

ASSEMBLY BILL NO. 217—COMMITTEE ON JUDICIARY

MARCH 7, 2013

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing criminal background checks of employees and 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.

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 employees and 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



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13 employees of the facilities. (NRS 62B.270, 424.031, 432A.170, 433B.183,
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, and employees of, the department
18 or agency. **Sections 2, 4 and 12** further require such a department or agency to
19 obtain a background investigation of each employee of the department or agency at
20 least once every 5 years after the initial investigation. Under **sections 2, 4 and 12**,
21 an applicant for employment or an employee required to submit to a background
22 investigation must submit a complete set of his or her fingerprints to the department
23 or agency and written authorization permitting the department or agency to obtain
24 certain 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: (1) 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; (2)
40 may be placed on administrative leave without pay; and (3) may be subject to the
41 internal disciplinary procedures of the department of juvenile justice services or the
42 agency which provides child welfare services.

43 **Section 15** of this bill provides that the provisions of this bill become effective
44 on July 1, 2013, and, thus, apply to existing employees and applicants for
45 employment beginning on that date.

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, to***
9 ***determine:***

10 ***(a) Whether the applicant or employee has been convicted of:***
11 ***(1) Murder, voluntary manslaughter, involuntary***
12 ***manslaughter or mayhem;***



1 (2) *Any felony involving the use or threatened use of force*
2 *or violence or the use of a firearm or other deadly weapon;*

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

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

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

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

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

15 (8) *A crime involving pandering or prostitution, including,*
16 *without limitation, a violation of any provision of NRS 201.295 to*
17 *201.440, inclusive;*

18 (9) *Abuse or neglect of a child, including, without*
19 *limitation, a violation of any provision of NRS 200.508 or*
20 *200.5083 or contributory delinquency;*

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

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

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

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

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

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



1 2. A department of juvenile justice services shall request
2 information from:

3 (a) The Statewide Central Registry concerning an applicant
4 for employment with the department of juvenile justice services, or
5 an employee of the department of juvenile justice services, to
6 determine whether there has been a substantiated report of child
7 abuse or neglect made against the applicant or employee; and

8 (b) The central registry of information concerning the abuse
9 or neglect of a child established by any other state in which the
10 applicant or employee resided within the immediately preceding 5
11 years to ensure satisfactory clearance with that registry.

12 3. Each applicant for employment with the department of
13 juvenile justice services, and each employee of the department of
14 juvenile justice services, must submit to the department of juvenile
15 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, has had a substantiated report*
16 *of child abuse or neglect made against him or her or has not been*
17 *satisfactorily cleared by a central registry described in paragraph*
18 *(b) of subsection 2 of section 2 of this act, the department of*
19 *juvenile justice services shall deny employment to the applicant or*
20 *terminate the employment of the employee after allowing the*
21 *applicant or employee time to correct the information as required*
22 *pursuant to subsection 2 or 3, whichever is applicable.*

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

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

40 *4. During the period in which an applicant or employee seeks*
41 *to correct information pursuant to subsection 2 or 3, the applicant*
42 *or employee:*

43 *(a) Shall not have contact with a child or a relative or*
44 *guardian of a child in the course of performing any duties as an*
45 *employee of the department of juvenile justice services.*



1 (b) *May be placed on leave without pay.*

2 5. *The provisions of subsection 4 must not be construed as*
3 *preventing the department of juvenile justice services from*
4 *initiating departmental disciplinary procedures against an*
5 *employee during the period in which an employee seeks to correct*
6 *information pursuant to subsection 2 or 3.*

7 6. *A termination of employment pursuant to this section*
8 *constitutes dismissal for cause for the purposes of NRS 62G.220.*

9 **Sec. 4.** *1. A department of juvenile justice services shall*
10 *secure from appropriate law enforcement agencies information on*
11 *the background and personal history of each applicant for*
12 *employment with the department of juvenile justice services, and*
13 *each employee of the department of juvenile justice services, to*
14 *determine:*

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

16 (1) *Murder, voluntary manslaughter, involuntary*
17 *manslaughter or mayhem;*

18 (2) *Any felony involving the use or threatened use of force*
19 *or violence or the use of a firearm or other deadly weapon;*

20 (3) *Assault with intent to kill or to commit sexual assault or*
21 *mayhem;*

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

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

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

29 (7) *Sexual assault, statutory sexual seduction, incest,*
30 *lewdness, indecent exposure or an offense involving pornography*
31 *and a minor;*

32 (8) *A crime involving pandering or prostitution, including,*
33 *without limitation, a violation of any provision of NRS 201.295 to*
34 *201.440, inclusive;*

