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ASSEMBLY BILL NO. 217—COMMITTEE ON JUDICIARY

MARCH 7, 2013

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Referred to Committee on Judiciary

**SUMMARY**—Revises provisions governing criminal background checks of applicants for employment with a department of juvenile justice services or an agency which provides child welfare services. (BDR 5-993)

**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.

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AN ACT relating to protection of children; requiring the department of juvenile justice services of certain larger counties and agencies which provide child welfare services to obtain a background investigation of the criminal history of applicants for employment; requiring such a department or agency to terminate or deny employment of certain persons based on the results of an investigation of the person’s criminal history; authorizing such a department or agency to terminate or deny employment if certain criminal charges are pending against an employee or applicant for employment; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law authorizes the board of county commissioners of a county whose  
2 population is 700,000 or more (currently Clark County) to establish by ordinance a  
3 department of juvenile justice services to administer certain provisions of existing  
4 law relating to juvenile delinquency and the abuse and neglect of children. (NRS  
5 62G.200-62G.240) If the board of county commissioners has not established a  
6 department of juvenile justice services, the juvenile court must establish by court  
7 order a probation committee and must appoint a director of the department of  
8 juvenile justice services to administer certain functions of the juvenile court.  
9 (NRS 62G.300-62G.370)

10 Existing law requires certain types of facilities which provide residential  
11 services to children, including, without limitation, a public institution or agency to  
12 which a juvenile court commits a child, to obtain a background investigation of  
13 employees of the facilities. (NRS 62B.270, 424.031, 432A.170, 433B.183,



\* A B 2 1 7 \*

14 449.123) **Sections 2, 4 and 12** of this bill require a department of juvenile justice  
15 services in a county whose population is 700,000 or more (currently Clark County)  
16 and an agency which provides child welfare services to obtain a background  
17 investigation of applicants for employment with the department or agency. **Sections**  
18 **2, 4 and 12** further require such a department or agency to obtain a background  
19 investigation of each employee of the department or agency at least once every 5  
20 years after the initial investigation. Under **sections 2, 4 and 12**, an applicant for  
21 employment or an employee required to submit to a background investigation must  
22 submit a complete set of his or her fingerprints to the department or agency and  
23 written authorization permitting the department or agency to obtain certain  
24 information concerning the background of the applicant or employee.

25 **Sections 3, 5 and 13** of this bill: (1) require a department of juvenile justice  
26 services and an agency which provides child welfare services to deny employment  
27 to an applicant, or terminate the employment of an employee, who has been  
28 convicted of certain crimes or who has had a substantiated allegation of child abuse  
29 or neglect made against him or her; and (2) authorize a department of juvenile  
30 justice services and an agency which provides child welfare services to deny  
31 employment to an applicant, or terminate the employment of an employee, against  
32 whom certain criminal charges are pending. Under **sections 3, 5 and 13**, a  
33 department of juvenile justice services and an agency which provides child welfare  
34 services must provide an applicant for employment or an employee a certain period  
35 to correct any information that the applicant or employee believes to be incorrect.  
36 During the period in which an applicant or employee seeks to correct information,  
37 the applicant or employee must not have contact with a child or the family or  
38 guardian of a child in the course of any duties as an employee of a department of  
39 juvenile justice services or an agency which provides child welfare services.

40 **Section 14** of this bill provides that the provisions of this bill apply only to a  
41 person who, on or after July 1, 2013, applies for employment with a department of  
42 juvenile justice services in a county whose population is 700,000 or more (currently  
43 Clark County) or an agency which provides child welfare services.

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

1 **Section 1.** Chapter 62G of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 to 5, inclusive, of this  
3 act.

4 **Sec. 2. 1. A department of juvenile justice services shall**  
5 **secure from appropriate law enforcement agencies information on**  
6 **the background and personal history of each applicant for**  
7 **employment with the department of juvenile justice services, and**  
8 **each employee of the department of juvenile justice services who is**  
9 **required to submit to an investigation pursuant to this section, to**  
10 **determine:**

- 11 (a) **Whether the applicant or employee has been convicted of:**  
12 **(1) Murder, voluntary manslaughter, involuntary**  
13 **manslaughter or mayhem;**  
14 **(2) Any crime involving the use of a firearm or other deadly**  
15 **weapon;**



1           (3) *Assault with intent to kill or to commit sexual assault or*  
2 *mayhem;*

3           (4) *Battery which results in substantial bodily harm to the*  
4 *victim;*

