

SENATE BILL NO. 30—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED DECEMBER 20, 2012

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the dissemination of records of criminal history by an agency of criminal justice. (BDR 14-400)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
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 records of criminal history; requiring the dissemination of records of criminal history to a multidisciplinary team to review the death of a victim of a crime that constitutes domestic violence; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law requires the Central Repository for Nevada Records of Criminal  
2 History and an agency of criminal justice to provide records of criminal history,  
3 upon request, to certain persons or governmental entities. (NRS 179A.075,  
4 179A.100) This bill adds a multidisciplinary team to review the death of a victim of  
5 a crime that constitutes domestic violence to those persons or governmental entities  
6 authorized to receive certain information and records.

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

1 **Section 1.** NRS 179A.075 is hereby amended to read as  
2 follows:

3 179A.075 1. The Central Repository for Nevada Records of  
4 Criminal History is hereby created within the Records and  
5 Technology Division of the Department.

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



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

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

5 3. Each agency of criminal justice shall submit the information  
6 relating to records of criminal history that it creates or issues, and  
7 any information in its possession relating to the genetic markers of a  
8 biological specimen of a person who is convicted of an offense  
9 listed in subsection 4 of NRS 176.0913, to the Division. The  
10 information must be submitted to the Division:

11 (a) Through an electronic network;

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

13 (c) In the manner prescribed by the Director of the Department,  
14 ↪ within the period prescribed by the Director of the Department. If  
15 an agency has submitted a record regarding the arrest of a person  
16 who is later determined by the agency not to be the person who  
17 committed the particular crime, the agency shall, immediately upon  
18 making that determination, so notify the Division. The Division  
19 shall delete all references in the Central Repository relating to that  
20 particular arrest.

21 4. The Division shall, in the manner prescribed by the Director  
22 of the Department:

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

25 (1) Records of criminal history; and

26 (2) The genetic markers of a biological specimen of a  
27 person who is convicted of an offense listed in subsection 4 of  
28 NRS 176.0913.

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

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

35 *(d) Upon request, provide, in paper or electronic form, the*  
36 *information that is contained in the Central Repository to a*  
37 *multidisciplinary team to review the death of the victim of a crime*  
38 *that constitutes domestic violence organized or sponsored by the*  
39 *Attorney General pursuant to NRS 228.495.*

40 5. The Division may:

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

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



1 (c) Request of and receive from the Federal Bureau of  
2 Investigation information on the background and personal history of  
3 any person whose record of fingerprints the Central Repository  
4 submits to the Federal Bureau of Investigation and:

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

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

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

15 (4) For whom such information is required to be obtained  
16 pursuant to NRS 62B.270, 424.031, 427A.735, 432A.170, 433B.183  
17 and 449.123; or

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

22 ➔ To request and receive information from the Federal Bureau of  
23 Investigation concerning a person pursuant to this subsection, the  
24 Central Repository must receive the person's complete set of  
25 fingerprints from the agency or political subdivision and submit the  
26 fingerprints to the Federal Bureau of Investigation for its report.

27 6. The Central Repository shall:

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

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

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

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

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

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

40 (3) Is employed by a county school district, charter school or  
41 private school,

42 ➔ and notify the superintendent of each county school district, the  
43 governing body of each charter school and the Superintendent of  
44 Public Instruction, or the administrator of each private school, as  
45 appropriate, if the investigation of the Central Repository indicates



1 that the person has been convicted of a violation of NRS 200.508,  
2 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or  
3 any offense involving moral turpitude.

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

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

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

13 who the Central Repository's records indicate have been  
14 convicted of a violation of NRS 200.508, 201.230, 453.3385,  
15 453.339 or 453.3395, or convicted of a felony or any offense  
16 involving moral turpitude since the Central Repository's initial  
17 investigation. The superintendent of each county school district, the  
18 governing body of a charter school or the administrator of each  
19 private school, as applicable, shall determine whether further  
20 investigation or action by the district, charter school or private  
21 school, as applicable, is appropriate.

22 (f) Investigate the criminal history of each person who submits  
23 fingerprints or has fingerprints submitted pursuant to NRS 62B.270,  
24 424.031, 427A.735, 432A.170, 433B.183, 449.122 or 449.123.