35 (9) *Abuse or neglect of a child, including, without*
36 *limitation, a violation of any provision of NRS 200.508 or*
37 *200.5083 or contributory delinquency;*

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

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



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

6 (13) *Abuse, neglect, exploitation or isolation of older*
7 *persons or vulnerable persons, including, without limitation, a*
8 *violation of any provision of NRS 200.5091 to 200.50995,*
9 *inclusive, or a law of any other jurisdiction that prohibits the same*
10 *or similar conduct; or*

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

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

18 2. *A department of juvenile justice services shall request*
19 *information from:*

20 (a) *The Statewide Central Registry concerning an applicant*
21 *for employment with the department of juvenile justice services, or*
22 *an employee of the department of juvenile justice services, to*
23 *determine whether there has been a substantiated report of child*
24 *abuse or neglect made against the applicant or employee; and*

25 (b) *The central registry of information concerning the abuse*
26 *or neglect of a child established by any other state in which the*
27 *applicant or employee resided within the immediately preceding 5*
28 *years to ensure satisfactory clearance with that registry.*

29 3. *Each applicant for employment with the department of*
30 *juvenile justice services, and each employee of the department of*
31 *juvenile justice services, must submit to the department of juvenile*
32 *justice services:*

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

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

43 4. *The department of juvenile justice services may exchange*
44 *with the Central Repository or the Federal Bureau of*



1 *Investigation any information concerning the fingerprints*
2 *submitted pursuant to this section.*

3 *5. When a report from the Federal Bureau of Investigation is*
4 *received by the Central Repository, the Central Repository shall*
5 *immediately forward a copy of the report to the department of*
6 *juvenile justice services for a determination of whether the*
7 *applicant or employee has criminal charges pending against him*
8 *or her for a crime listed in paragraph (a) of subsection 1 or has*
9 *been convicted of a crime listed in paragraph (a) of subsection 1.*

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

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

17 **Sec. 5. 1.** *If the report from the Federal Bureau of*
18 *Investigation forwarded to the department of juvenile justice*
19 *services pursuant to subsection 5 of section 4 of this act, the*
20 *information received by the department of juvenile justice services*
21 *pursuant to subsection 2 of section 4 of this act or evidence from*
22 *any other source indicates that an applicant for employment with*
23 *the department of juvenile justice services, or an employee of the*
24 *department of juvenile justice services:*

25 *(a) Has charges pending against him or her for a crime listed*
26 *in paragraph (a) of subsection 1 of section 4 of this act, the*
27 *department of juvenile justice services may deny employment to*
28 *the applicant or terminate the employment of the employee after*
29 *allowing the applicant or employee time to correct the information*
30 *as required pursuant to subsection 2 or 3, whichever is applicable;*
31 *or*

32 *(b) Has been convicted of a crime listed in paragraph (a) of*
33 *subsection 1 of section 4 of this act, has had a substantiated report*
34 *of child abuse or neglect made against him or her or has not been*
35 *satisfactorily cleared by a central registry described in paragraph*
36 *(b) of subsection 2 of section 4 of this act, the department of*
37 *juvenile justice services shall deny employment to the applicant or*
38 *terminate the employment of the employee after allowing the*
39 *applicant or employee time to correct the information as required*
40 *pursuant to subsection 2 or 3, whichever is applicable.*

41 **2.** *If an applicant for employment or an employee believes*
42 *that the information in the report from the Federal Bureau of*
43 *Investigation forwarded to the department of juvenile justice*
44 *services pursuant to subsection 5 of section 4 of this act is*
45 *incorrect, the applicant or employee must inform the department*



1 *of juvenile justice services immediately. A department of juvenile*
2 *justice services that is so informed shall give the applicant or*
3 *employee a reasonable amount of time of not less than 30 days to*
4 *correct the information.*

5 *3. If an applicant for employment or an employee believes*
6 *that the information received by the department of juvenile justice*
7 *services pursuant to subsection 2 of section 4 of this act is*
8 *incorrect, the applicant or employee must inform the department*
9 *of juvenile justice services immediately. A department of juvenile*
10 *justice services that is so informed shall give the applicant or*
11 *employee a reasonable amount of time of not less than 60 days to*
12 *correct the information.*

13 *4. During the period in which an applicant or employee seeks*
14 *to correct information pursuant to subsection 2 or 3, the applicant*
15 *or employee:*

16 *(a) Shall not have contact with a child or a relative or*
17 *guardian of the child in the course of performing any duties as an*
18 *employee of the department of juvenile justice services.*

19 *(b) May be placed on leave without pay.*

20 *5. The provisions of subsection 4 must not be construed as*
21 *preventing a department of juvenile justice services from initiating*
22 *departmental disciplinary procedures against an employee during*
23 *the period in which an employee seeks to correct information*
24 *pursuant to subsection 2 or 3.*

25 *6. A termination of employment pursuant to this section*
26 *constitutes dismissal for cause for the purposes of NRS 62G.360.*

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

28 62G.200 1. The provisions of NRS 62G.200 to 62G.240,
29 inclusive, *and sections 2 and 3 of this act* apply only to a county:

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

31 (b) Which constitutes a judicial district.