5           (5) *Battery that constitutes domestic violence that is*  
6 *punishable as a felony;*

7           (6) *Battery that constitutes domestic violence, other than a*  
8 *battery described in subparagraph (5), within the immediately*  
9 *preceding 3 years;*

10          (7) *Sexual assault, statutory sexual seduction, incest,*  
11 *lewdness, indecent exposure or an offense involving pornography*  
12 *and a minor;*

13          (8) *A crime involving pandering or prostitution, including,*  
14 *without limitation, a violation of any provision of NRS 201.295 to*  
15 *201.440, inclusive;*

16          (9) *Abuse or neglect of a child, including, without*  
17 *limitation, a violation of any provision of NRS 200.508 or*  
18 *200.5083 or contributory delinquency;*

19          (10) *A violation of any federal or state law regulating the*  
20 *possession, distribution or use of any controlled substance or any*  
21 *dangerous drug as defined in chapter 454 of NRS;*

22          (11) *A violation of any federal or state law prohibiting*  
23 *driving or being in actual physical control of a vehicle while under*  
24 *the influence of intoxicating liquor or a controlled substance that*  
25 *is punishable as a felony;*

26          (12) *A violation of any federal or state law prohibiting*  
27 *driving or being in actual physical control of a vehicle while under*  
28 *the influence of intoxicating liquor or a controlled substance,*  
29 *other than a violation described in subparagraph (11), within the*  
30 *immediately preceding 3 years;*

31          (13) *Abuse, neglect, exploitation or isolation of older*  
32 *persons or vulnerable persons, including, without limitation, a*  
33 *violation of any provision of NRS 200.5091 to 200.50995,*  
34 *inclusive, or a law of any other jurisdiction that prohibits the same*  
35 *or similar conduct; or*

36          (14) *Any offense involving arson, fraud, theft,*  
37 *embezzlement, burglary, robbery, fraudulent conversion,*  
38 *misappropriation of property or perjury within the immediately*  
39 *preceding 7 years; or*

40          (b) *Whether there are criminal charges pending against the*  
41 *applicant or employee for a violation of an offense listed in*  
42 *paragraph (a).*

43          2. *A department of juvenile justice services shall request*  
44 *information from:*



1 (a) *The Statewide Central Registry concerning an applicant*  
2 *for employment with the department of juvenile justice services, or*  
3 *an employee of the department of juvenile justice services who is*  
4 *required to submit to an investigation pursuant to this section, to*  
5 *determine whether there has been a substantiated report of child*  
6 *abuse or neglect made against the applicant or employee; and*

7 (b) *The central registry of information concerning the abuse*  
8 *or neglect of a child established by any other state in which the*  
9 *applicant or employee resided within the immediately preceding 5*  
10 *years.*

11 3. *Each applicant for employment with the department of*  
12 *juvenile justice services, and each employee of the department of*  
13 *juvenile justice services who is required to submit to an*  
14 *investigation pursuant to this section, must submit to the*  
15 *department of juvenile justice services:*

16 (a) *A complete set of his or her fingerprints and written*  
17 *authorization to forward those fingerprints to the Central*  
18 *Repository for Nevada Records of Criminal History for submission*  
19 *to the Federal Bureau of Investigation for its report; and*

20 (b) *Written authorization for the department of juvenile justice*  
21 *services to obtain any information that may be available from the*  
22 *Statewide Central Registry or the central registry of information*  
23 *concerning the abuse or neglect of a child established by any other*  
24 *state in which the applicant or employee resided within the*  
25 *immediately preceding 5 years.*

26 4. *The department of juvenile justice services may exchange*  
27 *with the Central Repository or the Federal Bureau of*  
28 *Investigation any information concerning the fingerprints*  
29 *submitted pursuant to this section.*

30 5. *When a report from the Federal Bureau of Investigation is*  
31 *received by the Central Repository, the Central Repository shall*  
32 *immediately forward a copy of the report to the department of*  
33 *juvenile justice services for a determination of whether the*  
34 *applicant or employee has criminal charges pending against him*  
35 *or her for a crime listed in paragraph (a) of subsection 1 or has*  
36 *been convicted of a crime listed in paragraph (a) of subsection 1.*

37 6. *A department of juvenile justice services shall conduct an*  
38 *investigation of each employee of the department pursuant to this*  
39 *section at least once every 5 years after the initial investigation.*

