
SENATE BILL NO. 16—COMMITTEE ON TRANSPORTATION

(ON BEHALF OF THE DEPARTMENT OF PUBLIC SAFETY)

PREFILED NOVEMBER 15, 2016

Referred to Committee on Transportation

SUMMARY—Changes the name of the General Services Division of the Department of Public Safety. (BDR 43-136)

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

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the Department of Public Safety; changing the name of the General Services Division to the Records, Communications and Compliance Division; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law the Department of Public Safety includes a General
2 Services Division. (NRS 480.130) The General Services Division provides various
3 services for the Department, including certain duties regarding the Central
4 Repository for Nevada Records of Criminal History, which is within the Division.
5 (NRS 179A.075, 480.140) **Section 1** of this bill changes the name of the General
6 Services Division to the Records, Communications and Compliance Division, and
7 **sections 2 and 3** of this bill make conforming changes.

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

1 **Section 1.** NRS 480.130 is hereby amended to read as follows:
2 480.130 The Department consists of:
3 1. An Investigation Division;
4 2. A Nevada Highway Patrol Division;
5 3. A Division of Emergency Management;
6 4. A State Fire Marshal Division;
7 5. A Division of Parole and Probation;
8 6. A Capitol Police Division;



1 7. A Training Division; and
2 8. A ~~General Services~~ *Records, Communications and*
3 *Compliance* Division.

4 **Sec. 2.** NRS 480.140 is hereby amended to read as follows:

5 480.140 The primary functions and responsibilities of the
6 divisions of the Department are as follows:

7 1. The Investigation Division shall:

8 (a) Execute, administer and enforce the provisions of chapter
9 453 of NRS relating to controlled substances and chapter 454 of
10 NRS relating to dangerous drugs;

11 (b) Assist the Secretary of State in carrying out an investigation
12 pursuant to NRS 293.124; and

13 (c) Perform such duties and exercise such powers as may be
14 conferred upon it pursuant to this chapter and any other specific
15 statute.

16 2. The Nevada Highway Patrol Division shall, in conjunction
17 with the Department of Motor Vehicles, execute, administer and
18 enforce the provisions of chapters 484A to 484E, inclusive, of NRS
19 and perform such duties and exercise such powers as may be
20 conferred upon it pursuant to NRS 480.360 and any other specific
21 statute.

22 3. The Division of Emergency Management shall execute,
23 administer and enforce the provisions of chapters 414 and 414A of
24 NRS and perform such duties and exercise such powers as may be
25 conferred upon it pursuant to chapters 414 and 414A of NRS and
26 any other specific statute.

27 4. The State Fire Marshal Division shall execute, administer
28 and enforce the provisions of chapter 477 of NRS and perform such
29 duties and exercise such powers as may be conferred upon it
30 pursuant to chapter 477 of NRS and any other specific statute.

31 5. The Division of Parole and Probation shall execute,
32 administer and enforce the provisions of chapters 176A and 213 of
33 NRS relating to parole and probation and perform such duties and
34 exercise such powers as may be conferred upon it pursuant to those
35 chapters and any other specific statute.

36 6. The Capitol Police Division shall assist in the enforcement
37 of subsection 1 of NRS 331.140.

38 7. The Training Division shall provide training to the
39 employees of the Department.

40 8. The ~~General Services~~ *Records, Communications and*
41 *Compliance* Division shall:

42 (a) Execute, administer and enforce the provisions of chapter
43 179A of NRS and perform such duties and exercise such powers as
44 may be conferred upon it pursuant to chapter 179A of NRS and any
45 other specific statute;



1 (b) Provide dispatch services for the Department and other
2 agencies as determined by the Director;

3 (c) Maintain records of the Department as determined by the
4 Director; and

5 (d) Provide support services to the Director, the divisions of the
6 Department and the Nevada Criminal Justice Information System as
7 may be imposed by the Director.

8 **Sec. 3.** NRS 179A.075 is hereby amended to read as follows:

9 179A.075 1. The Central Repository for Nevada Records of
10 Criminal History is hereby created within the ~~General Services~~
11 *Records, Communications and Compliance* Division of the
12 Department.

13 2. Each agency of criminal justice and any other agency
14 dealing with crime or delinquency of children shall:

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

17 (b) Submit the information collected to the Central Repository
18 in the manner approved by the Director of the Department.

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

25 (a) Through an electronic network;

26 (b) On a medium of magnetic storage; or

27 (c) In the manner prescribed by the Director of the Department,
28 ↪ within 60 days after the date of the disposition of the case. If an
29 agency has submitted a record regarding the arrest of a person who
30 is later determined by the agency not to be the person who
31 committed the particular crime, the agency shall, immediately upon
32 making that determination, so notify the Division. The Division
33 shall delete all references in the Central Repository relating to that
34 particular arrest.

35 4. The Division shall, in the manner prescribed by the Director
36 of the Department:

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

39 (1) Records of criminal history; and

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

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



1 (c) Upon request, provide the information that is contained in
2 the Central Repository to the State Disaster Identification Team of
3 the Division of Emergency Management of the Department.