32 2. If a department of juvenile justice services has been
33 established by ordinance in a judicial district pursuant to NRS
34 62G.200 to 62G.240, inclusive, *and sections 2 and 3 of this act*, the
35 provisions of NRS 62G.300 to 62G.370, inclusive, *and sections 4*
36 *and 5 of this act* do not apply to that judicial district for the period
37 the ordinance is in effect.

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

39 62G.300 The provisions of NRS 62G.300 to 62G.370,
40 inclusive, *and sections 4 and 5 of this act* apply to a judicial district
41 which includes a county whose population is 700,000 or more, if a
42 department of juvenile justice services has not been established by
43 ordinance pursuant to NRS 62G.200 to 62G.240, inclusive ~~+~~, *and*
44 *sections 2 and 3 of this act.*



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

2 62G.330 1. From a list of candidates recommended by the
3 probation committee, the juvenile court shall appoint a director of
4 the department of juvenile justice services.

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

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

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

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

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

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

14 (4) The probation committee; and

15 (5) All local facilities for the detention of children within the
16 judicial district.

17 (c) May carry out preventive programs relating to juvenile
18 delinquency.

19 3. ~~The~~ *Except as otherwise provided in section 5 of this act,*
20 *the* director of the department of juvenile justice services serves at
21 the pleasure of the juvenile court and is subject to removal or
22 discharge by the juvenile court. ~~Before~~ *Except as otherwise*
23 *provided in section 5 of this act, before* the juvenile court may
24 remove or discharge the director of the department of juvenile
25 justice services, the juvenile court shall provide to the director:

26 (a) A written statement of the reasons for the removal or
27 discharge; and

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

30 4. The director of the department of juvenile justice services is
31 entitled to such staff or employees to assist in the performance of
32 the duties of the director as is advised by the probation committee,
33 approved by the juvenile court, and consented to by the board or
34 boards of county commissioners.

35 5. With the advice of the probation committee and the consent
36 of the board or boards of county commissioners of the county or
37 counties, the juvenile court shall determine the salary of the director
38 of the department of juvenile justice services.

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

40 62G.360 1. Pursuant to the provisions of this section, the
41 director of the department of juvenile justice services may demote
42 or dismiss, only for cause, any probation officer, employee of the
43 department of juvenile justice services or employee of a local
44 facility for the detention of children.



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

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

5 (b) An opportunity to be heard before the director regarding the
6 demotion.

7 3. Before the director of the department of juvenile justice
8 services may dismiss a probation officer or employee with less than
9 12 months of service, the director shall provide to the probation
10 officer or employee:

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

12 (b) An opportunity to be heard before the director regarding the
13 dismissal.

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

16 (a) Not later than 15 days after the dismissal, the probation
17 officer or employee may request a written statement from the
18 director of the department of juvenile justice services specifically
19 setting forth the reasons for the dismissal. The director shall provide
20 the written statement to the probation officer or employee not later
21 than 15 days after the date of the request.

22 (b) Not later than 30 days after receipt of the written statement
23 from the director, the probation officer or employee may make a
24 written request for a public hearing before the probation committee.
25 The probation committee shall adopt rules for the conduct of such
26 public hearings.

27 (c) The probation officer or employee may appeal the decision
28 of the probation committee to the board or boards of county
29 commissioners.

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

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

33 179A.075 1. The Central Repository for Nevada Records of
34 Criminal History is hereby created within the Records and
35 Technology Division of the Department.

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

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

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

42 3. Each agency of criminal justice shall submit the information
43 relating to records of criminal history that it creates or issues, and
44 any information in its possession relating to the genetic markers of a
45 biological specimen of a person who is convicted of an offense



1 listed in subsection 4 of NRS 176.0913, to the Division. The
2 information must be submitted to the Division:

- 3 (a) Through an electronic network;
- 4 (b) On a medium of magnetic storage; or
- 5 (c) In the manner prescribed by the Director of the Department,
6 ↪ within the period prescribed by the Director of the Department. If
7 an agency has submitted a record regarding the arrest of a person
8 who is later determined by the agency not to be the person who
9 committed the particular crime, the agency shall, immediately upon
10 making that determination, so notify the Division. The Division
11 shall delete all references in the Central Repository relating to that
12 particular arrest.