40 7. *As used in this section, "Statewide Central Registry"*  
41 *means the Statewide Central Registry for the Collection of*  
42 *Information Concerning the Abuse or Neglect of a Child*  
43 *established by NRS 432.100.*

44 **Sec. 3. 1.** *If the report from the Federal Bureau of*  
45 *Investigation forwarded to the department of juvenile justice*



1 *services pursuant to subsection 5 of section 2 of this act, the*  
2 *information received by the department of juvenile justice services*  
3 *pursuant to subsection 2 of section 2 of this act or evidence from*  
4 *any other source indicates that an applicant for employment with*  
5 *the department of juvenile justice services, or an employee of the*  
6 *department of juvenile justice services:*

7 *(a) Has charges pending against him or her for a crime listed*  
8 *in paragraph (a) of subsection 1 of section 2 of this act, the*  
9 *department of juvenile justice services may deny employment to*  
10 *the applicant or terminate the employment of the employee after*  
11 *allowing the applicant or employee time to correct the information*  
12 *as required pursuant to subsection 2 or 3, whichever is applicable;*  
13 *or*

14 *(b) Has been convicted of a crime listed in paragraph (a) of*  
15 *subsection 1 of section 2 of this act or has had a substantiated*  
16 *report of child abuse or neglect made against him or her, the*  
17 *department of juvenile justice services shall deny employment to*  
18 *the applicant or terminate the employment of the employee after*  
19 *allowing the applicant or employee time to correct the information*  
20 *as required pursuant to subsection 2 or 3, whichever is applicable.*

21 *2. If an applicant for employment or an employee believes*  
22 *that the information in the report from the Federal Bureau of*  
23 *Investigation forwarded to the department of juvenile justice*  
24 *services pursuant to subsection 5 of section 2 of this act is*  
25 *incorrect, the applicant or employee must inform the department*  
26 *of juvenile justice services immediately. A department of juvenile*  
27 *justice services that is so informed shall give the applicant or*  
28 *employee a reasonable amount of time of not less than 30 days to*  
29 *correct the information.*

30 *3. If an applicant for employment or an employee believes*  
31 *that the information received by the department of juvenile justice*  
32 *services pursuant to subsection 2 of section 2 of this act is*  
33 *incorrect, the applicant or employee must inform the department*  
34 *of juvenile justice services immediately. A department of juvenile*  
35 *justice services that is so informed shall give the applicant or*  
36 *employee a reasonable amount of time of not less than 60 days to*  
37 *correct the information.*

38 *4. During the period in which an applicant or employee seeks*  
39 *to correct information pursuant to subsection 2 or 3, the applicant*  
40 *or employee shall not have contact with a child or a relative or*  
41 *guardian of a child in the course of performing any duties as an*  
42 *employee of the department of juvenile justice services.*

43 *5. A termination of employment pursuant to this section*  
44 *constitutes dismissal for cause for the purposes of NRS 62G.220.*



1       **Sec. 4. 1. A department of juvenile justice services shall**  
2 *secure from appropriate law enforcement agencies information on*  
3 *the background and personal history of each applicant for*  
4 *employment with the department of juvenile justice services, and*  
5 *each employee of the department of juvenile justice services who is*  
6 *required to submit to an investigation pursuant to this section, to*  
7 *determine:*

8       **(a) Whether the applicant or employee has been convicted of:**

9       **(1) Murder, voluntary manslaughter, involuntary**  
10 *manslaughter or mayhem;*

11       **(2) Any crime involving the use of a firearm or other deadly**  
12 *weapon;*

13       **(3) Assault with intent to kill or to commit sexual assault or**  
14 *mayhem;*

15       **(4) Battery which results in substantial bodily harm to the**  
16 *victim;*

17       **(5) Battery that constitutes domestic violence that is**  
18 *punishable as a felony;*

19       **(6) Battery that constitutes domestic violence, other than a**  
20 *battery described in subparagraph (5), within the immediately*  
21 *preceding 3 years;*

22       **(7) Sexual assault, statutory sexual seduction, incest,**  
23 *lewdness, indecent exposure or an offense involving pornography*  
24 *and a minor;*

25       **(8) A crime involving pandering or prostitution, including,**  
26 *without limitation, a violation of any provision of NRS 201.295 to*  
27 *201.440, inclusive;*

28       **(9) Abuse or neglect of a child, including, without**  
29 *limitation, a violation of any provision of NRS 200.508 or*  
30 *200.5083 or contributory delinquency;*

31       **(10) A violation of any federal or state law regulating the**  
32 *possession, distribution or use of any controlled substance or any*  
33 *dangerous drug as defined in chapter 454 of NRS;*

