

SENATE BILL NO. 141—SENATORS DENIS, SMITH, JONES,
SEGERBLOM, SETTELMAYER; FORD, KIHUEN, MANENDO
AND ROBERSON

FEBRUARY 18, 2013

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the dissemination of records of criminal history. (BDR 14-881)

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

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

AN ACT relating to records of criminal history; requiring an agency of criminal justice to disseminate records of criminal history to court appointed special advocate programs in certain smaller counties under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires an agency of criminal justice, upon request, to
2 disseminate records of criminal history to certain persons and governmental
3 entities. (NRS 179A.100) This bill requires an agency of criminal justice to
4 disseminate a record of criminal history to a court appointed special advocate
5 program in a county whose population is less than 100,000, (currently counties
6 other than Clark and Washoe Counties) as needed to ensure the safety of a child for
7 whom a special advocate has been appointed.

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

1 **Section 1.** NRS 179A.100 is hereby amended to read as
2 follows:
3 179A.100 1. The following records of criminal history may
4 be disseminated by an agency of criminal justice without any
5 restriction pursuant to this chapter:
6 (a) Any which reflect records of conviction only; and



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

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

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

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

11 (c) Reported to the Central Repository.

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

16 (a) Reflect convictions only; or

17 (b) Pertain to an incident for which the prospective employee or
18 volunteer is currently within the system of criminal justice,
19 including parole or probation.

20 4. In addition to any other information to which an employer is
21 entitled or authorized to receive from a name-based inquiry, the
22 Central Repository shall disseminate to a prospective or current
23 employer, or a person or entity designated to receive the information
24 on behalf of such an employer, the information contained in a record
25 of registration concerning an employee, prospective employee,
26 volunteer or prospective volunteer who is a sex offender or an
27 offender convicted of a crime against a child, regardless of whether
28 the employee, prospective employee, volunteer or prospective
29 volunteer gives written consent to the release of that information.
30 The Central Repository shall disseminate such information in a
31 manner that does not reveal the name of an individual victim of an
32 offense or the information described in subsection 7 of NRS
33 179B.250. A request for information pursuant to this subsection
34 must conform to the requirements of the Central Repository and
35 must include:

36 (a) The name and address of the employer, and the name and
37 signature of the person or entity requesting the information on
38 behalf of the employer;

39 (b) The name and address of the employer's facility in which the
40 employee, prospective employee, volunteer or prospective volunteer
41 is employed or volunteers or is seeking to become employed or
42 volunteer; and

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



1 5. In addition to any other information to which an employer is
2 entitled or authorized to receive, the Central Repository shall
3 disseminate to a prospective or current employer, or a person or
4 entity designated to receive the information on behalf of such an
5 employer, the information described in subsection 4 of NRS
6 179A.190 concerning an employee, prospective employee, volunteer
7 or prospective volunteer who gives written consent to the release of
8 that information if the employer submits a request in the manner set
9 forth in NRS 179A.200 for obtaining a notice of information. The
10 Central Repository shall search for and disseminate such
11 information in the manner set forth in NRS 179A.210 for the
12 dissemination of a notice of information.

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

17 7. Records of criminal history must be disseminated by an
18 agency of criminal justice, upon request, to the following persons or
19 governmental entities:

20 (a) The person who is the subject of the record of criminal
21 history for the purposes of NRS 179A.150.

22 (b) The person who is the subject of the record of criminal
23 history when the subject is a party in a judicial, administrative,
24 licensing, disciplinary or other proceeding to which the information
25 is relevant.

26 (c) The State Gaming Control Board.

27 (d) The State Board of Nursing.

28 (e) The Private Investigator's Licensing Board to investigate an
29 applicant for a license.

30 (f) A public administrator to carry out the duties as prescribed in
31 chapter 253 of NRS.

32 (g) A public guardian to investigate a ward or proposed ward or
33 persons who may have knowledge of assets belonging to a ward or
34 proposed ward.

35 (h) Any agency of criminal justice of the United States or of
36 another state or the District of Columbia.

37 (i) Any public utility subject to the jurisdiction of the Public
38 Utilities Commission of Nevada when the information is necessary
39 to conduct a security investigation of an employee or prospective
40 employee or to protect the public health, safety or welfare.

41 (j) Persons and agencies authorized by statute, ordinance,
42 executive order, court rule, court decision or court order as
43 construed by appropriate state or local officers or agencies.

44 (k) Any person or governmental entity which has entered into a
45 contract to provide services to an agency of criminal justice relating



1 to the administration of criminal justice, if authorized by the
2 contract, and if the contract also specifies that the information will
3 be used only for stated purposes and that it will be otherwise
4 confidential in accordance with state and federal law and
5 regulation.

6 (l) Any reporter for the electronic or printed media in a
7 professional capacity for communication to the public.

8 (m) Prospective employers if the person who is the subject of
9 the information has given written consent to the release of that
10 information by the agency which maintains it.

11 (n) For the express purpose of research, evaluative or statistical
12 programs pursuant to an agreement with an agency of criminal
13 justice.

14 (o) An agency which provides child welfare services, as defined
15 in NRS 432B.030.

16 (p) The Division of Welfare and Supportive Services of the
17 Department of Health and Human Services or its designated
18 representative, as needed to ensure the safety of investigators and
19 caseworkers.

20 (q) The Aging and Disability Services Division of the
21 Department of Health and Human Services or its designated
22 representative, as needed to ensure the safety of investigators and
23 caseworkers.

24 (r) An agency of this or any other state or the Federal
25 Government that is conducting activities pursuant to Part D of
26 Subchapter IV of Chapter 7 of Title 42 of the Social Security Act,
27 42 U.S.C. §§ 651 et seq.

28 (s) The State Disaster Identification Team of the Division of
29 Emergency Management of the Department.

30 (t) The Commissioner of Insurance.

31 (u) The Board of Medical Examiners.

32 (v) The State Board of Osteopathic Medicine.

33 (w) The Board of Massage Therapists and its Executive
34 Director.

35 *(x) A court appointed special advocate program in a county*
36 *whose population is less than 100,000, as needed to ensure the*
37 *safety of a child for whom a special advocate has been appointed*
38 *by a court.*

39 8. Agencies of criminal justice in this State which receive
40 information from sources outside this State concerning transactions
41 involving criminal justice which occur outside Nevada shall treat the
42 information as confidentially as is required by the provisions of this
43 chapter.



1 **Sec. 2.** This act becomes effective on July 1, 2013, and expires
2 by limitation on June 30, 2015.

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