SUMMARY—Revises provisions relating to records of criminal history. (BDR 14-163)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: No.

Effect on the State Highway Fund: No.

AN ACT relating to records of criminal history; establishing requirements for the submission of certain information to the Central Repository for Nevada Records of Criminal History; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain agencies to collect, maintain and submit certain information relating to records of criminal history to the Central Repository for Nevada Records of Criminal History. (NRS 179A.075) **Section 1** of this bill requires a law enforcement agency to take and submit to the Central Repository the fingerprints of a person: (1) after an arrest and at the time of booking; (2) after a person is named in a criminal complaint and proceeded against by summons; or (3) after a person is arraigned or makes a first appearance before a court, if the fingerprints of the person have not been taken at that time.

Existing law defines the term "record of criminal history" to include, in part, information contained in a record, maintained in written or electronic form, of a formal transaction between a person and an agency of criminal justice in this State, including, without limitation, the fingerprints

and other biometric identifiers of a person who is arrested and taken into custody. (NRS 179A.070)

Section 2 of this bill clarifies that a record of criminal history includes the fingerprints of a person who is named in a criminal complaint and proceeded against by summons.

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

Section 1. Chapter 179A of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a law enforcement agency arrests a person for any crime, the law enforcement agency shall:

(a) Take the fingerprints of the person, or arrange for the fingerprints of the person to be taken, at the time of booking; and

(b) Within 48 hours after the fingerprints of the person are taken, submit the fingerprints of the person, or arrange for the submission of the fingerprints of the person, to the Central Repository in the manner or form required by the Central Repository.

2. If a person who is named in a criminal complaint is proceeded against by summons, the court shall order the person to appear at the appropriate law enforcement agency, within 120 hours after the time at which the order is entered, to have his or her fingerprints taken. The law enforcement agency that takes the fingerprints of the person pursuant to the order shall, within

48 hours after taking the fingerprints of the person, submit the fingerprints to the Central Repository in the manner or form required by the Central Repository.

3. If, for any reason, the fingerprints of a person who has been arrested have not been taken by the time that the person is arraigned or makes a first appearance before the court, the court shall order the person to appear at the appropriate law enforcement agency, within 24 hours after the time at which the order is entered, to have his or her fingerprints taken. The law enforcement agency that takes the fingerprints of the person pursuant to the order shall, within 48 hours after taking the fingerprints of the person, submit the fingerprints to the Central Repository in the manner or form required by the Central Repository.

4. As used in this section, "law enforcement agency" means any state or local agency, office, bureau, department, unit or division created by any statute, ordinance or rule which:

(a) Has a duty to enforce the law and the authority to make arrests; and

(b) Employs any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive, to enforce the law and the authority to make arrests.

Sec. 2. NRS 179A.070 is hereby amended to read as follows:

179A.070 1. "Record of criminal history" means information contained in records collected and maintained by agencies of criminal justice, the subject of which is a natural person, consisting of descriptions which identify the subject and notations of summons in a criminal action, warrants, arrests, citations for misdemeanors issued pursuant to NRS 171.1773, citations issued for violations of NRS 484C.110, 484C.120, 484C.130 and 484C.430, detentions, decisions of a

prosecuting attorney or the Attorney General not to prosecute the subject, indictments, informations or other formal criminal charges and dispositions of charges, including, without limitation, dismissals, acquittals, convictions, sentences, information set forth in NRS 209.353 concerning an offender in prison, any postconviction relief, correctional supervision occurring in Nevada, information concerning the status of an offender on parole or probation, and information concerning a convicted person who has registered as such pursuant to chapter 179C of NRS. The term includes only information contained in a record, maintained in written or electronic form, of a formal transaction between a person and an agency of criminal justice in this State, including, without limitation, the fingerprints and other biometric identifiers of a person who is arrested and taken into custody ***or who is named in a criminal complaint and proceeded against by summons*** and of a person who is placed on parole or probation and supervised by the Division of Parole and Probation of the Department.

2. "Record of criminal history" does not include:

(a) Investigative or intelligence information, reports of crime or other information concerning specific persons collected in the course of the enforcement of criminal laws;

(b) Information concerning juveniles;

(c) Posters, announcements or lists intended to identify fugitives or wanted persons and aid in their apprehension;

(d) Original records of entry maintained by agencies of criminal justice if the records are chronological and not cross-indexed;

(e) Records of application for and issuance, suspension, revocation or renewal of occupational licenses, including, without limitation, permits to work in the gaming industry;

(f) Except as otherwise provided in subsection 1, court indexes and records of public judicial proceedings, court decisions and opinions, and information disclosed during public judicial proceedings;

(g) Except as otherwise provided in subsection 1, records of traffic violations constituting misdemeanors;

(h) Records of traffic offenses maintained by the Department to regulate the issuance, suspension, revocation or renewal of drivers' or other operators' licenses;

(i) Announcements of actions by the State Board of Pardons Commissioners and the State Board of Parole Commissioners, except information concerning the status of an offender on parole or probation; or

(j) Except as otherwise provided in NRS 179A.325, records which originated in an agency other than an agency of criminal justice in this State.

Sec. 3. This act becomes effective on July 1, 2027.