34       **(11) A violation of any federal or state law prohibiting**  
35 *driving or being in actual physical control of a vehicle while under*  
36 *the influence of intoxicating liquor or a controlled substance that*  
37 *is punishable as a felony;*

38       **(12) A violation of any federal or state law prohibiting**  
39 *driving or being in actual physical control of a vehicle while under*  
40 *the influence of intoxicating liquor or a controlled substance,*  
41 *other than a violation described in subparagraph (11), within the*  
42 *immediately preceding 3 years;*

43       **(13) Abuse, neglect, exploitation or isolation of older**  
44 *persons or vulnerable persons, including, without limitation, a*  
45 *violation of any provision of NRS 200.5091 to 200.50995,*



1 *inclusive, or a law of any other jurisdiction that prohibits the same*  
2 *or similar conduct; or*

3 *(14) Any offense involving arson, fraud, theft,*  
4 *embezzlement, burglary, robbery, fraudulent conversion,*  
5 *misappropriation of property or perjury within the immediately*  
6 *preceding 7 years; or*

7 *(b) Whether there are criminal charges pending against the*  
8 *applicant or employee for a violation of an offense listed in*  
9 *paragraph (a).*

10 *2. A department of juvenile justice services shall request*  
11 *information from:*

12 *(a) The Statewide Central Registry concerning an applicant*  
13 *for employment with the department of juvenile justice services, or*  
14 *an employee of the department of juvenile justice services who is*  
15 *required to submit to an investigation pursuant to this section, to*  
16 *determine whether there has been a substantiated report of child*  
17 *abuse or neglect made against the applicant or employee; and*

18 *(b) The central registry of information concerning the abuse*  
19 *or neglect of a child established by any other state in which the*  
20 *applicant or employee resided within the immediately preceding 5*  
21 *years.*

22 *3. Each applicant for employment with the department of*  
23 *juvenile justice services, and each employee of the department of*  
24 *juvenile justice services who is required to submit to an*  
25 *investigation pursuant to this section, must submit to the*  
26 *department of juvenile justice services:*

27 *(a) A complete set of his or her fingerprints and written*  
28 *authorization to forward those fingerprints to the Central*  
29 *Repository for Nevada Records of Criminal History for submission*  
30 *to the Federal Bureau of Investigation for its report; and*

31 *(b) Written authorization for the department of juvenile justice*  
32 *services to obtain any information that may be available from the*  
33 *Statewide Central Registry or the central registry of information*  
34 *concerning the abuse or neglect of a child established by any other*  
35 *state in which the applicant or employee resided within the*  
36 *immediately preceding 5 years.*

37 *4. The department of juvenile justice services may exchange*  
38 *with the Central Repository or the Federal Bureau of*  
39 *Investigation any information concerning the fingerprints*  
40 *submitted pursuant to this section.*

41 *5. When a report from the Federal Bureau of Investigation is*  
42 *received by the Central Repository, the Central Repository shall*  
43 *immediately forward a copy of the report to the department of*  
44 *juvenile justice services for a determination of whether the*  
45 *applicant or employee has criminal charges pending against him*



1 *or her for a crime listed in paragraph (a) of subsection 1 or has*  
2 *been convicted of a crime listed in paragraph (a) of subsection 1.*

3 *6. A department of juvenile justice services shall conduct an*  
4 *investigation of each employee of the department pursuant to this*  
5 *section at least once every 5 years after the initial investigation.*

6 *7. As used in this section, "Statewide Central Registry"*  
7 *means the Statewide Central Registry for the Collection of*  
8 *Information Concerning the Abuse or Neglect of a Child*  
9 *established by NRS 432.100.*

10 **Sec. 5.** *1. If the report from the Federal Bureau of*  
11 *Investigation forwarded to the department of juvenile justice*  
12 *services pursuant to subsection 5 of section 4 of this act, the*  
13 *information received by the department of juvenile justice services*  
14 *pursuant to subsection 2 of section 4 of this act or evidence from*  
15 *any other source indicates that an applicant for employment with*  
16 *the department of juvenile justice services, or an employee of the*  
17 *department of juvenile justice services:*

18 *(a) Has charges pending against him or her for a crime listed*  
19 *in paragraph (a) of subsection 1 of section 4 of this act, the*  
20 *department of juvenile justice services may deny employment to*  
21 *the applicant or terminate the employment of the employee after*  
22 *allowing the applicant or employee time to correct the information*  
23 *as required pursuant to subsection 2 or 3, whichever is applicable;*  
24 *or*

