default in the payment of rent, the court shall:

(1) Issue an order lifting the stay; and

(2) Hold a hearing in accordance with the requirements prescribed by subsection 6 of NRS 40.253.

10. For purposes of subsection 4, an application for rental assistance is no longer pending if the application is not actively being pursued by the tenant, including, without limitation, by providing in a timely manner any information or documentation requested by the person or entity to whom the application was submitted.

11. As used in this section:

(a) "Pending application for rental assistance" means an application for rental assistance submitted in good faith by a tenant. The term includes,

without limitation, an application which is inactive due to any technical difficulty on the part of the tenant in the filing of the application for rental assistance that is outside of the control of the tenant. The term does not include an application for rental assistance that was started by the tenant but is not actively being pursued by the tenant.

(b) "Rental assistance" includes, without limitation, federal, state or local funds provided by a governmental entity and administered for the purpose of paying any amount of delinquent rent. The term does not include rental assistance provided pursuant to the provisions of 42 U.S.C. § 1437f.

Sec. 9.1. ***1. A tenant against whom a landlord files an affidavit of complaint for summary eviction pursuant to subsection 3 of section 2 of Assembly Bill No. 340 of this session may request that the court stay the pending action for summary eviction until a decision concerning an application for rental assistance is made.***

2. To request a stay pursuant to subsection 1, a tenant must:

(a) File the written answer required by subsection 6 of section 2 of Assembly Bill No. 340 of this session with the court that has jurisdiction over the matter within the time specified by subsection 6 of section 2 of Assembly Bill No. 340 of this session and include in the answer:

(1) A statement that the tenant has a pending application for rental assistance; and

(2) A request that the court stay the pending action for summary eviction; and

(b) Provide proof to the court of the date on which the application for rental assistance was submitted.

3. If the court determines that a written answer filed pursuant to subsection 6 of section 2 of Assembly Bill No. 340 of this session is accompanied by sufficient proof, the court shall stay the pending action for summary eviction until the applicable time described in subsection 4.

4. If the court grants a stay pursuant to subsection 3, the stay must be maintained by the court until ~~[such time as:]~~ not later than the earliest of:

(a) The date on which the application for rental assistance is no longer pending or a determination is made on the pending application for rental assistance; ~~[or]~~

(b) The date on which the court grants a motion filed pursuant to subsection 5 ~~[.]~~ ; or

(c) Sixty days after the date on which the stay is granted.

5. A landlord may file a motion to lift a stay issued pursuant to subsection 3.

6. The court may grant a motion filed pursuant to subsection 5 if, at a hearing conducted on the motion, the court finds that:

(a) Evidence exists that the landlord faces a realistic threat of the foreclosure of the premises if the landlord is not able to evict the tenant, including, without limitation, evidence that:

(1) The property is subject to a lien, including, without limitation, a tax lien or lien for charges relating to utilities; or

(2) The landlord has missed three or more consecutive mortgage payments;

(b) The application for rental assistance was submitted in bad faith; or

(c) It is unlikely that:

(1) The application for rental assistance will be granted; or

(2) The tenant will be able to cure the default in the payment of rent, regardless of whether the application for rental assistance is granted.

7. If a tenant in bad faith submits an application for rental assistance, the landlord may, in a separate cause of action, recover damages from the tenant.

8. If a landlord in bad faith files a motion pursuant to subsection 5, the tenant may, in a separate cause of action, recover from the landlord an amount equal to damages, 1 month's rent or $1,000, whichever is greater, reasonable attorney's fees and costs of court.

9. If the application for rental assistance is:

(a) Granted in an amount that, together with any other available funds, will allow the tenant to cure the default in the payment of rent:

(1) The landlord must accept payment of rent from the tenant and rental assistance on behalf of the tenant; and

(2) The court must dismiss the pending action for summary eviction.

(b) Denied, or granted in amount that, together with any other available funds, will not allow the tenant to cure the default in the payment of rent, the court shall:

(1) Issue an order lifting the stay; and

(2) Hold a hearing in accordance with the requirements prescribed by subsection 7 of Assembly Bill No. 340 of this session.

10. For the purposes of subsection 4, an application for rental assistance is no longer pending if the application is not actively being pursued by the tenant, including, without limitation, by providing in a timely manner any information or documentation requested by the person or entity to whom the application was submitted.

11. As used in this section:

(a) "Pending application for rental assistance" means an application for rental assistance submitted in good faith by a tenant. The term includes, without limitation, an application which is inactive due to any technical difficulty on the part of the tenant in the filing of the application for rental assistance that is outside of the control of the tenant. The term does not include an application for rental assistance that was started by the tenant but is not actively being pursued by the tenant.

(b) "Rental assistance" includes, without limitation, federal, state or local funds provided by a governmental entity and administered for the purpose of paying any amount of delinquent rent. The term does not include rental assistance provided pursuant to the provisions of 42 U.S.C. § 1437f.

Sec. 9.2. ~~[*1. A tenant who has been served with a notice pursuant to NRS 40.2516 may request that the court stay any action for summary eviction initiated by the landlord against the tenant pursuant to NRS 40.254 until a decision concerning an application for rental assistance is made.*~~

~~*2. To request a stay pursuant to subsection 1, a tenant must:*~~

~~*(a) File, within the time specified in NRS 40.2516, an affidavit with the court that has jurisdiction over the matter stating that the tenant has a pending application for rental assistance that was submitted before the date on which the tenant was served with the notice described in subsection 1;*~~

~~*(b) Provide proof to the court that:*~~

~~*(1) The tenant:*~~

~~*(I) Was in default on the payment of rent when the notice described in subsection 1 was served; and*~~

~~*(II) Submitted the application for rental assistance before the notice described in subsection 1 was served; and*~~

~~*(2) The condition or covenant of the lease or agreement that the tenant allegedly neglected or failed to perform is not material to the lease or agreement. For the purposes of this subparagraph, timely payment of rent is not material to the lease or agreement.*~~

~~*3. If the court determines that an affidavit filed pursuant to subsection 2 is accompanied by sufficient proof, the court may stay any action for summary eviction initiated by the landlord against the tenant pursuant to NRS 40.254.*~~

~~*4. If the court grants a stay pursuant to subsection 3, the stay must be maintained by the court until such time as:*~~

~~*(a) The application for rental assistance is no longer pending or a determination is made on the pending application for rental assistance; or*~~

~~*(b) The court grants a motion filed pursuant to subsection 6.*~~

~~*5. When a stay issued pursuant to subsection 3 is lifted, the action for summary eviction must proceed in accordance with the requirements prescribed by NRS 40.254.*~~

~~*6. A landlord may file a motion to lift a stay issued pursuant to subsection 3.*~~

~~*7. The court may grant a motion filed pursuant to subsection 6 if, at a hearing conducted on the motion, the court finds that:*~~

~~*(a) Evidence exists that the landlord faces a realistic threat of the foreclosure of the premises if the landlord is not able to evict the tenant, including, without limitation, evidence that:*~~

~~*(1) The property is subject to a lien, including, without limitation, a tax lien or lien for charges relating to utilities; or*~~

~~*(2) The landlord has missed three or more consecutive mortgage payments;*~~

~~*(b) The application for rental assistance was submitted in bad faith; or*~~

~~*(c) It is unlikely that:*~~

~~*(1) The application for rental assistance will be granted; or*~~

~~*(2) The tenant will be able to cure the default in the payment of rent, regardless of whether the application for rental assistance is granted.*~~

~~*8. If a tenant in bad faith submits an application for rental assistance, the landlord may, in a separate cause of action, recover damages from the tenant.*~~

~~*9. If a landlord in bad faith files a motion pursuant to subsection 6, the tenant may, in a separate cause of action, recover from the landlord an amount equal to damages, 1 month's rent or $1,000, whichever is greater, reasonable attorney's fees and costs of court.*~~

~~*10. If the application for rental assistance is granted in an amount that, together with any other available funds, will allow the tenant to cure the default in the payment of rent, the landlord must accept payment of rent from the tenant and rental assistance on behalf of the tenant.*~~

~~*11. For the purposes of subsection 4, an application for rental assistance is no longer pending if the application is not actively being pursued by the tenant, including, without limitation, by providing in a timely manner any information or documentation requested by the person or entity to whom the application was submitted.*~~

~~*12. As used in this section:*~~

~~*(a) "Pending application for rental assistance" means an application for rental assistance submitted in good faith by a tenant. The term includes, without limitation, an application which is inactive due to any technical difficulty on the part of the tenant in the filing of the application for rental assistance that is outside of the control of the tenant. The term does not include an application for rental assistance that was started by the tenant but is not actively being pursued by the tenant.*~~

~~*(b) "Rental assistance" includes, without limitation, federal, state or local funds provided by a governmental entity and administered for the purpose of paying any amount of delinquent rent. The term does not include rental assistance provided pursuant to the provisions of 42 U.S.C. § 1437f.]*~~

(Deleted by amendment.)