13 4. The Division shall, in the manner prescribed by the Director
14 of the Department:

- 15 (a) Collect, maintain and arrange all information submitted to it
16 relating to:
 - 17 (1) Records of criminal history; and
 - 18 (2) The genetic markers of a biological specimen of a person
19 who is convicted of an offense listed in subsection 4 of
20 NRS 176.0913.

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

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

27 5. The Division may:

- 28 (a) Disseminate any information which is contained in the
29 Central Repository to any other agency of criminal justice;
- 30 (b) Enter into cooperative agreements with repositories of the
31 United States and other states to facilitate exchanges of information
32 that may be disseminated pursuant to paragraph (a); and
- 33 (c) Request of and receive from the Federal Bureau of
34 Investigation information on the background and personal history of
35 any person whose record of fingerprints the Central Repository
36 submits to the Federal Bureau of Investigation and:

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

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

43 (3) Who has applied to any agency of the State of Nevada or
44 any political subdivision thereof to attend an academy for training



1 peace officers approved by the Peace Officers' Standards and
2 Training Commission;

3 (4) For whom such information is required to be obtained
4 pursuant to NRS 62B.270, 424.031, 427A.735, 432A.170, 433B.183
5 and 449.123 **and sections 2, 4 and 12 of this act;** or

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

10 ➔ To request and receive information from the Federal Bureau of
11 Investigation concerning a person pursuant to this subsection, the
12 Central Repository must receive the person's complete set of
13 fingerprints from the agency or political subdivision and submit the
14 fingerprints to the Federal Bureau of Investigation for its report.

15 6. The Central Repository shall:

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

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

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

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

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

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

28 (3) Is employed by a county school district, charter school or
29 private school,

30 ➔ and notify the superintendent of each county school district, the
31 governing body of each charter school and the Superintendent of
32 Public Instruction, or the administrator of each private school, as
33 appropriate, if the investigation of the Central Repository indicates
34 that the person has been convicted of a violation of NRS 200.508,
35 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or
36 any offense involving moral turpitude.

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

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

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



1 who the Central Repository's records indicate have been
2 convicted of a violation of NRS 200.508, 201.230, 453.3385,
3 453.339 or 453.3395, or convicted of a felony or any offense
4 involving moral turpitude since the Central Repository's initial
5 investigation. The superintendent of each county school district, the
6 governing body of a charter school or the administrator of each
7 private school, as applicable, shall determine whether further
8 investigation or action by the district, charter school or private
9 school, as applicable, is appropriate.

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

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

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

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

30 7. The Central Repository may:

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

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

43 (c) In the manner prescribed by the Director of the Department,
44 use electronic means to receive and disseminate information



1 contained in the Central Repository that it is authorized to
2 disseminate pursuant to the provisions of this chapter.

3 8. As used in this section:

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

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

11 (2) The fingerprints, voiceprint, retina image and iris image
12 of a person.

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

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

17 **Sec. 12. 1.** *An agency which provides child welfare services*
18 *shall secure from appropriate law enforcement agencies*
19 *information on the background and personal history of each*
20 *applicant for employment with the agency, and each employee of*
21 *the agency, to determine:*

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

23 (1) *Murder, voluntary manslaughter, involuntary*
24 *manslaughter or mayhem;*

25 (2) *Any felony involving the use or threatened use of force*
26 *or violence or the use of a firearm or other deadly weapon;*

27 (3) *Assault with intent to kill or to commit sexual assault or*
28 *mayhem;*

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

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

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

36 (7) *Sexual assault, statutory sexual seduction, incest,*
37 *lewdness, indecent exposure or an offense involving pornography*
38 *and a minor;*

39 (8) *A crime involving pandering or prostitution, including,*
40 *without limitation, a violation of any provision of NRS 201.295 to*
41 *201.440, inclusive;*

42 (9) *Abuse or neglect of a child, including, without*
43 *limitation, a violation of any provision of NRS 200.508 or*
44 *200.5083 or contributory delinquency;*



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

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

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

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

18 (14) *Any offense involving arson, fraud, theft,*
19 *embezzlement, burglary, robbery, fraudulent conversion,*
20 *misappropriation of property or perjury within the immediately*
21 *preceding 7 years; or*

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

25 2. *An agency which provides child welfare services shall*
26 *request information from:*