25 *(b) Has been convicted of a crime listed in paragraph (a) of*  
26 *subsection 1 of section 4 of this act or has had a substantiated*  
27 *report of child abuse or neglect made against him or her, the*  
28 *department of juvenile justice services shall deny employment to*  
29 *the applicant or terminate the employment of the employee after*  
30 *allowing the applicant or employee time to correct the information*  
31 *as required pursuant to subsection 2 or 3, whichever is applicable.*

32 *2. If an applicant for employment or an employee believes*  
33 *that the information in the report from the Federal Bureau of*  
34 *Investigation forwarded to the department of juvenile justice*  
35 *services pursuant to subsection 5 of section 4 of this act is*  
36 *incorrect, the applicant or employee must inform the department*  
37 *of juvenile justice services immediately. A department of juvenile*  
38 *justice services that is so informed shall give the applicant or*  
39 *employee a reasonable amount of time of not less than 30 days to*  
40 *correct the information.*

41 *3. If an applicant for employment or an employee believes*  
42 *that the information received by the department of juvenile justice*  
43 *services pursuant to subsection 2 of section 4 of this act is*  
44 *incorrect, the applicant or employee must inform the department*  
45 *of juvenile justice services immediately. A department of juvenile*





1 *justice services that is so informed shall give the applicant or*  
2 *employee a reasonable amount of time of not less than 60 days to*  
3 *correct the information.*

4 *4. During the period in which an applicant or employee seeks*  
5 *to correct information pursuant to subsection 2 or 3, the applicant*  
6 *or employee shall not have contact with a child or a relative or*  
7 *guardian of the child in the course of performing any duties as an*  
8 *employee of the department of juvenile justice services.*

9 *5. A termination of employment pursuant to this section*  
10 *constitutes dismissal for cause for the purposes of NRS 62G.360.*

11 **Sec. 6.** NRS 62G.200 is hereby amended to read as follows:

12 62G.200 1. The provisions of NRS 62G.200 to 62G.240,  
13 inclusive, *and sections 2 and 3 of this act* apply only to a county:

14 (a) Whose population is 700,000 or more; and

15 (b) Which constitutes a judicial district.

16 2. If a department of juvenile justice services has been  
17 established by ordinance in a judicial district pursuant to NRS  
18 62G.200 to 62G.240, inclusive, *and sections 2 and 3 of this act*, the  
19 provisions of NRS 62G.300 to 62G.370, inclusive, *and sections 4*  
20 *and 5 of this act* do not apply to that judicial district for the period  
21 the ordinance is in effect.

22 **Sec. 7.** NRS 62G.300 is hereby amended to read as follows:

23 62G.300 The provisions of NRS 62G.300 to 62G.370,  
24 inclusive, *and sections 4 and 5 of this act* apply to a judicial district  
25 which includes a county whose population is 700,000 or more, if a  
26 department of juvenile justice services has not been established by  
27 ordinance pursuant to NRS 62G.200 to 62G.240, inclusive **H**, *and*  
28 *sections 2 and 3 of this act.*

29 **Sec. 8.** NRS 62G.330 is hereby amended to read as follows:

30 62G.330 1. From a list of candidates recommended by the  
31 probation committee, the juvenile court shall appoint a director of  
32 the department of juvenile justice services.

33 2. The director of the department of juvenile justice services:

34 (a) Is directly responsible to the juvenile court and shall  
35 administer the functions of the juvenile court.

36 (b) Shall coordinate the services of and serve as liaison between  
37 the juvenile court and all agencies in the judicial district dealing  
38 with children, including, but not limited to:

39 (1) The Division of Child and Family Services;

40 (2) The public schools of the judicial district;

41 (3) All law enforcement agencies of the judicial district;

42 (4) The probation committee; and

43 (5) All local facilities for the detention of children within the  
44 judicial district.



1 (c) May carry out preventive programs relating to juvenile  
2 delinquency.

3 3. ~~The~~ *Except as otherwise provided in section 5 of this act,*  
4 *the* director of the department of juvenile justice services serves at  
5 the pleasure of the juvenile court and is subject to removal or  
6 discharge by the juvenile court. ~~Before~~ *Except as otherwise*  
7 *provided in section 5 of this act, before* the juvenile court may  
8 remove or discharge the director of the department of juvenile  
9 justice services, the juvenile court shall provide to the director:

10 (a) A written statement of the reasons for the removal or  
11 discharge; and

12 (b) An opportunity to be heard before the juvenile court  
13 regarding the removal or discharge.