Sec. 9.3. ~~*[1. A tenant against whom a landlord files an affidavit of complaint for summary eviction pursuant to subsection 3 of section 6.5 of Assembly Bill No. 340 of this session may request that the court stay the pending action for summary eviction until a decision concerning an application for rental assistance is made.*~~

~~*2. To request a stay pursuant to subsection 1, a tenant must:*~~

~~*(a) File the written answer required by subsection 6 of section 6.5 of Assembly Bill No. 340 of this session with the court that has jurisdiction over the matter within the time specified by subsection 6 of section 6.5 of Assembly Bill No. 340 of this session and include in the answer:*~~

~~*(1) A statement that the tenant has a pending application for rental assistance; and*~~

~~*(2) A request that the court stay the pending action for summary eviction; and*~~

~~(b) Provide proof to the court that:~~

~~(1) The tenant:~~

~~(I) Was in default on the payment of rent when the landlord filed the affidavit of complaint for summary eviction; and~~

~~(II) Submitted the application for rental assistance before the landlord filed the affidavit of complaint for summary eviction; and~~

~~(2) The condition or covenant of the lease or agreement that the tenant allegedly neglected or failed to perform is not material to the lease or agreement. For the purposes of this subparagraph, timely payment of rent is not material to the lease or agreement.~~

~~3. If the court determines that a written answer filed pursuant to subsection 6 of section 6.5 of Assembly Bill No. 340 of this session is accompanied by sufficient proof, the court may stay any action for summary eviction initiated by the landlord against the tenant pursuant to section 6.5 of Assembly Bill No. 340 of this session.~~

~~4. If the court grants a stay pursuant to subsection 3, the stay must be maintained by the court until such time as:~~

~~(a) The application for rental assistance is no longer pending or a determination is made on the pending application for rental assistance; or~~

~~(b) The court grants a motion filed pursuant to subsection 6.~~

~~5. When a stay issued pursuant to subsection 3 is lifted, the action for summary eviction must proceed in accordance with the requirements prescribed by section 6.5 of Assembly Bill No. 340 of this session.~~

~~6. A landlord may file a motion to lift a stay issued pursuant to subsection 3.~~

~~7. The court may grant a motion filed pursuant to subsection 6 if, at a hearing conducted on the motion, the court finds that:~~

~~(a) Evidence exists that the landlord faces a realistic threat of the foreclosure of the premises if the landlord is not able to evict the tenant, including, without limitation, evidence that:~~

~~(1) The property is subject to a lien, including, without limitation, a tax lien or lien for charges relating to utilities; or~~

~~(2) The landlord has missed three or more consecutive mortgage payments;~~

~~(b) The application for rental assistance was submitted in bad faith; or~~

~~(c) It is unlikely that:~~

~~(1) The application for rental assistance will be granted; or~~

~~(2) The tenant will be able to cure the default in the payment of rent, regardless of whether the application for rental assistance is granted.~~

~~8. If a tenant in bad faith submits an application for rental assistance, the landlord may, in a separate cause of action, recover damages from the tenant.~~

~~9. If a landlord in bad faith files a motion pursuant to subsection 6, the tenant may, in a separate cause of action, recover from the landlord an~~

~~*amount equal to damages, 1 month's rent or $1,000, whichever is greater, reasonable attorney's fees and costs of court.*~~

~~*— 10. If the application for rental assistance is granted in an amount that, together with any other available funds, will allow the tenant to cure the default in the payment of rent, the landlord must accept payment of rent from the tenant and rental assistance on behalf of the tenant.*~~

~~*— 11. For the purposes of subsection 4, an application for rental assistance is no longer pending if the application is not actively being pursued by the tenant, including, without limitation, by providing in a timely manner any information or documentation requested by the person or entity to whom the application was submitted.*~~

~~*— 12. As used in this section:*~~

~~*— (a) "Pending application for rental assistance" means an application for rental assistance submitted in good faith by a tenant. The term includes, without limitation, an application which is inactive due to any technical difficulty on the part of the tenant in the filing of the application for rental assistance that is outside of the control of the tenant. The term does not include an application for rental assistance that was started by the tenant but is not actively being pursued by the tenant.*~~

~~*— (b) "Rental assistance" includes, without limitation, federal, state or local funds provided by a governmental entity and administered for the purpose of paying any amount of delinquent rent. The term does not include rental assistance provided pursuant to the provisions of 42 U.S.C. § 1437f.]*~~

(Deleted by amendment.)

Sec. 9.5. *1. A justice court may establish a diversion program to which it may assign an eligible tenant whose landlord applies by affidavit of complaint for eviction of the tenant pursuant to NRS 40.253.*

2. To determine whether a tenant is eligible for a diversion program established pursuant to subsection 1, the court may consider, without limitation, whether the tenant is eligible for any programs that are designed to provide:

(a) Social services which assist tenants in paying delinquent rent; and

(b) Wrap-around services.

3. If the court assigns a tenant to a diversion program established pursuant to subsection 1, the court shall:

(a) Stay the pending action for summary eviction for not more than 60 days after the date on which the tenant files an affidavit permitted in subsection 3 of NRS 40.253; and

(b) If the tenant pays to the landlord the amount of rent that is in default or surrenders the premises before the expiration of the stay, dismiss the pending action for summary eviction.

4. As used in this section, "wrap-around services" means services provided to a tenant that assist the tenant in avoiding future summary eviction actions.

Sec. 9.7. ***If the court finds that an affidavit of complaint for summary eviction filed pursuant to subsection 3 of section 6.5 of Assembly Bill No. 340 of this session was filed in bad faith or as a pretext for evicting a tenant who is in default in the payment of rent, the court must dismiss the proceeding.***

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 21.2. NRS 40.253 is hereby amended to read as follows:

40.253 1. Except as otherwise provided in subsection 12, in addition to the remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant of any dwelling, apartment, mobile home or recreational vehicle with periodic rent reserved by the month or any shorter period is in default in payment of the rent, the landlord or the landlord's agent may cause to be served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises:

(a) Before the close of business on the seventh judicial day following the day of service; or

(b) If the landlord chooses not to proceed in the manner set forth in paragraph (a) and the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, at or before noon of the fourth full day following the day of service.

➥ As used in this subsection, "day of service" means the day the landlord or the landlord's agent personally delivers the notice to the tenant. If personal service was not so delivered, the "day of service" means the day the notice is delivered, after posting and mailing pursuant to subsection 2, to the sheriff or constable for service if the request for service is made before noon. If the request for service by the sheriff or constable is made after noon, the "day of service" shall be deemed to be the day next following the day that the request is made for service by the sheriff or constable.

2. A landlord or the landlord's agent who serves a notice to a tenant pursuant to paragraph (b) of subsection 1 shall attempt to deliver the notice in person in the manner set forth in subsection 2 of NRS 40.2542. If the notice cannot be delivered in person, the landlord or the landlord's agent:

(a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by overnight mail; and

(b) After the notice has been posted and mailed, may deliver the notice to the sheriff or constable for service in the manner set forth in subsection 1 of NRS 40.280. The sheriff or constable shall not accept the notice for service unless it is accompanied by written evidence, signed by the tenant when the tenant took possession of the premises, that the landlord or the landlord's agent informed the tenant of the provisions of this section which set forth the lawful procedures for eviction from a short-term tenancy. Upon acceptance, the sheriff or constable shall serve the notice within 48 hours after the request for service was made by the landlord or the landlord's agent.

3. A notice served pursuant to subsection 1 or 2 must:

(a) Identify the court that has jurisdiction over the matter; and

(b) Advise the tenant:

(1) Of the tenant's right to ~~[contest]~~ ***:***

(I) Contest the matter by filing, within the time specified in subsection 1 for the payment of the rent or surrender of the premises, an affidavit with the court that has jurisdiction over the matter stating that the tenant has tendered payment or is not in default in the payment of the rent***; or***

(II) Request that the court stay any action for summary eviction initiated by the landlord against the tenant using the procedure prescribed by section 9 of this act;

(2) That if the court determines that the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant, directing the sheriff or constable of the county to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order; and

(3) That, pursuant to NRS 118A.390, a tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises or willfully interrupts or causes or permits the interruption of an essential service required by the rental agreement or chapter 118A of NRS.

4. If the tenant files such an affidavit at or before the time stated in the notice, the landlord or the landlord's agent, after receipt of a file-stamped copy of the affidavit which was filed, shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise.

5. Upon noncompliance with the notice:

(a) The landlord or the landlord's agent may apply by affidavit of complaint for eviction to the justice court of the township in which the dwelling, apartment, mobile home or recreational vehicle are located or to the district court of the county in which the dwelling, apartment, mobile home or recreational vehicle are located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff or constable of the county to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff

or constable shall remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order. The affidavit must state or contain:

(1) The date the tenancy commenced.

(2) The amount of periodic rent reserved.

(3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant.

(4) The date the rental payments became delinquent.

(5) The length of time the tenant has remained in possession without paying rent.

(6) The amount of rent claimed due and delinquent.

(7) A statement that the written notice was served on the tenant in accordance with NRS 40.280.

(8) A copy of the written notice served on the tenant.

(9) A copy of the signed written rental agreement, if any.

(b) Except when the tenant has timely filed the affidavit described in subsection 3 and a file-stamped copy of it has been received by the landlord or the landlord's agent, and except when the landlord is prohibited pursuant to NRS 118A.480, the landlord or the landlord's agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise.