27 (a) *The Statewide Central Registry concerning an applicant*
28 *for employment with the agency, or an employee of the agency, to*
29 *determine whether there has been a substantiated report of child*
30 *abuse or neglect made against the applicant or employee; and*

31 (b) *The central registry of information concerning the abuse*
32 *or neglect of a child established by any other state in which the*
33 *applicant or employee resided within the immediately preceding 5*
34 *years to ensure satisfactory clearance with that registry.*

35 3. *Each applicant for employment with an agency which*
36 *provides child welfare services, and each employee of an agency*
37 *which provides child welfare services, must submit to the agency:*

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

42 (b) *Written authorization for the agency to obtain any*
43 *information that may be available from the Statewide Central*
44 *Registry or the central registry of information concerning the*
45 *abuse or neglect of a child established by any other state in which*



1 *the applicant or employee resided within the immediately*
2 *preceding 5 years.*

3 *4. An agency which provides child welfare services may*
4 *exchange with the Central Repository or the Federal Bureau of*
5 *Investigation any information concerning the fingerprints*
6 *submitted pursuant to this section.*

7 *5. When a report from the Federal Bureau of Investigation is*
8 *received by the Central Repository, the Central Repository shall*
9 *immediately forward a copy of the report to the agency which*
10 *provides child welfare services for a determination of whether the*
11 *applicant or employee has criminal charges pending against him*
12 *or her for a crime listed in paragraph (a) of subsection 1 or has*
13 *been convicted of a crime listed in paragraph (a) of subsection 1.*

14 *6. An agency which provides child welfare services shall*
15 *conduct an investigation of each employee of the agency pursuant*
16 *to this section at least once every 5 years after the initial*
17 *investigation.*

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

22 **Sec. 13.** *1. If the report from the Federal Bureau of*
23 *Investigation forwarded to an agency which provides child welfare*
24 *services pursuant to subsection 5 of section 12 of this act, the*
25 *information received by an agency which provides child welfare*
26 *services pursuant to subsection 2 of section 12 of this act or*
27 *evidence from any other source indicates that an applicant for*
28 *employment with the agency, or an employee of the agency:*

29 *(a) Has charges pending against him or her for a crime listed*
30 *in paragraph (a) of subsection 1 of section 12 of this act, the*
31 *agency may deny employment to the applicant or terminate the*
32 *employment of the employee after allowing the applicant or*
33 *employee time to correct the information as required pursuant to*
34 *subsection 2 or 3, whichever is applicable; or*

35 *(b) Has been convicted of a crime listed in paragraph (a) of*
36 *subsection 1 of section 12 of this act, has had a substantiated*
37 *report of child abuse or neglect made against him or her or has*
38 *not been satisfactorily cleared by a central registry described in*
39 *paragraph (b) of subsection 2 of section 12 of this act, the agency*
40 *shall deny employment to the applicant or terminate the*
41 *employment of the employee after allowing the applicant or*
42 *employee time to correct the information as required pursuant to*
43 *subsection 2 or 3, whichever is applicable.*

44 *2. If an applicant for employment or an employee believes*
45 *that the information in the report from the Federal Bureau of*



1 *Investigation forwarded to the agency which provides child*
2 *welfare services pursuant to subsection 5 of section 12 of this act*
3 *is incorrect, the applicant or employee must inform the agency*
4 *immediately. An agency that provides child welfare services that is*
5 *so informed shall give the applicant or employee a reasonable*
6 *amount of time of not less than 30 days to correct the information.*

7 *3. If an applicant for employment or an employee believes*
8 *that the information received by an agency which provides child*
9 *welfare services pursuant to subsection 2 of section 12 of this act*
10 *is incorrect, the applicant or employee must inform the agency*
11 *immediately. An agency which provides child welfare services that*
12 *is so informed shall give the applicant or employee a reasonable*
13 *amount of time of not less than 60 days to correct the information.*

14 *4. During the period in which an applicant or employee seeks*
15 *to correct information pursuant to subsection 2 or 3, the applicant*
16 *or employee:*

17 *(a) Shall not have contact with a child or a relative or*
18 *guardian of the child in the course of performing any duties as an*
19 *employee of the agency which provides child welfare services.*

20 *(b) May be placed on leave without pay.*

21 *5. The provisions of subsection 4 must not be construed as*
22 *preventing an agency which provides child welfare services from*
23 *initiating internal disciplinary procedures against an employee*
24 *during the period in which an employee seeks to correct*
25 *information pursuant to subsection 2 or 3.*

26 **Sec. 14.** (Deleted by amendment.)

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