14 4. The director of the department of juvenile justice services is  
15 entitled to such staff or employees to assist in the performance of  
16 the duties of the director as is advised by the probation committee,  
17 approved by the juvenile court, and consented to by the board or  
18 boards of county commissioners.

19 5. With the advice of the probation committee and the consent  
20 of the board or boards of county commissioners of the county or  
21 counties, the juvenile court shall determine the salary of the director  
22 of the department of juvenile justice services.

23 **Sec. 9.** NRS 62G.360 is hereby amended to read as follows:

24 62G.360 1. Pursuant to the provisions of this section, the  
25 director of the department of juvenile justice services may demote  
26 or dismiss, only for cause, any probation officer, employee of the  
27 department of juvenile justice services or employee of a local  
28 facility for the detention of children.

29 2. Before the director of the department of juvenile justice  
30 services may demote a probation officer or employee, the director  
31 shall provide to the probation officer or employee:

32 (a) A written statement of the reasons for the demotion; and

33 (b) An opportunity to be heard before the director regarding the  
34 demotion.

35 3. Before the director of the department of juvenile justice  
36 services may dismiss a probation officer or employee with less than  
37 12 months of service, the director shall provide to the probation  
38 officer or employee:

39 (a) A written statement of the reasons for the dismissal; and

40 (b) An opportunity to be heard before the director regarding the  
41 dismissal.

42 4. If a probation officer or employee with 12 months or more  
43 of service is dismissed pursuant to this section:

44 (a) Not later than 15 days after the dismissal, the probation  
45 officer or employee may request a written statement from the



1 director of the department of juvenile justice services specifically  
2 setting forth the reasons for the dismissal. The director shall provide  
3 the written statement to the probation officer or employee not later  
4 than 15 days after the date of the request.

5 (b) Not later than 30 days after receipt of the written statement  
6 from the director, the probation officer or employee may make a  
7 written request for a public hearing before the probation committee.  
8 The probation committee shall adopt rules for the conduct of such  
9 public hearings.

10 (c) The probation officer or employee may appeal the decision  
11 of the probation committee to the board or boards of county  
12 commissioners.

13 *5. The provisions of this section do not apply to a dismissal*  
14 *required by section 5 of this act.*

15 **Sec. 10.** NRS 179A.075 is hereby amended to read as follows:

16 179A.075 1. The Central Repository for Nevada Records of  
17 Criminal History is hereby created within the Records and  
18 Technology Division of the Department.

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

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

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

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

31 (a) Through an electronic network;

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

33 (c) In the manner prescribed by the Director of the Department,  
34 ↪ within the period prescribed by the Director of the Department. If  
35 an agency has submitted a record regarding the arrest of a person  
36 who is later determined by the agency not to be the person who  
37 committed the particular crime, the agency shall, immediately upon  
38 making that determination, so notify the Division. The Division  
39 shall delete all references in the Central Repository relating to that  
40 particular arrest.

41 4. The Division shall, in the manner prescribed by the Director  
42 of the Department:

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

45 (1) Records of criminal history; and



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

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

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

10 5. The Division may:

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

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

16 (c) Request of and receive from the Federal Bureau of  
17 Investigation information on the background and personal history of  
18 any person whose record of fingerprints the Central Repository  
19 submits to the Federal Bureau of 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 to be obtained  
31 pursuant to NRS 62B.270, 424.031, 427A.735, 432A.170, 433B.183  
32 and 449.123 **H** *and sections 2, 4 and 12 of this act*; 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 ➤ To request and receive information from the Federal Bureau of  
38 Investigation concerning a person pursuant to this subsection, the  
39 Central Repository must receive the person's complete set of  
40 fingerprints from the agency or political subdivision and submit the  
41 fingerprints to the Federal Bureau of Investigation for its report.

42 6. The Central Repository shall:

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



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

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

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

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

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

11 (3) Is employed by a county school district, charter school or  
12 private school,

13 ➤ and notify the superintendent of each county school district, the  
14 governing body of each charter school and the Superintendent of  
15 Public Instruction, or the administrator of each private school, as  
16 appropriate, if the investigation of the Central Repository indicates  
17 that the person has been convicted of a violation of NRS 200.508,  
18 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or  
19 any offense involving moral turpitude.