6. Upon the filing by the tenant of the affidavit permitted in subsection 3, regardless of the information contained in the affidavit, and the filing by the landlord of the affidavit permitted by subsection 5, the justice court or the district court shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the court determines that there is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant. If the court determines that there is a legal defense as to the alleged unlawful detainer, the court shall refuse to grant either party any relief, and, except as otherwise provided in this subsection, shall require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive. The issuance of a summary order for removal of the tenant does not preclude an action by the tenant for any damages or other relief to which the tenant may be entitled. If the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the refusal by the court to grant relief does not preclude the landlord thereafter from pursuing an action for unlawful detainer in accordance with NRS 40.251.

7. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court, on a form provided by the clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118A.460 for the inventory, moving and storage of personal property left on the premises. The motion must be filed within 20 days after the summary order for removal of the tenant or the abandonment of the premises by the tenant, or within 20 days after:

(a) The tenant has vacated or been removed from the premises; and

(b) A copy of those charges has been requested by or provided to the tenant, ➥ whichever is later.

8. Upon the filing of a motion pursuant to subsection 7, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Determine the costs, if any, claimed by the landlord pursuant to NRS 118A.460 and any accumulating daily costs; and

(b) Order the release of the tenant's property upon the payment of the charges determined to be due or if no charges are determined to be due.

9. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court on a form provided by the clerk of court to dispute the reasonableness of the actions of a landlord pursuant to subsection 3 of NRS 118A.460. The motion must be filed within 5 days after the tenant has vacated or been removed from the premises. Upon the filing of a motion pursuant to this subsection, the court shall schedule a hearing on the motion. The hearing must be held within 5 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Order the landlord to allow the retrieval of the tenant's essential personal effects at the date and time and for a period necessary for the retrieval, as determined by the court; and

(b) Award damages in an amount not greater than $2,500.

10. In determining the amount of damages, if any, to be awarded under paragraph (b) of subsection 9, the court shall consider:

(a) Whether the landlord acted in good faith;

(b) The course of conduct between the landlord and the tenant; and

(c) The degree of harm to the tenant caused by the landlord's conduct.

11. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served or had served a notice pursuant to subsection 1 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security deposit. As used in this subsection, "security deposit" has the meaning ascribed to it in NRS 118A.240.

12. Except as otherwise provided in NRS 118A.315, this section does not apply to:

(a) The tenant of a mobile home lot in a mobile home park or to the tenant of a recreational vehicle lot in an area of a mobile home park in this State other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215.

(b) A tenant who provides proof to the landlord that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.

13. As used in this section, "close of business" means the close of business of the court that has jurisdiction over the matter.

Sec. 21.4. NRS 40.254 is hereby amended to read as follows:

40.254 1. Except as otherwise provided by specific statute, in addition to the remedy provided in NRS 40.290 to 40.420, inclusive, when the tenant of a dwelling unit, part of a low-rent housing program operated by a public housing authority, a mobile home or a recreational vehicle is guilty of an unlawful detainer pursuant to NRS 40.250, 40.251, 40.2514 or 40.2516, the landlord or the landlord's agent may utilize the summary procedures for eviction as provided in NRS 40.253 except that written notice to surrender the premises must:

(a) Be given to the tenant in accordance with the provisions of NRS 40.280;

(b) Advise the tenant of the court that has jurisdiction over the matter; and

(c) Advise the tenant of the tenant's right to:

(1) Contest the notice by filing before the court's close of business on the fifth judicial day after the day of service of the notice an affidavit with the court that has jurisdiction over the matter stating the reasons why the tenant is not guilty of an unlawful detainer; or

(2) ~~*[Request that the court stay any action for summary eviction initiated by the landlord against the tenant using the procedure prescribed by section 9.2 of this act; or*~~

~~*(3)]*~~ Request that the court stay the execution of the order for removal of the tenant or order providing for nonadmittance of the tenant for a period not exceeding 10 days pursuant to subsection 2 of NRS 70.010, stating the reasons why such a stay is warranted.

2. The affidavit of the landlord or the landlord's agent submitted to the justice court or the district court must state or contain:

(a) The date when the tenancy commenced, the term of the tenancy and, if any, a copy of the rental agreement. If the rental agreement has been lost or destroyed, the landlord or the landlord's agent may attach an affidavit or declaration, signed under penalty of perjury, stating such loss or destruction.

(b) The date when the tenancy or rental agreement allegedly terminated.

(c) The date when written notice to surrender was given to the tenant pursuant to the provisions of NRS 40.251, 40.2514 or 40.2516, together with any facts supporting the notice.

(d) The date when the written notice was given, a copy of the notice and a statement that notice was served in accordance with NRS 40.280 and, if applicable, a copy of the notice of change of ownership served on the tenant pursuant to NRS 40.255 if the property has been purchased as a residential foreclosure.

(e) A statement that the claim for relief was authorized by law.

3. ***If the court finds that the affidavit of the landlord or the landlord's agent was submitted in bad faith or as a pretext for evicting a tenant who is in default in the payment of rent, the court must dismiss the proceeding.***

4. If the tenant is found guilty of unlawful detainer as a result of the tenant's violation of any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, the landlord is entitled to be awarded any reasonable attorney's fees incurred by the landlord or the landlord's agent as a result of a hearing, if any, held pursuant to subsection 6 of NRS 40.253 wherein the tenant contested the eviction.

Sec. 22. The amendatory provisions of this act apply to an action for summary eviction which accrues on or after the effective date of this act.

Sec. 23. (Deleted by amendment.)

Sec. 24. 1. This section and sections 1 to 8, inclusive, **9.2, 9.3,** 9.5 **, 10** to 21, inclusive, 22 and 23 of this act become effective upon passage and approval.

2. Sections 9, ~~[9.2,]~~ 21.2 and 21.4 of this act become effective upon passage and approval if, and only if, Assembly Bill No. 340 of this session is not enacted by the Legislature and approved by the Governor.

3. Sections 9.1 and ~~[9.3]~~ **9.7** of this act become effective upon passage and approval if, and only if, Assembly Bill No. 340 of this session is enacted by the Legislature and approved by the Governor.

4. Sections 9, 9.1, 9.7, 21.2 and 21.4 expire by limitation on June 30, 2025.

Assemblywoman Jauregui moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 92.

Bill read third time.

Roll call on Senate Bill No. 92:

YEAS—40.

NAYS—McArthur.

EXCUSED—Bilbray-Axelrod.

Senate Bill No. 92 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 134.

Bill read third time.

Roll call on Senate Bill No. 134:

YEAS—41.

NAYS—None.

EXCUSED—Bilbray-Axelrod.

Senate Bill No. 134 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 159.
Bill read third time.
Roll call on Senate Bill No. 159:
YEAS—41.
NAYS—None.
EXCUSED—Bilbray-Axelrod.
Senate Bill No. 159 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 161.
Bill read third time.
Roll call on Senate Bill No. 161:
YEAS—41.
NAYS—None.
EXCUSED—Bilbray-Axelrod.
Senate Bill No. 161 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 180.
Bill read third time.
Roll call on Senate Bill No. 180:
YEAS—41.
NAYS—None.
EXCUSED—Bilbray-Axelrod.
Senate Bill No. 180 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 196.
Bill read third time.
Roll call on Senate Bill No. 196:
YEAS—37.
NAYS—La Rue Hatch, Brittney Miller, Summers-Armstrong, Thomas—4.
EXCUSED—Bilbray-Axelrod.
Senate Bill No. 196 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 211.
Bill read third time.
Roll call on Senate Bill No. 211:
YEAS—41.
NAYS—None.
EXCUSED—Bilbray-Axelrod.
Senate Bill No. 211 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 262.

Bill read third time.

Roll call on Senate Bill No. 262:

YEAS—27.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

EXCUSED—Bilbray-Axelrod.

Senate Bill No. 262 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 283.

Bill read third time.

Roll call on Senate Bill No. 283:

YEAS—41.

NAYS—None.

EXCUSED—Bilbray-Axelrod.

Senate Bill No. 283 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 293.

Bill read third time.

Roll call on Senate Bill No. 293:

YEAS—24.

NAYS—Cohen, DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, Brittney Miller, O'Neill, Thomas, Yurek—17.

EXCUSED—Bilbray-Axelrod.

Senate Bill No. 293 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 310.

Bill read third time.

Roll call on Senate Bill No. 310:

YEAS—41.

NAYS—None.

EXCUSED—Bilbray-Axelrod.

Senate Bill No. 310 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bills Nos. 104, 335, and 370 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 104.

Bill read third time.

Remarks by Assemblywoman Hansen.

ASSEMBLYWOMAN HANSEN:

I rise, unfortunately, in opposition to Senate Bill 104. I was in strong support of this bill until Amendment No. 737 appeared on our desks this afternoon. Unfortunately, I have to move to a no position due to a removal of some language.

Roll call on Senate Bill No. 104:

YEAS—27.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

EXCUSED—Bilbray-Axelrod.

Senate Bill No. 104 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 335.

Bill read third time.

Roll call on Senate Bill No. 335:

YEAS—27.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

EXCUSED—Bilbray-Axelrod.

Senate Bill No. 335 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 370.

Bill read third time.

Roll call on Senate Bill No. 370:

YEAS—33.

NAYS—DeLong, Gray, Hafen, Hansen, Hibbetts, Kasama, McArthur, Yurek—8.

EXCUSED—Bilbray-Axelrod.