25 (g) On or before July 1 of each year, prepare and present to the  
26 Governor a printed annual report containing the statistical data  
27 relating to crime received during the preceding calendar year.  
28 Additional reports may be presented to the Governor throughout the  
29 year regarding specific areas of crime if they are approved by the  
30 Director of the Department.

31 (h) On or before July 1 of each year, prepare and submit to the  
32 Director of the Legislative Counsel Bureau for submission to the  
33 Legislature, or to the Legislative Commission when the Legislature  
34 is not in regular session, a report containing statistical data about  
35 domestic violence in this State.

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

41 7. The Central Repository may:

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



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1 (b) Charge a reasonable fee for any publication or special report  
2 it distributes relating to data collected pursuant to this section. The  
3 Central Repository may not collect such a fee from an agency of  
4 criminal justice, any other agency dealing with crime or the  
5 delinquency of children which is required to submit information  
6 pursuant to subsection 2 or the State Disaster Identification Team of  
7 the Division of Emergency Management of the Department. All  
8 money collected pursuant to this paragraph must be used to pay for  
9 the cost of operating the Central Repository.

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

14 8. As used in this section:

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

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

22 (2) The fingerprints, voiceprint, retina image and iris image  
23 of a person.

24 (b) "Private school" has the meaning ascribed to it in  
25 NRS 394.103.

26 **Sec. 2.** NRS 179A.100 is hereby amended to read as follows:

27 179A.100 1. The following records of criminal history may  
28 be disseminated by an agency of criminal justice without any  
29 restriction pursuant to this chapter:

30 (a) Any which reflect records of conviction only; and

31 (b) Any which pertain to an incident for which a person is  
32 currently within the system of criminal justice, including parole or  
33 probation.

34 2. Without any restriction pursuant to this chapter, a record of  
35 criminal history or the absence of such a record may be:

36 (a) Disclosed among agencies which maintain a system for the  
37 mutual exchange of criminal records.

38 (b) Furnished by one agency to another to administer the system  
39 of criminal justice, including the furnishing of information by a  
40 police department to a district attorney.

41 (c) Reported to the Central Repository.

42 3. An agency of criminal justice shall disseminate to a  
43 prospective employer, upon request, records of criminal history  
44 concerning a prospective employee or volunteer which are the result  
45 of a name-based inquiry and which:



- 1 (a) Reflect convictions only; or
- 2 (b) Pertain to an incident for which the prospective employee or
- 3 volunteer is currently within the system of criminal justice,
- 4 including parole or probation.

5 4. In addition to any other information to which an employer is  
6 entitled or authorized to receive from a name-based inquiry, the  
7 Central Repository shall disseminate to a prospective or current  
8 employer, or a person or entity designated to receive the information  
9 on behalf of such an employer, the information contained in a record  
10 of registration concerning an employee, prospective employee,  
11 volunteer or prospective volunteer who is a sex offender or  
12 an offender convicted of a crime against a child, regardless of whether  
13 the employee, prospective employee, volunteer or prospective  
14 volunteer gives written consent to the release of that information.  
15 The Central Repository shall disseminate such information in a  
16 manner that does not reveal the name of an individual victim of an  
17 offense or the information described in subsection 7 of NRS  
18 179B.250. A request for information pursuant to this subsection  
19 must conform to the requirements of the Central Repository and  
20 must include:

21 (a) The name and address of the employer, and the name and  
22 signature of the person or entity requesting the information on  
23 behalf of the employer;

24 (b) The name and address of the employer's facility in which the  
25 employee, prospective employee, volunteer or prospective volunteer  
26 is employed or volunteers or is seeking to become employed or  
27 volunteer; and

28 (c) The name and other identifying information of the employee,  
29 prospective employee, volunteer or prospective volunteer.

30 5. In addition to any other information to which an employer is  
31 entitled or authorized to receive, the Central Repository shall  
32 disseminate to a prospective or current employer, or a person or  
33 entity designated to receive the information on behalf of such an  
34 employer, the information described in subsection 4 of NRS  
35 179A.190 concerning an employee, prospective employee, volunteer  
36 or prospective volunteer who gives written consent to the release of  
37 that information if the employer submits a request in the manner set  
38 forth in NRS 179A.200 for obtaining a notice of information. The  
39 Central Repository shall search for and disseminate such  
40 information in the manner set forth in NRS 179A.210 for the  
41 dissemination of a notice of information.