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

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

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

29 ➤ who the Central Repository's records indicate have been  
30 convicted of a violation of NRS 200.508, 201.230, 453.3385,  
31 453.339 or 453.3395, or convicted of a felony or any offense  
32 involving moral turpitude since the Central Repository's initial  
33 investigation. The superintendent of each county school district, the  
34 governing body of a charter school or the administrator of each  
35 private school, as applicable, shall determine whether further  
36 investigation or action by the district, charter school or private  
37 school, as applicable, is appropriate.

38 (f) Investigate the criminal history of each person who submits  
39 fingerprints or has fingerprints submitted pursuant to NRS 62B.270,  
40 424.031, 427A.735, 432A.170, 433B.183, 449.122 or 449.123 **H or**  
41 **section 2, 4 or 12 of this act.**

42 (g) On or before July 1 of each year, prepare and present to the  
43 Governor a printed annual report containing the statistical data  
44 relating to crime received during the preceding calendar year.  
45 Additional reports may be presented to the Governor throughout the



1 year regarding specific areas of crime if they are approved by the  
2 Director of the Department.

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

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

13 7. The Central Repository may:

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

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

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

30 8. As used in this section:

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

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

38 (2) The fingerprints, voiceprint, retina image and iris image  
39 of a person.

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

42 **Sec. 11.** Chapter 432B of NRS is hereby amended by adding  
43 thereto the provisions set forth as sections 12 and 13 of this act.

44 **Sec. 12. 1. *An agency which provides child welfare services***  
45 ***shall secure from appropriate law enforcement agencies***



1 *information on the background and personal history of each*  
2 *applicant for employment with the agency, and each employee of*  
3 *the agency who is required to submit to an investigation pursuant*  
4 *to this section, to determine:*

5 *(a) Whether the applicant or employee has been convicted of:*

6 *(1) Murder, voluntary manslaughter, involuntary*  
7 *manslaughter or mayhem;*

8 *(2) Any crime involving the use of a firearm or other deadly*  
9 *weapon;*

10 *(3) Assault with intent to kill or to commit sexual assault or*  
11 *mayhem;*

12 *(4) Battery which results in substantial bodily harm to the*  
13 *victim;*

14 *(5) Battery that constitutes domestic violence that is*  
15 *punishable as a felony;*

16 *(6) Battery that constitutes domestic violence, other than a*  
17 *battery described in subparagraph (5), within the immediately*  
18 *preceding 3 years;*

19 *(7) Sexual assault, statutory sexual seduction, incest,*  
20 *lewdness, indecent exposure or an offense involving pornography*  
21 *and a minor;*

22 *(8) A crime involving pandering or prostitution, including,*  
23 *without limitation, a violation of any provision of NRS 201.295 to*  
24 *201.440, inclusive;*

25 *(9) Abuse or neglect of a child, including, without*  
26 *limitation, a violation of any provision of NRS 200.508 or*  
27 *200.5083 or contributory delinquency;*

28 *(10) A violation of any federal or state law regulating the*  
29 *possession, distribution or use of any controlled substance or any*  
30 *dangerous drug as defined in chapter 454 of NRS;*

31 *(11) A violation of any federal or state law prohibiting*  
32 *driving or being in actual physical control of a vehicle while under*  
33 *the influence of intoxicating liquor or a controlled substance that*  
34 *is punishable as a felony;*

35 *(12) A violation of any federal or state law prohibiting*  
36 *driving or being in actual physical control of a vehicle while under*  
37 *the influence of intoxicating liquor or a controlled substance,*  
38 *other than a violation described in subparagraph (11), within the*  
39 *immediately preceding 3 years;*

40 *(13) Abuse, neglect, exploitation or isolation of older*  
41 *persons or vulnerable persons, including, without limitation, a*  
42 *violation of any provision of NRS 200.5091 to 200.50995,*  
43 *inclusive, or a law of any other jurisdiction that prohibits the same*  
44 *or similar conduct; or*



1           (14) Any offense involving arson, fraud, theft,  
2 embezzlement, burglary, robbery, fraudulent conversion,  
3 misappropriation of property or perjury within the immediately  
4 preceding 7 years; or

5           (b) Whether there are criminal charges pending against the  
6 applicant or employee for a violation of an offense listed in  
7 paragraph (a).