Senate Bill No. 370 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bill No. 155 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 155.

Bill read third time.

The following amendment was proposed by Assemblywoman Torres:

Amendment No. 776.

AN ACT relating to crimes; revising provisions relating to certain crimes committed by homeless persons; authorizing a justice court or a municipal court to transfer original jurisdiction of certain cases to the district court to enable the defendant to receive assisted outpatient treatment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain diversionary and specialty court programs to which certain defendants may be assigned, such as the preprosecution diversionary program and specialty court programs for veterans and members of the military, persons with mental illness and persons who use alcohol or other substances. (NRS 174.032, 176A.230, 176A.250, 176A.280) **Sections 4-8** of this bill authorize homeless persons who commit certain misdemeanor offenses to be assigned to such diversionary and specialty court programs. **Section 5** of this bill authorizes a court that assigns a homeless person to complete such a program of treatment to waive or reduce any fine, administrative assessment or fee that would otherwise be imposed upon the homeless person for committing such an offense.

Existing law authorizes a criminal defendant or the district attorney to make a motion to the district court to commence a proceeding for the issuance of a court order requiring assisted outpatient treatment of the defendant or the district court to commence such a proceeding on its own motion. (NRS 433A.335) **Sections 5-11** of this bill authorize a justice court or a municipal court to transfer original jurisdiction of a case involving a defendant who is eligible to receive assisted outpatient treatment to the district court, including homeless persons who commit certain misdemeanors pursuant to **section 5**. **Sections 12 and 13** of this bill make conforming changes to refer to provisions that have been renumbered by **section 11**.

Existing law limits the definition of an "eligible defendant" to mean a person who: (1) has not tendered a plea of guilty, guilty but mentally ill or nolo contendere to, or been found guilty or guilty but mentally ill of, an offense that is a misdemeanor; (2) appears to suffer from mental illness or to be intellectually disabled; and (3) would benefit from assignment to a specialty court program. (NRS 176A.235, 176A.255, 176A.285) **Sections 6-8** of this bill expand the definition of an "eligible defendant" to include any person who, regardless of whether the person has tendered a plea to or been found guilty of an offense that is a misdemeanor: (1) appears to suffer from a mental illness or to be intellectually disabled; and (2) would benefit from assignment to a specialty court program.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 174.032 is hereby amended to read as follows:

174.032 1. A justice court or municipal court may establish a preprosecution diversion program to which it may assign a defendant if he or she is determined to be eligible pursuant to NRS 174.031.

2. If a defendant is determined to be eligible for assignment to a preprosecution diversion program pursuant to NRS 174.031, the justice or municipal court must receive input from the prosecuting attorney, the attorney for the defendant, if any, and the defendant relating to the terms and conditions for the defendant's participation in the program.

3. A preprosecution diversion program established by a justice court or municipal court pursuant to this section may include, without limitation:

(a) A program of treatment which may rehabilitate a defendant, including, without limitation, educational programs, participation in a support group, anger management therapy, counseling ***,*** ~~[or]~~ a program of treatment for veterans and members of the military, mental illness or intellectual disabilities or the use of alcohol or other substances ~~[.]~~ ***or a program of treatment to assist homeless persons;***

(b) Any appropriate sanctions to impose on a defendant, which may include, without limitation, community service, restitution, prohibiting contact with certain persons or the imposition of a curfew; and

(c) Any other factor which may be relevant to determining an appropriate program of treatment or sanctions to require for participation of a defendant in the preprosecution diversion program.

4. If the justice court or municipal court determines that a defendant may be rehabilitated by a program of treatment for veterans and members of the military, persons with mental illness or intellectual disabilities or the use of alcohol or other substances, the court may refer the defendant to an appropriate program of treatment established pursuant to NRS ***176A.230,*** 176A.250, 176A.280 or ~~[453.580.]~~ ***section 5 of this act.*** The court shall retain jurisdiction over the defendant while the defendant completes such a program of treatment.

5. The justice court or municipal court shall, when assigning a defendant to a preprosecution diversion program, issue an order setting forth the terms and conditions for successful completion of the preprosecution diversion program, which may include, without limitation:

(a) Any program of treatment the defendant is required to complete;

(b) Any sanctions and the manner in which they must be carried out by the defendant;

(c) The date by which the terms and conditions must be completed by the defendant, which must not be more than 18 months after the date of the order;

(d) A requirement that the defendant appear before the court at least one time every 3 months for a status hearing on the progress of the defendant toward completion of the terms and conditions set forth in the order; and

(e) A notice relating to the provisions of subsection 3 of NRS 174.033.

6. A defendant assigned to a preprosecution diversion program shall pay the cost of any program of treatment required by this section to the extent of

his or her financial resources. The court shall not refuse to place a defendant in a program of treatment if the defendant does not have the financial resources to pay any or all of the costs of such program.

7. If restitution is ordered to be paid pursuant to subsection 5, the defendant must make a good faith effort to pay the required amount of restitution in full. If the justice court or municipal court determines that a defendant is unable to pay such restitution, the court must require the defendant to enter into a judgment by confession for the amount of restitution.

8. As used in this section, "homeless person" has the meaning ascribed to it in section 5 of this act.

Sec. 5. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A justice court, municipal court or district court, as applicable, that has jurisdiction over an eligible defendant who is charged with or convicted of an eligible offense may order the eligible defendant to complete a program of treatment.

2. Notwithstanding any other provision of law, a court that orders an eligible defendant to complete a program of treatment pursuant to this section may waive or reduce any fine, administrative assessment or fee that would otherwise be imposed upon the eligible defendant for commission of the eligible offense pursuant to specific statute.

3. As used in this section:

(a) "Eligible defendant" means a homeless person who is charged with or convicted of an eligible offense.

(b) "Eligible offense" means a violation of any local ordinance prohibiting public urination or defecation or possession of an open container of an alcoholic beverage, or the same or similar conduct, or a violation of the following statutory provisions, or any local ordinance prohibiting the same or similar conduct, that is punishable as a misdemeanor:

(1) NRS 202.450.

(2) NRS 205.860.

(3) NRS 206.010.

(4) [NRS 206.040. (5)] NRS 206.140.

[(6)] (5) NRS 206.310.

[(7) NRS 207.030. (8)] (6) NRS 207.200.

[(9) NRS 207.203.]

(c) "Homeless person" means a person:

(1) Who lacks a fixed, regular and adequate residence;

(2) With a primary residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including, without limitation, a car, a park, an abandoned building, a bus or train station, an airport or a camping ground; or

(3) Living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements, including, without limitation, transitional housing, hotels or motels paid for by any federal, state or local governmental program or any charitable organization.

➥ For the purpose of this paragraph, a person shall be deemed to be a homeless person if the person provides sufficient proof to the court that the person meets the criteria set forth in subparagraph (1), (2) or (3) or the person has recently used public services for homeless persons or if a public or private agency or entity that provides services to homeless persons provides sufficient proof to the court that the person is a homeless person.

(d) "Program of treatment" means a preprosecution diversion program, specialty court program or other program designed to assist homeless persons that is established pursuant to NRS 174.032, 176A.230, 176A.250, 176A.280, 433A.335 or another specific statute or by court rule or court order.

Sec. 6. NRS 176A.235 is hereby amended to read as follows:

176A.235 1. A justice court or a municipal court may, upon approval of the district court, transfer original jurisdiction to the district court of a case involving an eligible defendant.

2. As used in this section, "eligible defendant" means a person who:

(a) ~~[Has not tendered a plea of guilty, guilty but mentally ill or nolo contendere to, or been found guilty or guilty but mentally ill of, an offense that is a misdemeanor;~~

~~(b)]~~ Has been diagnosed as having a substance use disorder after an in-person clinical assessment; and

~~[(c)]~~ ***(b)*** Would benefit from assignment to a program established pursuant to NRS 176A.230.

Sec. 7. NRS 176A.255 is hereby amended to read as follows:

176A.255 1. A justice court or a municipal court may, upon approval of the district court, transfer original jurisdiction to the district court of a case involving an eligible defendant.

2. As used in this section, "eligible defendant" means a person who:

(a) ~~[Has not tendered a plea of guilty, guilty but mentally ill or nolo contendere to, or been found guilty or guilty but mentally ill of, an offense that is a misdemeanor;~~

~~(b)]~~ Appears to suffer from mental illness or to be intellectually disabled; and

~~[(c)]~~ ***(b)*** Would benefit from assignment to a program established pursuant to ***:***

(1) NRS 176A.250 ~~[.]~~ ***; or***

(2) NRS 433A.335, if the defendant is eligible to receive assisted outpatient treatment pursuant to that section.

Sec. 8. NRS 176A.285 is hereby amended to read as follows:

176A.285 If a justice court or municipal court has not established a program pursuant to NRS 176A.280, the justice court or municipal court, as

applicable, may, upon approval of the district court, transfer original jurisdiction to the district court of a case involving a defendant who meets the qualifications of subsection 1 of NRS 176A.280 **. [**~~and has not tendered a plea of guilty, guilty but mentally ill or nolo contendere to, or been found guilty or guilty but mentally ill of, an offense that is a misdemeanor.~~**]**

Sec. 9. NRS 4.370 is hereby amended to read as follows:

4.370 1. Except as otherwise provided in subsection 2, justice courts have jurisdiction of the following civil actions and proceedings and no others except as otherwise provided by specific statute:

(a) In actions arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, does not exceed $15,000.