42 6. Except as otherwise provided in subsection 5, the provisions  
43 of NRS 179A.180 to 179A.240, inclusive, do not apply to an  
44 employer who requests information and to whom such information  
45 is disseminated pursuant to subsections 4 and 5.



- 1       7. Records of criminal history must be disseminated by an  
2 agency of criminal justice, upon request, to the following persons or  
3 governmental entities:
- 4       (a) The person who is the subject of the record of criminal  
5 history for the purposes of NRS 179A.150.
- 6       (b) The person who is the subject of the record of criminal  
7 history when the subject is a party in a judicial, administrative,  
8 licensing, disciplinary or other proceeding to which the information  
9 is relevant.
- 10      (c) The State Gaming Control Board.
- 11      (d) The State Board of Nursing.
- 12      (e) The Private Investigator's Licensing Board to investigate an  
13 applicant for a license.
- 14      (f) A public administrator to carry out the duties as prescribed in  
15 chapter 253 of NRS.
- 16      (g) A public guardian to investigate a ward or proposed ward or  
17 persons who may have knowledge of assets belonging to a ward or  
18 proposed ward.
- 19      (h) Any agency of criminal justice of the United States or of  
20 another state or the District of Columbia.
- 21      (i) Any public utility subject to the jurisdiction of the Public  
22 Utilities Commission of Nevada when the information is necessary  
23 to conduct a security investigation of an employee or prospective  
24 employee or to protect the public health, safety or welfare.
- 25      (j) Persons and agencies authorized by statute, ordinance,  
26 executive order, court rule, court decision or court order as  
27 construed by appropriate state or local officers or agencies.
- 28      (k) Any person or governmental entity which has entered into a  
29 contract to provide services to an agency of criminal justice relating  
30 to the administration of criminal justice, if authorized by the  
31 contract, and if the contract also specifies that the information will  
32 be used only for stated purposes and that it will be otherwise  
33 confidential in accordance with state and federal law and regulation.
- 34      (l) Any reporter for the electronic or printed media in a  
35 professional capacity for communication to the public.
- 36      (m) Prospective employers if the person who is the subject of  
37 the information has given written consent to the release of that  
38 information by the agency which maintains it.
- 39      (n) For the express purpose of research, evaluative or statistical  
40 programs pursuant to an agreement with an agency of criminal  
41 justice.
- 42      (o) An agency which provides child welfare services, as defined  
43 in NRS 432B.030.
- 44      (p) The Division of Welfare and Supportive Services of the  
45 Department of Health and Human Services or its designated



1 representative, as needed to ensure the safety of investigators and  
2 caseworkers.

3 (q) The Aging and Disability Services Division of the  
4 Department of Health and Human Services or its designated  
5 representative, as needed to ensure the safety of investigators and  
6 caseworkers.

7 (r) An agency of this or any other state or the Federal  
8 Government that is conducting activities pursuant to Part D of  
9 Subchapter IV of Chapter 7 of Title 42 of the Social Security Act,  
10 42 U.S.C. §§ 651 et seq.

11 (s) The State Disaster Identification Team of the Division of  
12 Emergency Management of the Department.

13 (t) The Commissioner of Insurance.

14 (u) The Board of Medical Examiners.

15 (v) The State Board of Osteopathic Medicine.

16 (w) The Board of Massage Therapists and its Executive  
17 Director.

18 *(x) A multidisciplinary team to review the death of the victim*  
19 *of a crime that constitutes domestic violence organized or*  
20 *sponsored by the Attorney General pursuant to NRS 228.495.*

21 8. Agencies of criminal justice in this State which receive  
22 information from sources outside this State concerning transactions  
23 involving criminal justice which occur outside Nevada shall treat the  
24 information as confidentially as is required by the provisions of this  
25 chapter.

26 **Sec. 3.** Chapter 228 of NRS is hereby amended by adding  
27 thereto a new section to read as follows:

28 *In carrying out its duties pursuant to NRS 228.495, a*  
29 *multidisciplinary team to review the death of the victim of a crime*  
30 *that constitutes domestic violence pursuant to NRS 33.018 may*  
31 *have access to:*

32 *1. The information that is contained in the Central*  
33 *Repository for Nevada Records of Criminal History pursuant to*  
34 *NRS 179A.075.*

35 *2. The records of criminal history maintained by an agency*  
36 *of criminal justice pursuant to NRS 179A.100.*

37 **Sec. 4.** This act becomes effective on July 1, 2013.