4 (d) Upon request, provide, in paper or electronic form, the
5 information that is contained in the Central Repository to a
6 multidisciplinary team to review the death of the victim of a crime
7 that constitutes domestic violence organized or sponsored by the
8 Attorney General pursuant to NRS 228.495.

9 5. The Division may:

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

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

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

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

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

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

30 (4) For whom such information is required or authorized to
31 be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031,
32 432A.170, 432B.198, 433B.183, 449.123 and 449.4329; or

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

37 6. To request and receive information from the Federal Bureau
38 of Investigation concerning a person pursuant to subsection 5, the
39 Central Repository must receive:

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

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

43 (2) Employment;

44 (3) Contractual services; or

45 (4) Services related to occupational licensing;



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

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

5 (1) Arrest; or

6 (2) Criminal investigation,

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

10 7. The Central Repository shall:

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

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

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

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

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

21 (2) Has applied to a county school district, charter school or
22 private school for employment; or

23 (3) Is employed by a county school district, charter school or
24 private school,

25 ↪ and notify the superintendent of each county school district, the
26 governing body of each charter school and the Superintendent of
27 Public Instruction, or the administrator of each private school, as
28 appropriate, if the investigation of the Central Repository indicates
29 that the person has been convicted of a violation of NRS 200.508,
30 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or
31 any offense involving moral turpitude.

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

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

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

41 ↪ who the Central Repository's records indicate have been
42 convicted of a violation of NRS 200.508, 201.230, 453.3385,
43 453.339 or 453.3395, or convicted of a felony or any offense
44 involving moral turpitude since the Central Repository's initial
45 investigation. The superintendent of each county school district, the



1 governing body of a charter school or the administrator of each
2 private school, as applicable, shall determine whether further
3 investigation or action by the district, charter school or private
4 school, as applicable, is appropriate.

5 (f) Investigate the criminal history of each person who submits
6 one or more fingerprints or other biometric identifier or has such
7 data submitted pursuant to NRS 62B.270, 62G.223, 62G.353,
8 424.031, 432A.170, 432B.198, 433B.183, 449.122, 449.123 or
9 449.4329.

10 (g) On or before July 1 of each year, prepare and post on the
11 Central Repository's Internet website an annual report containing
12 the statistical data relating to crime received during the preceding
13 calendar year. Additional reports may be posted to the Central
14 Repository's Internet website throughout the year regarding specific
15 areas of crime if they are approved by the Director of the
16 Department.

17 (h) On or before July 1 of each year, prepare and post on the
18 Central Repository's Internet website a report containing statistical
19 data about domestic violence in this State.

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

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

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

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

34 8. The Central Repository may:

35 (a) In the manner prescribed by the Director of the Department,
36 disseminate compilations of statistical data and publish statistical
37 reports relating to crime or the delinquency of children.

38 (b) Charge a reasonable fee for any publication or special report
39 it distributes relating to data collected pursuant to this section. The
40 Central Repository may not collect such a fee from an agency of
41 criminal justice, any other agency dealing with crime or the
42 delinquency of children which is required to submit information
43 pursuant to subsection 2 or the State Disaster Identification Team of
44 the Division of Emergency Management of the Department. All



1 money collected pursuant to this paragraph must be used to pay for
2 the cost of operating the Central Repository.

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

7 9. As used in this section:

8 (a) "Biometric identifier" means a fingerprint, palm print, scar,
9 bodily mark, tattoo, voiceprint, facial image, retina image or iris
10 image of a person.

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

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

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

21 (2) A biometric identifier of a person.

22 (d) "Private school" has the meaning ascribed to it in
23 NRS 394.103.

24 **Sec. 4.** Notwithstanding any other provision of law to the
25 contrary, the Records, Communications and Compliance Division of
26 the Department of Public Safety shall be deemed the successor
27 entity of the General Services Division of the Department of Public
28 Safety.

29 **Sec. 5.** 1. Any contracts or other agreements entered into by
30 an officer or entity whose name has been changed pursuant to the
31 provisions of this act are binding upon the officer or entity to which
32 the responsibility for the administration of the provision of the
33 contract or other agreement has been transferred. Such contracts and
34 other agreements may be enforced by the officer or entity to which
35 the responsibility for the enforcement of the provisions of the
36 contract or other agreements has been transferred.

37 2. Any action taken by an officer or entity whose name has
38 been changed pursuant to the provisions of this act remains in effect
39 as if taken by the officer or entity to which the responsibility for the
40 enforcement of such actions has been transferred.

41 **Sec. 6.** The Legislative Counsel shall:

42 1. In preparing the Nevada Revised Statutes, use the authority
43 set forth in subsection 10 of NRS 220.120 to substitute
44 appropriately the name of any agency or officer of the State whose



1 name is changed by this act for the name for which the agency or
2 officer previously used; and

3 2. In preparing supplements to the Nevada Administrative
4 Code, appropriately change any references to an officer, agency or
5 other entity whose name is changed or whose responsibilities are
6 transferred pursuant to the provisions of this act to refer to the
7 appropriate officer, agency or other entity.

8 **Sec. 7.** This act becomes effective on July 1, 2017.