(b) In actions for damages for injury to the person, or for taking, detaining or injuring personal property, or for injury to real property where no issue is raised by the verified answer of the defendant involving the title to or boundaries of the real property, if the damage claimed does not exceed $15,000.

(c) Except as otherwise provided in paragraph (l), in actions for a fine, penalty or forfeiture not exceeding $15,000, given by statute or the ordinance of a county, city or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll or municipal fine.

(d) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed $15,000, though the penalty may exceed that sum. Bail bonds and other undertakings posted in criminal matters may be forfeited regardless of amount.

(e) In actions to recover the possession of personal property, if the value of the property does not exceed $15,000.

(f) To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, does not exceed $15,000.

(g) Of actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed $15,000 or when no damages are claimed.

(h) Of actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed $15,000 or when no damages are claimed.

(i) Of suits for the collection of taxes, where the amount of the tax sued for does not exceed $15,000.

(j) Of actions for the enforcement of mechanics' liens, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $15,000.

(k) Of actions for the enforcement of liens of owners of facilities for storage, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $15,000.

(l) In actions for a civil penalty imposed for a violation of NRS 484D.680.

(m) Except as otherwise provided in this paragraph, in any action for the issuance of a temporary or extended order for protection against domestic violence pursuant to NRS 33.020. A justice court does not have jurisdiction in

an action for the issuance of a temporary or extended order for protection against domestic violence:

(1) In a county whose population is 100,000 or more and less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more;

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court; or

(4) Where the adverse party against whom the order is sought is under 18 years of age.

(n) Except as otherwise provided in this paragraph, in any action for the issuance of an emergency or extended order for protection against high-risk behavior pursuant to NRS 33.570 or 33.580. A justice court does not have jurisdiction in an action for the issuance of an emergency or extended order for protection against high-risk behavior:

(1) In a county whose population is 100,000 or more but less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more;

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court; or

(4) Where the adverse party against whom the order is sought is under 18 years of age.

(o) In an action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive, where the adverse party against whom the order is sought is 18 years of age or older.

(p) In small claims actions under the provisions of chapter 73 of NRS.

(q) In actions to contest the validity of liens on mobile homes or manufactured homes.

(r) In any action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment where the adverse party against whom the order is sought is 18 years of age or older.

(s) In any action pursuant to NRS 200.378 for the issuance of a protective order against a person alleged to have committed the crime of sexual assault where the adverse party against whom the order is sought is 18 years of age or older.

(t) In actions transferred from the district court pursuant to NRS 3.221.

(u) In any action for the issuance of a temporary or extended order pursuant to NRS 33.400.

(v) In any action seeking an order pursuant to NRS 441A.195.

(w) In any action to determine whether a person has committed a civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive.

2. The jurisdiction conferred by this section does not extend to civil actions, other than for forcible entry or detainer, in which the title of real property or mining claims or questions affecting the boundaries of land are involved.

3. Justice courts have jurisdiction of all misdemeanors and no other criminal offenses except as otherwise provided by specific statute. Upon approval of the district court, a justice court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to ***:***

(a) NRS 176A.250 ~~[or, if]~~ ***;***

(b) If the justice court has not established a program pursuant to NRS 176A.280, to a program established pursuant to that section ~~[.]~~ ***; or***

(c) NRS 433A.335, if the offender is eligible to receive assisted outpatient treatment pursuant to that section.

4. Except as otherwise provided in subsections 5, 6 and 7, in criminal cases the jurisdiction of justices of the peace extends to the limits of their respective counties.

5. A justice of the peace may conduct a pretrial release hearing for a person located outside of the township of the justice of the peace.

6. In the case of any arrest made by a member of the Nevada Highway Patrol, the jurisdiction of the justices of the peace extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties.

7. Each justice court has jurisdiction of any violation of a regulation governing vehicular traffic on an airport within the township in which the court is established.

Sec. 10. NRS 5.050 is hereby amended to read as follows:

5.050 1. Municipal courts have jurisdiction of civil actions or proceedings:

(a) For the violation of any ordinance of their respective cities.

(b) To determine whether a person has committed a civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive.

(c) To prevent or abate a nuisance within the limits of their respective cities.

2. Except as otherwise provided in subsection 2 of NRS 173.115, the municipal courts have jurisdiction of all misdemeanors committed in violation of the ordinances of their respective cities. Upon approval of the district court, a municipal court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to ***:***

(a) NRS 176A.250 ~~[or, if]~~ ***;***

(b) If the municipal court has not established a program pursuant to NRS 176A.280, to a program established pursuant to that section ~~[.]~~ ***; or***

(c) NRS 433A.335, if the offender is eligible to receive assisted outpatient treatment pursuant to that section.

3. The municipal courts have jurisdiction of:

(a) Any action for the collection of taxes or assessments levied for city purposes, when the principal sum thereof does not exceed $2,500.

(b) Actions to foreclose liens in the name of the city for the nonpayment of those taxes or assessments when the principal sum claimed does not exceed $2,500.

(c) Actions for the breach of any bond given by any officer or person to or for the use or benefit of the city, and of any action for damages to which the city is a party, and upon all forfeited recognizances given to or for the use or benefit of the city, and upon all bonds given on appeals from the municipal court in any of the cases named in this section, when the principal sum claimed does not exceed $2,500.

(d) Actions for the recovery of personal property belonging to the city, when the value thereof does not exceed $2,500.

(e) Actions by the city for the collection of any damages, debts or other obligations when the amount claimed, exclusive of costs or attorney's fees, or both if allowed, does not exceed $2,500.

(f) Actions seeking an order pursuant to NRS 441A.195.

4. Nothing contained in subsection 3 gives the municipal court jurisdiction to determine any such cause when it appears from the pleadings that the validity of any tax, assessment or levy, or title to real property, is necessarily an issue in the cause, in which case the court shall certify the cause to the district court in like manner and with the same effect as provided by law for certification of causes by justice courts.

5. The municipal courts may hold a jury trial for any matter:

(a) Within the jurisdiction of the municipal court; and

(b) Required by the United States Constitution, the Nevada Constitution or statute.

Sec. 11. NRS 433A.335 is hereby amended to read as follows:

433A.335 1. A proceeding for an order requiring any person in the State of Nevada to receive assisted outpatient treatment may be commenced by the filing of a petition for such an order with the clerk of the district court of the county where the person who is to be treated is present. The petition may be filed by:

(a) Any person who is at least 18 years of age and resides with the person to be treated;

(b) The spouse, parent, adult sibling, adult child or legal guardian of the person to be treated;

(c) A physician, physician assistant, psychologist, social worker or registered nurse who is providing care to the person to be treated;

(d) The Administrator or his or her designee; or

(e) The medical director of a division facility in which the person is receiving treatment or the designee of the medical director of such a division facility.

2. A proceeding to require a person who is the defendant in a criminal proceeding in the district court to receive assisted outpatient treatment may be commenced ~~[by]~~ ***:***

(a) By the district court ~~[, on]~~ ***:***

(1) On its own motion ~~[, or by]~~ ***;***

(2) By motion of the defendant or the district attorney ~~[if:~~

~~(a)]~~ ***; or***

(3) After a justice court or a municipal court, upon approval of the district court, transfers original jurisdiction to the district court of a case involving a defendant who is eligible to receive assisted outpatient treatment pursuant to this section; and

(b) If:

(1) The defendant has been examined in accordance with NRS 178.415;

~~[(b)]~~ ***(2)*** The defendant is not eligible for commitment to the custody of the Administrator pursuant to NRS 178.461; and

~~[(c)]~~ ***(3)*** The Division makes a clinical determination that assisted outpatient treatment is appropriate ~~[.]~~ ***for the defendant.***

3. A petition filed pursuant to subsection 1 or a motion made pursuant to subsection 2 must allege the following concerning the person to be treated:

(a) The person is at least 18 years of age.

(b) The person has a mental illness.

(c) The person has a history of poor compliance with treatment for his or her mental illness that has resulted in at least one of the following circumstances:

(1) At least twice during the immediately preceding 48 months, poor compliance with mental health treatment has been a significant factor in causing the person to be hospitalized or receive services in the behavioral health unit of a detention facility or correctional facility. The 48-month period described in this subparagraph must be extended by any amount of time that the person has been hospitalized, incarcerated or detained during that period.

(2) Poor compliance with mental health treatment has been a significant factor in causing the person to commit, attempt to commit or threaten to commit serious physical harm to himself or herself or others during the immediately preceding 48 months. The 48-month period described in this subparagraph must be extended by any amount of time that the person has been hospitalized, incarcerated or detained during that period.

(3) Poor compliance with mental health treatment has resulted in the person being hospitalized, incarcerated or detained for a cumulative period of at least 6 months and the person:

(I) Is scheduled to be discharged or released from such hospitalization, incarceration or detention during the 30 days immediately following the date of the petition; or

(II) Has been discharged or released from such hospitalization, incarceration or detention during the 60 days immediately preceding the date of the petition.

(d) Because of his or her mental illness, the person is unwilling or unlikely to voluntarily participate in outpatient treatment that would enable the person to live safely in the community without the supervision of the court.