8           2. An agency which provides child welfare services shall  
9 request information from:

10          (a) The Statewide Central Registry concerning an applicant  
11 for employment with the agency, or an employee of the agency  
12 who is required to submit to an investigation pursuant to this  
13 section, to determine whether there has been a substantiated  
14 report of child abuse or neglect made against the applicant or  
15 employee; and

16          (b) The central registry of information concerning the abuse  
17 or neglect of a child established by any other state in which the  
18 applicant or employee resided within the immediately preceding 5  
19 years.

20           3. Each applicant for employment with an agency which  
21 provides child welfare services, and each employee of an agency  
22 which provides child welfare services who is required to submit to  
23 an investigation pursuant to this section, must submit to the  
24 agency:

25          (a) A complete set of his or her fingerprints and written  
26 authorization to forward those fingerprints to the Central  
27 Repository for Nevada Records of Criminal History for submission  
28 to the Federal Bureau of Investigation for its report; and

29          (b) Written authorization for the agency to obtain any  
30 information that may be available from the Statewide Central  
31 Registry or the central registry of information concerning the  
32 abuse or neglect of a child established by any other state in which  
33 the applicant or employee resided within the immediately  
34 preceding 5 years.

35           4. An agency which provides child welfare services may  
36 exchange with the Central Repository or the Federal Bureau of  
37 Investigation any information concerning the fingerprints  
38 submitted pursuant to this section.

39           5. When a report from the Federal Bureau of Investigation is  
40 received by the Central Repository, the Central Repository shall  
41 immediately forward a copy of the report to the agency which  
42 provides child welfare services for a determination of whether the  
43 applicant or employee has criminal charges pending against him  
44 or her for a crime listed in paragraph (a) of subsection 1 or has  
45 been convicted of a crime listed in paragraph (a) of subsection 1.





1 6. An agency which provides child welfare services shall  
2 conduct an investigation of each employee of the agency pursuant  
3 to this section at least once every 5 years after the initial  
4 investigation.

5 7. As used in this section, "Statewide Central Registry"  
6 means the Statewide Central Registry for the Collection of  
7 Information Concerning the Abuse or Neglect of a Child  
8 established by NRS 432.100.

9 **Sec. 13.** 1. If the report from the Federal Bureau of  
10 Investigation forwarded to an agency which provides child welfare  
11 services pursuant to subsection 5 of section 12 of this act, the  
12 information received by an agency which provides child welfare  
13 services pursuant to subsection 2 of section 12 of this act or  
14 evidence from any other source indicates that an applicant for  
15 employment with the agency, or an employee of the agency:

16 (a) Has charges pending against him or her for a crime listed  
17 in paragraph (a) of subsection 1 of section 12 of this act, the  
18 agency may deny employment to the applicant or terminate the  
19 employment of the employee after allowing the applicant or  
20 employee time to correct the information as required pursuant to  
21 subsection 2 or 3, whichever is applicable; or

22 (b) Has been convicted of a crime listed in paragraph (a) of  
23 subsection 1 of section 12 of this act or has had a substantiated  
24 report of child abuse or neglect made against him or her, the  
25 agency shall deny employment to the applicant or terminate the  
26 employment of the employee after allowing the applicant or  
27 employee time to correct the information as required pursuant to  
28 subsection 2 or 3, whichever is applicable.

29 2. If an applicant for employment or an employee believes  
30 that the information in the report from the Federal Bureau of  
31 Investigation forwarded to the agency which provides child  
32 welfare services pursuant to subsection 5 of section 12 of this act  
33 is incorrect, the applicant or employee must inform the agency  
34 immediately. An agency that provides child welfare services that is  
35 so informed shall give the applicant or employee a reasonable  
36 amount of time of not less than 30 days to correct the information.

37 3. If an applicant for employment or an employee believes  
38 that the information received by an agency which provides child  
39 welfare services pursuant to subsection 2 of section 12 of this act  
40 is incorrect, the applicant or employee must inform the agency  
41 immediately. An agency which provides child welfare services that  
42 is so informed shall give the applicant or employee a reasonable  
43 amount of time of not less than 60 days to correct the information.

44 4. During the period in which an applicant or employee seeks  
45 to correct information pursuant to subsection 2 or 3, the applicant



1 *or employee shall not have contact with a child or a relative or*  
2 *guardian of the child in the course of performing any duties as an*  
3 *employee of the agency which provides child welfare services.*

4 **Sec. 14.** The provisions of this act apply only to a person who  
5 applies for employment with a department of juvenile justice  
6 services or an agency which provides child welfare services on or  
7 after July 1, 2013.

8 **Sec. 15.** This act becomes effective on July 1, 2013.