(e) Assisted outpatient treatment is the least restrictive appropriate means to prevent further disability or deterioration that would result in the person becoming a person in a mental health crisis.

4. A petition filed pursuant to subsection 1 or a motion made pursuant to subsection 2 must be accompanied by:

(a) A sworn statement or a declaration that complies with the provisions of NRS 53.045 by a physician, a psychologist, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160 or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120, stating that he or she:

(1) Evaluated the person who is the subject of the petition or motion not earlier than 10 days before the filing of the petition or making of the motion;

(2) Recommends that the person be ordered to receive assisted outpatient treatment; and

(3) Is willing and able to testify at a hearing on the petition or motion; and

(b) A sworn statement or a declaration that complies with the provisions of NRS 53.045 from a person professionally qualified in the field of psychiatric mental health stating that he or she is willing to provide assisted outpatient treatment for the person in the county where the person resides.

5. A copy of the petition filed pursuant to subsection 1 or the motion made pursuant to subsection 2 must be served upon the person who is the subject of the petition or motion or his or her counsel and, if applicable, his or her legal guardian.

Sec. 12. NRS 433A.337 is hereby amended to read as follows:

433A.337 1. Before the date of a hearing on a petition or motion for assisted outpatient treatment, the person who made the sworn statement or declaration pursuant to paragraph (a) of subsection 4 of NRS 433A.335, the personnel of the Division who made the clinical determination concerning the appropriateness of assisted outpatient treatment pursuant to ***subparagraph (3) of*** paragraph ~~[(c)]~~ ***(b)*** of subsection 2 of NRS 433A.335 or the person or entity who submitted the petition pursuant to NRS 433A.345, as applicable, shall submit to the court a proposed written treatment plan created by a person professionally qualified in the field of psychiatric mental health who is familiar with the person who is the subject of the petition or motion, as applicable. The proposed written treatment plan must set forth:

(a) The services and treatment recommended for the person who is the subject of the petition or motion; and

(b) The person who will provide such services and treatment and his or her qualifications.

2. Services and treatment set forth in a proposed written treatment plan must include, without limitation:

(a) Case management services to coordinate the assisted outpatient treatment recommended pursuant to paragraph (b); and

(b) Assisted outpatient treatment which may include, without limitation:

(1) Medication;

(2) Periodic blood or urine testing to determine whether the person is receiving such medication;

(3) Individual or group therapy;

(4) Full-day or partial-day programming activities;

(5) Educational activities;

(6) Vocational training;

(7) Treatment and counseling for a substance use disorder;

(8) If the person has a history of substance use, periodic blood or urine testing for the presence of alcohol or other recreational drugs;

(9) Supervised living arrangements; and

(10) Any other services determined necessary to treat the mental illness of the person, assist the person in living or functioning in the community or prevent a deterioration of the mental or physical condition of the person.

3. A person professionally qualified in the field of psychiatric mental health who is creating a proposed written treatment plan pursuant to subsection 1 shall:

(a) Consider any wishes expressed by the person who is to be treated in an advance directive for psychiatric care executed pursuant to NRS 449A.600 to 449A.645, inclusive; and

(b) Consult with the person who is to be treated, any providers of health care who are currently treating the person, any supporter or legal guardian of the person, and, upon the request of the person, any other person concerned with his or her welfare, including, without limitation, a relative or friend.

4. If a proposed written treatment plan includes medication, the plan must specify the type and class of the medication and state whether the medication is to be self-administered or administered by a specific provider of health care. A proposed written treatment plan must not recommend the use of physical force or restraints to administer medication.

5. If a proposed written treatment plan includes periodic blood or urine testing for the presence of alcohol or other recreational drugs, the plan must set forth sufficient facts to support a clinical determination that the person who is to be treated has a history of substance use disorder.

6. If the person who is to be treated has executed an advance directive for psychiatric care pursuant to NRS 449A.600 to 449A.645, inclusive, a copy of the advance directive must be attached to the proposed written treatment plan.

7. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 13. NRS 433A.341 is hereby amended to read as follows:

433A.341 1. In proceedings for assisted outpatient treatment, the court shall hear and consider all relevant testimony, including, without limitation:

(a) The testimony of the person who made a sworn statement or declaration pursuant to paragraph (a) of subsection 4 of NRS 433A.335, any personnel of the Division responsible for a clinical determination made pursuant to ***subparagraph (3) of*** paragraph ~~[(c)]~~ ***(b)*** of subsection 2 of NRS 433A.335 or the person or entity responsible for the decision to submit a petition pursuant to NRS 433A.345, as applicable;

(b) The testimony of any supporter or legal guardian of the person who is the subject of the proceedings, if that person wishes to testify; and

(c) If the proposed written treatment plan submitted pursuant to NRS 433A.337 recommends medication and the person who is the subject of the petition or motion objects to the recommendation, the testimony of the person professionally qualified in the field of psychiatric mental health who prescribed the recommendation.

2. The court may consider testimony relating to any past actions of the person who is the subject of the petition or motion if such testimony is probative of the question of whether the person currently meets the criteria prescribed by subsection 3 of NRS 433A.335 or subsection 1 of NRS 433A.345, as applicable.

Assemblywoman Torres moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 8:17 p.m.

ASSEMBLY IN SESSION

At 8:34 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Assembly Bill No. 404 be taken from the Chief Clerk's Desk and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 404.

Bill read third time.

The following amendment was proposed by Assemblywoman Brittney Miller:

Amendment No. 739.

AN ACT relating to civil actions; increasing the amount of civil damages for which certain providers of health care may be liable for acts or omissions in rendering care or assistance necessitated by certain traumatic injuries; excluding certain health care professionals from the definition of "provider of health care" for certain purposes; increasing the limitation on the amount of noneconomic damages a plaintiff may recover in a civil action against a provider of health care for professional negligence; ~~[imposing liability on]~~ **prohibiting** a hospital ~~[for the professional negligence of]~~ **from bringing certain actions against** a provider of health care **;** ~~[who renders professional services at the hospital;]~~ revising the statute of limitations for bringing an action against a provider of health care for injury or death based upon professional negligence, professional services rendered without consent or error or omission in practice; repealing provisions which limit the amount of a contingent fee for which an attorney representing a plaintiff in a civil action against a provider of health care for professional negligence may contract for or collect; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law limits to $50,000 the amount of civil damages for which a licensed physician or dentist, a hospital or certain employees of a hospital may be held liable for certain acts or omissions in rendering care or assistance at a hospital necessitated by a traumatic injury demanding immediate medical attention. (NRS 41.503) **Section 1** of this bill increases that amount to $250,000 and, beginning on January 1, 2026, requires that amount to be adjusted each year based on the percentage increase in the Consumer Price Index (All Items) for the immediately preceding calendar year.

Existing law sets forth various requirements and restrictions relating to civil actions against a provider of health care for professional negligence. (Chapter 41A of NRS) Existing law defines "provider of health care" for the purposes of those provisions to include a physician, physician assistant, dentist, licensed nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractic physician, doctor of Oriental medicine, medical laboratory director or technician, licensed dietitian, a person licensed to engage in radiation therapy or radiologic imaging, a licensed hospital and certain other entities. (NRS 41A.017) **Section 1.5** of this bill excludes from that definition an agency to provide nursing in the home, a facility for intermediate care, a facility for skilled nursing, a facility for hospice care and a nursing pool, thereby specifically excluding such persons from the provisions of existing law imposing certain requirements and restrictions on civil actions brought against a provider of health care for professional negligence.

Existing law limits the amount of noneconomic damages that a plaintiff may recover in a civil action brought against a provider of health care for

professional negligence to $350,000, regardless of the number of plaintiffs, defendants or theories upon which liability may be based. (NRS 41A.035) **Section 2** of this bill instead limits the amount of noneconomic damages that a plaintiff may recover in such an action to: (1) for an action in which ~~[certain hospitals or employees, agents or affiliates of certain hospitals are]~~ **a hospital other than a critical access hospital is** a party, $2,000,000; and (2) for any other action, $550,000. **Section 2** requires, beginning on January 1, 2026, that those amounts be adjusted each year based on the percentage increase in the Consumer Price Index (All Items) for the immediately preceding calendar year. **Section 2 also prohibits a hospital from bringing an action against a provider of health care to recover from the provider of health care any amount paid to a plaintiff by the hospital.**

Existing law ~~[provides that each defendant in a civil action for injury or death against a provider of health care based upon professional negligence is severally, and not jointly, liable for damages awarded in the action. (NRS 41A.045) Section 2.5 of this bill: (1) deems a provider of health care who renders professional services at a hospital to be an agent of the hospital; and (2) provides that the hospital is vicariously liable for any professional negligence of the provider of health care in connection with the rendering of such services at the hospital.~~

~~Existing law]~~ requires an action for injury or death against a provider of health care based on professional negligence, professional services rendered without consent or error or omission in practice, to be commenced: (1) for an injury that occurred on or after October 1, 2002, not more than 3 years after the date of injury or 1 year after the plaintiff discovers or should have discovered the injury; and (2) if the injury occurred before October 1, 2002, not more than 4 years after the date of injury or 2 years after the plaintiff discovers or should have discovered the injury. (NRS 41A.097) **Section 3** of this bill revises those provisions to require all such actions to be brought not more than 4 years after the date of injury or 2 years after the plaintiff discovers or should have discovered the injury. **Section 4** of this bill provides that the changes in **section 3** apply retroactively to any injury or death that occurred before October 1, 2023, even if the statute of limitations that was in effect at the time of the injury or death has expired. Therefore, a civil action against a provider of health care that would otherwise be time-barred by the former statute of limitations is revived by this bill, so long as the revised statute of limitations set forth in **section 4** has not expired.

Section 6 of this bill repeals provisions that limit the amount of a contingent fee that an attorney representing a plaintiff in a civil action against a provider of health care for professional negligence may contract for or collect.

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

Section 1. NRS 41.503 is hereby amended to read as follows:

41.503 1. Except as otherwise provided in subsection 2 and NRS 41.504, 41.505 and 41.506:

(a) A hospital which has been designated as a center for the treatment of trauma by the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to NRS 450B.237 and which is a nonprofit organization;

(b) A hospital other than a hospital described in paragraph (a);

(c) An employee of a hospital described in paragraph (a) or (b) who renders care or assistance to patients;

(d) A physician or dentist licensed under the provisions of chapter 630, 631 or 633 of NRS who renders care or assistance in a hospital described in paragraph (a) or (b), whether or not the care or assistance was rendered gratuitously or for a fee; and

(e) A physician or dentist licensed under the provisions of chapter 630, 631 or 633 of NRS:

(1) Whose liability is not otherwise limited pursuant to NRS 41.032 to 41.0337, inclusive; and

(2) Who renders care or assistance in a hospital of a governmental entity that has been designated as a center for the treatment of trauma by the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to NRS 450B.237, whether or not the care or assistance was rendered gratuitously or for a fee,

➥ that in good faith renders care or assistance necessitated by a traumatic injury demanding immediate medical attention, for which the patient enters the hospital through its emergency room or trauma center, may not be held liable for more than ~~[$50,000]~~ ***$250,000*** in civil damages, exclusive of interest computed from the date of judgment, to or for the benefit of any claimant arising out of any act or omission in rendering that care or assistance if the care or assistance is rendered in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct. 2. The limitation on liability provided pursuant to this section does not apply to any act or omission in rendering care or assistance:

(a) Which occurs after the patient is stabilized and is capable of receiving medical treatment as a nonemergency patient, unless surgery is required as a result of the emergency within a reasonable time after the patient is stabilized, in which case the limitation on liability provided by subsection 1 applies to any act or omission in rendering care or assistance which occurs before the stabilization of the patient following the surgery; or

(b) Unrelated to the original traumatic injury.

3. If: (a) A physician or dentist provides follow-up care to a patient to whom the physician or dentist rendered care or assistance pursuant to subsection 1; (b) A medical condition arises during the course of the follow-up care that is directly related to the original traumatic injury for which care or assistance was rendered pursuant to subsection 1; and

(c) The patient files an action for malpractice based on the medical condition that arises during the course of the follow-up care,

➥ there is a rebuttable presumption that the medical condition was the result of the original traumatic injury and that the limitation on liability provided by subsection 1 applies with respect to the medical condition that arises during the course of the follow-up care.

4. ***The maximum amount of civil damages set forth in subsection 1 must be adjusted on January 1 of each year beginning on January 1, 2026, in a rounded dollar amount corresponding to the percentage increase in the Consumer Price Index (All Items) published by the United States Department of Labor for the immediately preceding calendar year. The Attorney General shall determine the amount of the increase required by this subsection and establish the adjusted amount to take effect on January 1 of that year.***

5. For the purposes of this section:

(a) "Reckless, willful or wanton conduct," as it applies to a person to whom subsection 1 applies, shall be deemed to be that conduct which the person knew or should have known at the time the person rendered the care or assistance would be likely to result in injury so as to affect the life or health of another person, taking into consideration to the extent applicable:

(1) The extent or serious nature of the prevailing circumstances;

(2) The lack of time or ability to obtain appropriate consultation;

(3) The lack of a prior medical relationship with the patient;

(4) The inability to obtain an appropriate medical history of the patient; and

(5) The time constraints imposed by coexisting emergencies.

(b) "Traumatic injury" means any acute injury which, according to standardized criteria for triage in the field, involves a significant risk of death or the precipitation of complications or disabilities.

Sec. 1.5. NRS 41A.017 is hereby amended to read as follows:

41A.017 ***1.*** "Provider of health care" means a physician licensed pursuant to chapter 630 or 633 of NRS, physician assistant, dentist, licensed nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractic physician, doctor of Oriental medicine, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, medical laboratory director or technician, licensed dietitian or a licensed hospital, clinic, surgery center, physicians' professional corporation or group practice that employs any such person and its employees.

2. The term does not include:

(a) An agency to provide nursing in the home, as defined in NRS 449.0015.

(b) A facility for hospice care, as defined in NRS 449.0033.

(c) A facility for intermediate care, as defined in NRS 449.0038.

(d) A facility for skilled nursing, as defined in NRS 449.0039.

(e) A nursing pool, as defined in NRS 449.0153.

Sec. 2. NRS 41A.035 is hereby amended to read as follows:

41A.035 ***1.*** In an action for injury or death against a provider of health care based upon professional negligence, the injured plaintiff may recover noneconomic damages, but the amount of noneconomic damages awarded in such an action must not exceed **,** ~~[~~$350,000,~~]~~ regardless of the number of plaintiffs, defendants or theories upon which liability may be based ***:***

(a) For an action in which a hospital, other than a critical access ~~*[hospital, or an employee, agent or affiliate of such a]*~~ ***hospital*** **,** ***is a party, $2,000,000.***

(b) For any other action, $550,000.

2. A hospital may not bring an action against a provider of health care, whether based on a claim of contractual or equitable indemnity, apportionment, contribution or other basis, to recover from the provider of health care any amount paid to a plaintiff by the hospital.

3. The maximum amounts of noneconomic damages set forth in paragraphs (a) and (b) of subsection 1 must be adjusted on January 1 of each year beginning on January 1, 2026, in a rounded dollar amount corresponding to the percentage of increase in the Consumer Price Index (All Items) published by the United States Department of Labor for the immediately preceding calendar year. The Attorney General shall determine the amount of the increase required by this subsection and establish the adjusted amounts to take effect on January 1 of that year.

~~*[3.]*~~ ***4. As used in this section*** ~~*[:*~~

~~*(a) "Affiliate" means a person who, directly or indirectly through one or more intermediaries, controls, is controlled by or is under common control with a hospital.*~~

~~*(b) "Critical"*~~ **,** ***"critical access hospital" means a hospital which has been certified as a critical access hospital by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 1395i-4(e).***

Sec. 2.5. ~~[~~NRS 41A.045 is hereby amended to read as follows:

~~41A.045 1. In an action for injury or death against a provider of health care based upon professional negligence, each defendant is liable to the plaintiff for economic damages and noneconomic damages severally only, and not jointly, for that portion of the judgment which represents the percentage of negligence attributable to the defendant.~~

~~2. [This section is]~~ ***The provisions of subsection 1 are*** ~~intended to abrogate joint and several liability of a provider of health care in an action for injury or death against the provider of health care based upon professional negligence.~~

~~*3. Notwithstanding the provisions of this section, if a provider of health care renders professional services at a hospital:*~~

~~*(a) The provider of health care shall be deemed to be an agent of the hospital; and*~~

~~*(b) The hospital is vicariously liable for any professional negligence of the provider of health care in connection with the rendering of such services at the hospital.)*~~ **(Deleted by amendment.)**

Sec. 3. NRS 41A.097 is hereby amended to read as follows:

41A.097 1. Except as otherwise provided in subsection ~~[3,]~~ ***2,*** an action for injury or death against a provider of health care may not be commenced more than 4 years after the date of injury or 2 years after the plaintiff discovers or through the use of reasonable diligence should have discovered the injury, whichever occurs first, for:

(a) Injury to or the wrongful death of a person ~~[occurring before October 1, 2002,]~~ based upon alleged professional negligence of the provider of health care;

(b) Injury to or the wrongful death of a person ~~[occurring before October 1, 2002,]~~ from professional services rendered without consent; or

(c) Injury to or the wrongful death of a person ~~[occurring before October 1, 2002,]~~ from error or omission in practice by the provider of health care.

2. ~~[Except as otherwise provided in subsection 3, an action for injury or death against a provider of health care may not be commenced more than 3 years after the date of injury or 1 year after the plaintiff discovers or through the use of reasonable diligence should have discovered the injury, whichever occurs first, for:~~

~~(a) Injury to or the wrongful death of a person occurring on or after October 1, 2002, based upon alleged professional negligence of the provider of health care;~~

~~(b) Injury to or the wrongful death of a person occurring on or after October 1, 2002, from professional services rendered without consent; or~~

~~(c) Injury to or the wrongful death of a person occurring on or after October 1, 2002, from error or omission in practice by the provider of health care.~~

~~3.]~~ This time limitation is tolled for any period during which the provider of health care has concealed any act, error or omission upon which the action is based and which is known or through the use of reasonable diligence should have been known to the provider of health care.

~~[4.]~~ ***3.*** For the purposes of this section, the parent, guardian or legal custodian of any minor child is responsible for exercising reasonable judgment in determining whether to prosecute any cause of action limited by subsection 1 **.** ~~[or 2.]~~ If the parent, guardian or custodian fails to commence an action on behalf of that child within the prescribed period of limitations, the child may not bring an action based on the same alleged injury against any provider of health care upon the removal of the child's disability, except that in the case of:

(a) Brain damage or birth defect, the period of limitation is extended until the child attains 10 years of age.

(b) Sterility, the period of limitation is extended until 2 years after the child discovers the injury.

Sec. 4. The amendatory provisions of section 3 of this act apply to any injury or death that occurred before October 1, 2023, regardless of any statute of limitations that was in effect at the time the injury or death occurred, including, without limitation, any civil action that would have been barred by the statute of limitations that was in effect before October 1, 2023.

Sec. 5. The amendatory provisions of:

1. Sections 1, 1.5 ~~[, 2.5]~~ and 6 of this act apply to a cause of action that accrues on or after October 1, 2023.

2. Section 2 of this act applies to a cause of action that accrues on or after January 1, 2024.

Sec. 6. NRS 7.095 is hereby repealed.

TEXT OF REPEALED SECTION

7.095 Limitations on contingent fees for representation of persons in certain actions against providers of health care.

1. An attorney shall not contract for or collect a fee contingent on the amount of recovery for representing a person seeking damages in connection with an action for injury or death against a provider of health care based upon professional negligence in excess of:

(a) Forty percent of the first $50,000 recovered;

(b) Thirty-three and one-third percent of the next $50,000 recovered;

(c) Twenty-five percent of the next $500,000 recovered; and

(d) Fifteen percent of the amount of recovery that exceeds $600,000.

2. The limitations set forth in subsection 1 apply to all forms of recovery, including, without limitation, settlement, arbitration and judgment.

3. For the purposes of this section, "recovered" means the net sum recovered by the plaintiff after deducting any disbursements or costs incurred in connection with the prosecution or settlement of the claim. Costs of medical care incurred by the plaintiff and general and administrative expenses incurred by the office of the attorney are not deductible disbursements or costs.

4. As used in this section:

(a) "Professional negligence" means a negligent act or omission to act by a provider of health care in the rendering of professional services, which act or omission is the proximate cause of a personal injury or wrongful death. The term does not include services that are outside the scope of services for which the provider of health care is licensed or services for which any restriction has been imposed by the applicable regulatory board or health care facility.

(b) "Provider of health care" means a physician licensed under chapter 630 or 633 of NRS, dentist, registered nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractic physician, doctor of Oriental medicine, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, medical laboratory director or technician, licensed dietitian or a licensed hospital and its employees.

Assemblywoman Brittney Miller moved the adoption of the amendment.
Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

Assemblywoman Jauregui moved that the Assembly recess until 9 p.m.
Motion carried.

Assembly in recess at 8:36 p.m.

ASSEMBLY IN SESSION

At 9:50 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

WAIVER OF JOINT STANDING RULES

A Waiver requested by: Senator Cannizzaro.
For: Assembly Bill No. 285.
To Waive:
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: May 26, 2023.

SENATOR NICOLE J. CANNIZZARO
Senate Majority Leader

ASSEMBLYMAN STEVE YEAGER
Speaker of the Assembly

GENERAL FILE AND THIRD READING

Senate Bill No. 315.
Bill read third time.
Roll call on Senate Bill No. 315:
YEAS—33.
NAYS—DeLong, Dickman, Gallant, Gray, Hafen, Hansen, McArthur, O'Neill—8.
EXCUSED—Bilbray-Axelrod.
Senate Bill No. 315 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 317.
Bill read third time.
Roll call on Senate Bill No. 317:
YEAS—41.
NAYS—None.
EXCUSED—Bilbray-Axelrod.
Senate Bill No. 317 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 321.
Bill read third time.
Roll call on Senate Bill No. 321:

YEAS—41.
NAYS—None.
EXCUSED—Bilbray-Axelrod.

Senate Bill No. 321 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 328.

Bill read third time.

Roll call on Senate Bill No. 328:

YEAS—41.
NAYS—None.
EXCUSED—Bilbray-Axelrod.

Senate Bill No. 328 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 330.

Bill read third time.

Roll call on Senate Bill No. 330:

YEAS—41.
NAYS—None.
EXCUSED—Bilbray-Axelrod.

Senate Bill No. 330 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 336.

Bill read third time.

Roll call on Senate Bill No. 336:

YEAS—41.
NAYS—None.
EXCUSED—Bilbray-Axelrod.

Senate Bill No. 336 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 348.

Bill read third time.

Roll call on Senate Bill No. 348:

YEAS—27.
NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.
EXCUSED—Bilbray-Axelrod.

Senate Bill No. 348 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 349.

Bill read third time.

Roll call on Senate Bill No. 349:
YEAS—41.
NAYS—None.
EXCUSED—Bilbray-Axelrod.
Senate Bill No. 349 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 393.
Bill read third time.
Roll call on Senate Bill No. 393:
YEAS—41.
NAYS—None.
EXCUSED—Bilbray-Axelrod.
Senate Bill No. 393 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 434.
Bill read third time.
Roll call on Senate Bill No. 434:
YEAS—41.
NAYS—None.
EXCUSED—Bilbray-Axelrod.
Senate Bill No. 434 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 41.
Bill read third time.
Roll call on Assembly Bill No. 41:
YEAS—41.
NAYS—None.
EXCUSED—Bilbray-Axelrod.
Assembly Bill No. 41 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 403.
Bill read third time.
Roll call on Assembly Bill No. 403:
YEAS—41.
NAYS—None.
EXCUSED—Bilbray-Axelrod.
Assembly Bill No. 403 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 376.
Bill read third time.

Roll call on Assembly Bill No. 376:
YEAS—41.
NAYS—None.
EXCUSED—Bilbray-Axelrod.

Assembly Bill No. 376 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 38.

Bill read third time.

Roll call on Senate Bill No. 38:
YEAS—41.
NAYS—None.
EXCUSED—Bilbray-Axelrod.

Senate Bill No. 38 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 106.

Bill read third time.

Roll call on Senate Bill No. 106:
YEAS—41.
NAYS—None.
EXCUSED—Bilbray-Axelrod.

Senate Bill No. 106 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 76.

Bill read third time.

Roll call on Senate Bill No. 76:
YEAS—37.
NAYS—Dickman, Gallant, McArthur, O'Neill—4.
EXCUSED—Bilbray-Axelrod.

Senate Bill No. 76 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 155.

Bill read third time.

Roll call on Senate Bill No. 155:
YEAS—41.
NAYS—None.
EXCUSED—Bilbray-Axelrod.

Senate Bill No. 155 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 404.
Bill read third time.
Remarks by Assemblymen O'Neill and González.

ASSEMBLYMAN O'NEILL:
I stand in opposition to Assembly Bill 404. I know both sides have worked tirelessly on trying to find common ground. I appreciate the amendment that has been proposed; however, I still cannot accept the bill. I think it needs more work. I will be voting no, and I ask my colleagues to vote no. I hope it gets improved when it goes to the other house.

ASSEMBLYWOMAN GONZÁLEZ:
Today, I rise in strong support of Assembly Bill 404, a critical piece of legislation that gives victims access to justice. We need to address health care in our state while making sure nurses and doctors are willing to work here. But that does not require us to allow the system to operate with no responsibility for the quality of their care. Part of the solution is holding the health care system accountable and giving victims the ability to take their cases of medical malpractice in front of a jury of their peers. I urge my colleagues to vote yes on Assembly Bill 404.

Roll call on Assembly Bill No. 404:
YEAS—24.
NAYS—DeLong, Dickman, D'Silva, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, Nguyen, O'Neill, Thomas, Yurek—17.
EXCUSED—Bilbray-Axelrod.
Assembly Bill No. 404 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 10:15 p.m.

ASSEMBLY IN SESSION

At 10:27 p.m.
Mr. Speaker presiding.
Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Gilian Hammones, Karlee Bolle, and Kayla Neilson.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Stella Thornton, Dillon Moss, and Alivia Aschenbach.

On request of Assemblyman Koenig, the privilege of the floor of the Assembly Chamber for this day was extended to Jonathan Mathern.

On request of Assemblywoman La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from the Brookfield School: Anika Chrissinger,

Ashlynn Goodman, Avari To, Blake Carrasco, Christoper Zhang, Ean Cua, Ellie Solorzano, Emily Morrow, Erika Schrempp, Gabriella Green, Gracie Durkin, Isaac Xu, Jackson Hoel, Julia Bekes, Kennedy Work, Lucy Fuquay, Madison Greves, Marley Hutter, Natalie Heller, Penelope Sabatini, Piper Gray, and Preslie Shea.

On request of Assemblywoman Marzola, the privilege of the floor of the Assembly Chamber for this day was extended to Maddie Harris.

On request of Assemblywoman Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Haddee Martinez.

On request of Assemblywoman Newby, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Barry Cole.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Richard Varner.

On request of Assemblyman Orentlicher, the privilege of the floor of the Assembly Chamber for this day was extended to Judith Failer, Cy Orentlicher, and Shay Orentlicher.

Assemblywoman Jauregui moved that the Assembly adjourn until Monday, May 29, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 10:30 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly