

ASSEMBLY BILL NO. 223—ASSEMBLYMEN O’NEILL; ARMSTRONG,
DICKMAN, KIRNER, SILBERKRAUS AND WHEELER

MARCH 5, 2015

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing certain crimes against older persons and vulnerable persons. (BDR 15-566)

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 crimes; defining the term “abandonment” as it relates to the care of older persons and vulnerable persons; revising the definitions of the terms “abuse” and “exploitation” as they relate to offenses committed upon older persons and vulnerable persons; revising provisions concerning the reporting of abuse, neglect, exploitation, isolation or abandonment of an older person; requiring that the name of a person who reports the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person be redacted before certain data or information concerning the report is made available in certain circumstances; revising penalties concerning the abuse or neglect of an older person or a vulnerable person; prohibiting the abandonment of an older person or a vulnerable person; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law sets forth provisions concerning the abuse, neglect, exploitation or
2 isolation of older persons and vulnerable persons. (NRS 200.5091-200.50995) This
3 bill generally adds the abandonment of older persons and vulnerable persons to
4 such provisions.

5 Existing law specifically prohibits a person from abusing, neglecting,
6 exploiting or isolating an older person or a vulnerable person, and provides
7 penalties for a violation thereof. (NRS 200.5099) **Section 14** of this bill revises
8 certain existing penalties relating to the abuse or neglect of older persons and



9 vulnerable persons depending on whether the offense was: (1) negligent or willful;
10 and (2) a first or subsequent offense. **Section 14** also imposes a new penalty for the
11 abandonment of an older person or vulnerable person and provides that unless a
12 greater penalty is provided by law, any person who abandons an older person or a
13 vulnerable person is guilty: (1) for a negligent offense, of a misdemeanor; and (2)
14 for a willful offense, of a gross misdemeanor.

15 **Section 3** of this bill defines the term "abandonment" to mean the willful or
16 negligent: (1) desertion of an older person or a vulnerable person by a caretaker or
17 other person with a duty of care; or (2) withdrawal of necessary assistance owed to
18 an older person or a vulnerable person by a caretaker or other person with an
19 obligation to provide services to the older person or vulnerable person. **Section 3**
20 also provides that the term "abuse" includes: (1) infliction of psychological or
21 emotional anguish, pain or distress on an older person or a vulnerable person
22 through any act; and (2) nonconsensual sexual contact with an older person or a
23 vulnerable person. Additionally, **section 3** provides that the term "exploitation"
24 includes deliberately misplacing or losing the belongings or money of an older
25 person or a vulnerable person without his or her consent. Finally, **section 3**
26 specifies that abuse, neglect, isolation or abandonment of an older person or a
27 vulnerable person can be willful or negligent.

28 Existing law requires certain professionals who know or have reasonable cause
29 to believe that an older person has been abused, neglected, exploited or isolated to
30 report, in certain circumstances, such abuse, neglect, exploitation or isolation to: (1)
31 the local office of the Aging and Disability Services Division of the Department of
32 Health and Human Services; (2) a police department or sheriff's office; (3) the
33 county's office for protective services, if one exists in the county where such
34 suspected abuse, neglect, exploitation or isolation occurred; or (4) a toll-free
35 telephone service designated by the Aging and Disability Services Division. (NRS
36 200.5093) **Section 4** of this bill removes the option to report suspected acts to the
37 county's office for protective services.

38 Existing law also requires that reports made concerning the abuse, neglect,
39 exploitation or isolation of an older person or a vulnerable person, and records and
40 investigations relating to those reports, are confidential, and a person, law
41 enforcement agency or public or private agency, institution or facility can release
42 data or information concerning the reports and investigation only in certain limited
43 circumstances. Such circumstances include data or information concerning the
44 reports and investigation being made available to: (1) an agency responsible for or
45 authorized to undertake the care, treatment and supervision of the older person or
46 vulnerable person; (2) the older person or vulnerable person named in the report, if
47 that person is not legally incompetent; and (3) if the person who is reported to have
48 abused, neglected, exploited or isolated the older person or vulnerable person is the
49 holder of a certain license or certificate, the board that issued the license. (NRS
50 200.5095) **Section 7** of this bill provides that if data or information concerning the
51 reports and investigation is made available in such circumstances, the name of the
52 person who made the report must be redacted before the data or information is
53 made available.

54 **Sections 2, 5, 6, 8-13, 16-24 and 26-41** of this bill generally add a reference to
55 the term "abandonment" to certain provisions of existing law that reference the
56 abuse, neglect, exploitation or isolation of an older person or a vulnerable person.



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

1 **Section 1.** NRS 193.167 is hereby amended to read as follows:

2 193.167 1. Except as otherwise provided in NRS 193.169,
3 any person who commits the crime of:

4 (a) Murder;

5 (b) Attempted murder;

6 (c) Assault;

7 (d) Battery;

8 (e) Kidnapping;

9 (f) Robbery;

10 (g) Sexual assault;

11 (h) Embezzlement of, or attempting or conspiring to embezzle,
12 money or property of a value of \$650 or more;

13 (i) Obtaining, or attempting or conspiring to obtain, money or
14 property of a value of \$650 or more by false pretenses; or

15 (j) Taking money or property from the person of another,

16 ↪ against any person who is 60 years of age or older or against a
17 vulnerable person shall, in addition to the term of imprisonment
18 prescribed by statute for the crime, be punished, if the crime is a
19 misdemeanor or gross misdemeanor, by imprisonment in the county
20 jail for a term equal to the term of imprisonment prescribed by
21 statute for the crime, and, if the crime is a felony, by imprisonment
22 in the state prison for a minimum term of not less than 1 year and a
23 maximum term of not more than 20 years.

24 2. Except as otherwise provided in NRS 193.169, any person
25 who commits a criminal violation of the provisions of chapter 90 or
26 91 of NRS against any person who is 60 years of age or older or
27 against a vulnerable person shall, in addition to the term of
28 imprisonment prescribed by statute for the criminal violation, be
29 punished, if the criminal violation is a misdemeanor or gross
30 misdemeanor, by imprisonment in the county jail for a term equal to
31 the term of imprisonment prescribed by statute for the criminal
32 violation, and, if the criminal violation is a felony, by imprisonment
33 in the state prison for a minimum term of not less than 1 year and a
34 maximum term of not more than 20 years.

35 3. In determining the length of the additional penalty imposed
36 pursuant to this section, the court shall consider the following
37 information:

38 (a) The facts and circumstances of the crime or criminal
39 violation;

40 (b) The criminal history of the person;

41 (c) The impact of the crime or criminal violation on any victim;

42 (d) Any mitigating factors presented by the person; and



1 (e) Any other relevant information.

2 ➔ The court shall state on the record that it has considered the
3 information described in paragraphs (a) to (e), inclusive, in
4 determining the length of the additional penalty imposed.

5 4. The sentence prescribed by this section must run
6 consecutively with the sentence prescribed by statute for the crime
7 or criminal violation.

8 5. This section does not create any separate offense but
9 provides an additional penalty for the primary offense, whose
10 imposition is contingent upon the finding of the prescribed fact.

11 6. As used in this section, "vulnerable person" has the meaning
12 ascribed to it in ~~subsection 7 of~~ NRS 200.5092.

13 **Sec. 2.** NRS 200.5091 is hereby amended to read as follows:

14 200.5091 It is the policy of this State to provide for the
15 cooperation of law enforcement officials, courts of competent
16 jurisdiction and all appropriate state agencies providing human
17 services in identifying the abuse, neglect, exploitation, ~~and~~
18 isolation *and abandonment* of older persons and vulnerable persons
19 through the complete reporting of abuse, neglect, exploitation,
20 ~~and~~ isolation *and abandonment* of older persons and vulnerable
21 persons.

22 **Sec. 3.** NRS 200.5092 is hereby amended to read as follows:

23 200.5092 As used in NRS 200.5091 to 200.50995, inclusive,
24 unless the context otherwise requires:

25 1. *"Abandonment" means willful or negligent:*

26 (a) *Desertion of an older person or a vulnerable person by a*
27 *caretaker or other person with a duty of care; or*

28 (b) *Withdrawal of necessary assistance owed to an older*
29 *person or a vulnerable person by a caretaker or other person with*
30 *an obligation to provide services to the older person or vulnerable*
31 *person.*

32 2. "Abuse" means willful ~~and unjustified;~~ *or negligent:*

33 (a) Infliction of pain ~~or~~ *or* injury ~~or mental anguish~~ on an older
34 person or a vulnerable person; ~~or~~

35 (b) Deprivation of food, shelter, clothing or services which are
36 necessary to maintain the physical or mental health of an older
37 person or a vulnerable person ~~;~~

38 ~~—2.;~~

39 (c) *Infliction of psychological or emotional anguish, pain or*
40 *distress on an older person or a vulnerable person through any*
41 *act, including, without limitation:*

42 (1) *Threatening, humiliating, embarrassing, controlling or*
43 *socially isolating the older person or vulnerable person;*

44 (2) *Disregarding or trivializing the needs of the older*
45 *person or vulnerable person; or*



1 (3) *Harming, damaging or destroying any property of the*
2 *older person or vulnerable person, including, without limitation,*
3 *pets; or*

4 (d) *Nonconsensual sexual contact with an older person or a*
5 *vulnerable person, including, without limitation:*

6 (1) *An act that the older person or vulnerable person is*
7 *unable to understand or to which the older person or vulnerable*
8 *person is unable to communicate his or her objection; or*

9 (2) *Intentional touching, either directly or through the*
10 *clothing, of the genitalia, anus, groin, breast, inner thigh or*
11 *buttocks of the older person or vulnerable person.*

12 3. “Exploitation” means any act taken by a person who has the
13 trust and confidence of an older person or a vulnerable person or
14 any use of the power of attorney or guardianship of an older person
15 or a vulnerable person to:

16 (a) Obtain control, through deception, intimidation or undue
17 influence, over the older person’s or vulnerable person’s money,
18 assets or property with the intention of permanently depriving the
19 older person or vulnerable person of the ownership, use, benefit or
20 possession of his or her money, assets or property; ~~for~~

21 (b) Convert money, assets or property of the older person or
22 vulnerable person with the intention of permanently depriving the
23 older person or vulnerable person of the ownership, use, benefit or
24 possession of his or her money, assets or property ~~for~~; or

25 (c) *Deliberately misplace or lose the belongings or money of*
26 *the older person or vulnerable person without his or her consent.*

27 ➤ As used in this subsection, “undue influence” does not include
28 the normal influence that one member of a family has over another.

29 ~~[3.]~~ 4. “Isolation” means willfully ~~[, maliciously and~~
30 ~~intentionally]~~ or negligently preventing an older person or a
31 vulnerable person from having contact with another person by:

32 (a) Intentionally or negligently preventing the older person or
33 vulnerable person from receiving visitors, mail or telephone calls,
34 including, without limitation, communicating to a person who
35 comes to visit the older person or vulnerable person or a person who
36 telephones the older person or vulnerable person that the older
37 person or vulnerable person is not present or does not want to meet
38 with or talk to the visitor or caller knowing that the statement is
39 false, contrary to the express wishes of the older person or
40 vulnerable person and intended to prevent the older person or
41 vulnerable person from having contact with the visitor; or

42 (b) Physically restraining the older person or vulnerable person
43 to prevent the older person or vulnerable person from meeting with
44 a person who comes to visit the older person or vulnerable person.



1 ↪ The term does not include an act intended to protect the property
2 or physical or mental welfare of the older person or vulnerable
3 person or an act performed pursuant to the instructions of a
4 physician of the older person or vulnerable person.

5 ~~[4.]~~ 5. “Neglect” means the *willful or negligent* failure of ~~§~~:

6 ~~—(a) A] a person or facility~~ who has assumed legal responsibility
7 or a contractual obligation for caring for an older person or a
8 vulnerable person or who has voluntarily assumed responsibility for
9 his or her care to provide food, shelter, clothing or services which
10 are necessary to maintain the physical or mental health of the older
11 person or vulnerable person. ~~§; or~~

12 ~~—(b) An older person or a vulnerable person to provide for his or~~
13 ~~her own needs because of inability to do so.~~

14 ~~—5.]~~ 6. “Older person” means a person who is 60 years of age or
15 older.

16 ~~[6.]~~ 7. “Protective services” means services the purpose of
17 which is to prevent and remedy the abuse, neglect, exploitation ,
18 ~~[and]~~ isolation *and abandonment* of older persons. The services
19 may include investigation, evaluation, counseling, arrangement and
20 referral for other services and assistance.

21 ~~[7.]~~ 8. “Vulnerable person” means a person 18 years of age or
22 older who:

23 (a) Suffers from a condition of physical or mental incapacitation
24 because of a developmental disability, organic brain damage or
25 mental illness; or

26 (b) Has one or more physical or mental limitations that restrict
27 the ability of the person to perform the normal activities of daily
28 living.

29 **Sec. 4.** NRS 200.5093 is hereby amended to read as follows:

30 200.5093 1. Any person who is described in subsection 4 and
31 who, in a professional or occupational capacity, knows or has
32 reasonable cause to believe that an older person has been abused,
33 neglected, exploited , ~~or]~~ isolated *or abandoned* shall:

34 (a) Except as otherwise provided in subsection 2, report the
35 abuse, neglect, exploitation , ~~or]~~ isolation *or abandonment* of the
36 older person to:

37 (1) The local office of the Aging and Disability Services
38 Division of the Department of Health and Human Services;

39 (2) A police department or sheriff’s office; *or*

40 (3) ~~[The county’s office for protective services, if one exists~~
41 ~~in the county where the suspected action occurred; or~~

42 ~~—(4)]~~ A toll-free telephone service designated by the Aging
43 and Disability Services Division of the Department of Health and
44 Human Services; and



1 (b) Make such a report as soon as reasonably practicable but not
2 later than 24 hours after the person knows or has reasonable cause to
3 believe that the older person has been abused, neglected, exploited ,
4 ~~☒~~ isolated ~~☒~~ *or abandoned*.

5 2. If a person who is required to make a report pursuant to
6 subsection 1 knows or has reasonable cause to believe that the
7 abuse, neglect, exploitation , ~~☒~~ isolation *or abandonment* of the
8 older person involves an act or omission of the Aging and Disability
9 Services Division, another division of the Department of Health and
10 Human Services or a law enforcement agency, the person shall
11 make the report to an agency other than the one alleged to have
12 committed the act or omission.

13 3. Each agency, after reducing a report to writing, shall forward
14 a copy of the report to the Aging and Disability Services Division of
15 the Department of Health and Human Services and the Unit for the
16 Investigation and Prosecution of Crimes.

17 4. A report must be made pursuant to subsection 1 by the
18 following persons:

19 (a) Every physician, dentist, dental hygienist, chiropractor,
20 optometrist, podiatric physician, medical examiner, resident, intern,
21 professional or practical nurse, physician assistant licensed pursuant
22 to chapter 630 or 633 of NRS, perfusionist, psychiatrist,
23 psychologist, marriage and family therapist, clinical professional
24 counselor, clinical alcohol and drug abuse counselor, alcohol and
25 drug abuse counselor, music therapist, athletic trainer, driver of an
26 ambulance, paramedic, licensed dietitian or other person providing
27 medical services licensed or certified to practice in this State, who
28 examines, attends or treats an older person who appears to have
29 been abused, neglected, exploited , ~~☒~~ isolated ~~☒~~ *or abandoned*.

30 (b) Any personnel of a hospital or similar institution engaged in
31 the admission, examination, care or treatment of persons or an
32 administrator, manager or other person in charge of a hospital or
33 similar institution upon notification of the suspected abuse, neglect,
34 exploitation , ~~☒~~ isolation *or abandonment* of an older person by a
35 member of the staff of the hospital.

36 (c) A coroner.

37 (d) Every person who maintains or is employed by an agency to
38 provide personal care services in the home.

39 (e) Every person who maintains or is employed by an agency to
40 provide nursing in the home.

41 (f) Every person who operates, who is employed by or who
42 contracts to provide services for an intermediary service
43 organization as defined in NRS 449.4304.

44 (g) Any employee of the Department of Health and Human
45 Services.



1 (h) Any employee of a law enforcement agency or a county's
2 office for protective services or an adult or juvenile probation
3 officer.

4 (i) Any person who maintains or is employed by a facility or
5 establishment that provides care for older persons.

6 (j) Any person who maintains, is employed by or serves as a
7 volunteer for an agency or service which advises persons regarding
8 the abuse, neglect, exploitation, ~~{or}~~ isolation *or abandonment* of
9 an older person and refers them to persons and agencies where their
10 requests and needs can be met.

11 (k) Every social worker.

12 (l) Any person who owns or is employed by a funeral home or
13 mortuary.

14 5. A report may be made by any other person.

15 6. If a person who is required to make a report pursuant to
16 subsection 1 knows or has reasonable cause to believe that an older
17 person has died as a result of abuse, neglect, ~~{or}~~ isolation ~~{}~~ *or*
18 *abandonment*, the person shall, as soon as reasonably practicable,
19 report this belief to the appropriate medical examiner or coroner,
20 who shall investigate the cause of death of the older person and
21 submit to the appropriate local law enforcement agencies, the
22 appropriate prosecuting attorney, the Aging and Disability Services
23 Division of the Department of Health and Human Services and the
24 Unit for the Investigation and Prosecution of Crimes his or her
25 written findings. The written findings must include the information
26 required pursuant to the provisions of NRS 200.5094, when
27 possible.

28 7. A division, office or department which receives a report
29 pursuant to this section shall cause the investigation of the report to
30 commence within 3 working days. A copy of the final report of the
31 investigation conducted by a division, office or department, other
32 than the Aging and Disability Services Division of the Department
33 of Health and Human Services, must be forwarded within 30 days
34 after the completion of the report to the:

35 (a) Aging and Disability Services Division;

36 (b) Repository for Information Concerning Crimes Against
37 Older Persons created by NRS 179A.450; and

38 (c) Unit for the Investigation and Prosecution of Crimes.

39 8. If the investigation of a report results in the belief that an
40 older person is abused, neglected, exploited, ~~{or}~~ isolated ~~{}~~ *or*
41 *abandoned*, the Aging and Disability Services Division of the
42 Department of Health and Human Services or the county's office for
43 protective services may provide protective services to the older
44 person if the older person is able and willing to accept them.



1 9. A person who knowingly and willfully violates any of the
2 provisions of this section is guilty of a misdemeanor.

3 10. As used in this section, "Unit for the Investigation and
4 Prosecution of Crimes" means the Unit for the Investigation and
5 Prosecution of Crimes Against Older Persons in the Office of the
6 Attorney General created pursuant to NRS 228.265.

7 **Sec. 5.** NRS 200.50935 is hereby amended to read as follows:

8 200.50935 1. Any person who is described in subsection 3
9 and who, in a professional or occupational capacity, knows or has
10 reasonable cause to believe that a vulnerable person has been
11 abused, neglected, exploited, ~~or~~ isolated *or abandoned* shall:

12 (a) Report the abuse, neglect, exploitation, ~~or~~ isolation *or*
13 *abandonment* of the vulnerable person to a law enforcement
14 agency; and

15 (b) Make such a report as soon as reasonably practicable but not
16 later than 24 hours after the person knows or has reasonable cause to
17 believe that the vulnerable person has been abused, neglected,
18 exploited, ~~or~~ isolated ~~or~~ *or abandoned*.

19 2. If a person who is required to make a report pursuant to
20 subsection 1 knows or has reasonable cause to believe that the
21 abuse, neglect, exploitation, ~~or~~ isolation *or abandonment* of the
22 vulnerable person involves an act or omission of a law enforcement
23 agency, the person shall make the report to a law enforcement
24 agency other than the one alleged to have committed the act or
25 omission.

26 3. A report must be made pursuant to subsection 1 by the
27 following persons:

28 (a) Every physician, dentist, dental hygienist, chiropractor,
29 optometrist, podiatric physician, medical examiner, resident, intern,
30 professional or practical nurse, perfusionist, physician assistant
31 licensed pursuant to chapter 630 or 633 of NRS, psychiatrist,
32 psychologist, marriage and family therapist, clinical professional
33 counselor, clinical alcohol and drug abuse counselor, alcohol and
34 drug abuse counselor, music therapist, athletic trainer, driver of an
35 ambulance, paramedic, licensed dietitian or other person providing
36 medical services licensed or certified to practice in this State, who
37 examines, attends or treats a vulnerable person who appears to have
38 been abused, neglected, exploited, ~~or~~ isolated ~~or~~ *or abandoned*.

39 (b) Any personnel of a hospital or similar institution engaged in
40 the admission, examination, care or treatment of persons or an
41 administrator, manager or other person in charge of a hospital or
42 similar institution upon notification of the suspected abuse, neglect,
43 exploitation, ~~or~~ isolation *or abandonment* of a vulnerable person
44 by a member of the staff of the hospital.

45 (c) A coroner.



1 (d) Every person who maintains or is employed by an agency to
2 provide nursing in the home.

3 (e) Any employee of the Department of Health and Human
4 Services.

5 (f) Any employee of a law enforcement agency or an adult or
6 juvenile probation officer.

7 (g) Any person who maintains or is employed by a facility or
8 establishment that provides care for vulnerable persons.

9 (h) Any person who maintains, is employed by or serves as a
10 volunteer for an agency or service which advises persons regarding
11 the abuse, neglect, exploitation, ~~for~~ isolation *or abandonment* of a
12 vulnerable person and refers them to persons and agencies where
13 their requests and needs can be met.

14 (i) Every social worker.

15 (j) Any person who owns or is employed by a funeral home or
16 mortuary.

17 4. A report may be made by any other person.

18 5. If a person who is required to make a report pursuant to
19 subsection 1 knows or has reasonable cause to believe that a
20 vulnerable person has died as a result of abuse, neglect, ~~for~~
21 isolation ~~for~~ *or abandonment*, the person shall, as soon as
22 reasonably practicable, report this belief to the appropriate medical
23 examiner or coroner, who shall investigate the cause of death of the
24 vulnerable person and submit to the appropriate local law
25 enforcement agencies and the appropriate prosecuting attorney his
26 or her written findings. The written findings must include the
27 information required pursuant to the provisions of NRS 200.5094,
28 when possible.

29 6. A law enforcement agency which receives a report pursuant
30 to this section shall immediately initiate an investigation of the
31 report.

32 7. A person who knowingly and willfully violates any of the
33 provisions of this section is guilty of a misdemeanor.

34 **Sec. 6.** NRS 200.5094 is hereby amended to read as follows:

35 200.5094 1. A person may make a report pursuant to NRS
36 200.5093 or 200.50935 by telephone or, in light of all the
37 surrounding facts and circumstances which are known or which
38 reasonably should be known to the person at the time, by any other
39 means of oral, written or electronic communication that a reasonable
40 person would believe, under those facts and circumstances, is a
41 reliable and swift means of communicating information to the
42 person who receives the report. If the report is made orally, the
43 person who receives the report must reduce it to writing as soon as
44 reasonably practicable.



1 2. The report must contain the following information, when
2 possible:

3 (a) The name and address of the older person or vulnerable
4 person;

5 (b) The name and address of the person responsible for his or
6 her care, if there is one;

7 (c) The name and address, if available, of the person who is
8 alleged to have abused, neglected, exploited , ~~or~~ isolated *or*
9 *abandoned* the older person or vulnerable person;

10 (d) The nature and extent of the abuse, neglect, exploitation ,
11 ~~or~~ isolation *or abandonment* of the older person or vulnerable
12 person;

13 (e) Any evidence of previous injuries; and

14 (f) The basis of the reporter's belief that the older person or
15 vulnerable person has been abused, neglected, exploited , ~~or~~
16 isolated ~~or~~ *abandoned*.

17 **Sec. 7.** NRS 200.5095 is hereby amended to read as follows:

18 200.5095 1. Reports made pursuant to NRS 200.5093,
19 200.50935 and 200.5094, and records and investigations relating to
20 those reports, are confidential.

21 2. A person, law enforcement agency or public or private
22 agency, institution or facility who willfully releases data or
23 information concerning the reports and investigation of the abuse,
24 neglect, exploitation , ~~or~~ isolation *or abandonment* of older
25 persons or vulnerable persons, except:

26 (a) Pursuant to a criminal prosecution;

27 (b) Pursuant to NRS 200.50982; or

28 (c) To persons or agencies enumerated in subsection 3,

29 ↪ is guilty of a misdemeanor.

30 3. Except as otherwise provided in subsection 2 and NRS
31 200.50982, data or information concerning the reports and
32 investigations of the abuse, neglect, exploitation , ~~or~~ isolation *or*
33 *abandonment* of an older person or a vulnerable person is available
34 only to:

35 (a) A physician who is providing care to an older person or a
36 vulnerable person who may have been abused, neglected, exploited ,
37 ~~or~~ isolated ~~or~~ *abandoned*;

38 (b) An agency responsible for or authorized to undertake the
39 care, treatment and supervision of the older person or vulnerable
40 person;

41 (c) A district attorney or other law enforcement official who
42 requires the information in connection with an investigation of the
43 abuse, neglect, exploitation , ~~or~~ isolation *or abandonment* of the
44 older person or vulnerable person;



1 (d) A court which has determined, in camera, that public
2 disclosure of such information is necessary for the determination of
3 an issue before it;

4 (e) A person engaged in bona fide research, but the identity of
5 the subjects of the report must remain confidential;

6 (f) A grand jury upon its determination that access to such
7 records is necessary in the conduct of its official business;

8 (g) Any comparable authorized person or agency in another
9 jurisdiction;

10 (h) A legal guardian of the older person or vulnerable person, if
11 the identity of the person who was responsible for reporting the
12 alleged abuse, neglect, exploitation, ~~isolation~~ *or abandonment*
13 of the older person or vulnerable person to the public agency is
14 protected, and the legal guardian of the older person or vulnerable
15 person is not the person suspected of such abuse, neglect,
16 exploitation, ~~isolation~~ *or abandonment*;

17 (i) If the older person or vulnerable person is deceased, the
18 executor or administrator of his or her estate, if the identity of the
19 person who was responsible for reporting the alleged abuse, neglect,
20 exploitation, ~~isolation~~ *or abandonment* of the older person or
21 vulnerable person to the public agency is protected, and the executor
22 or administrator is not the person suspected of such abuse, neglect,
23 exploitation, ~~isolation~~ *or abandonment*; or

24 (j) The older person or vulnerable person named in the report as
25 allegedly being abused, neglected, exploited, ~~isolated~~ *or*
26 *abandoned*, if that person is not legally incompetent.

27 4. If the person who is reported to have abused, neglected,
28 exploited, ~~isolated~~ *or abandoned* an older person or a
29 vulnerable person is the holder of a license or certificate issued
30 pursuant to chapters 449, 630 to 641B, inclusive, or 654 of NRS, the
31 information contained in the report must be submitted to the board
32 that issued the license.

33 *5. If data or information concerning the reports and*
34 *investigations of the abuse, neglect, exploitation, isolation or*
35 *abandonment of an older person or a vulnerable person is made*
36 *available pursuant to paragraph (b) or (j) of subsection 3 or*
37 *subsection 4, the name of the person who made the report must be*
38 *redacted before the data or information is made available.*

39 **Sec. 8.** NRS 200.50955 is hereby amended to read as follows:

40 200.50955 A law enforcement agency shall promptly seek to
41 obtain a warrant for the arrest of any person the agency has probable
42 cause to believe is criminally responsible for the abuse, neglect,
43 exploitation, ~~isolation~~ *or abandonment* of an older person or a
44 vulnerable person.



1 **Sec. 9.** NRS 200.5096 is hereby amended to read as follows:
2 200.5096 Immunity from civil or criminal liability extends to
3 every person who, pursuant to NRS 200.5091 to 200.50995,
4 inclusive, in good faith:

- 5 1. Participates in the making of a report;
- 6 2. Causes or conducts an investigation of alleged abuse,
7 neglect, exploitation , ~~for~~ isolation *or abandonment* of an older
8 person or a vulnerable person; or
- 9 3. Submits information contained in a report to a licensing
10 board pursuant to subsection 4 of NRS 200.5095.

11 **Sec. 10.** NRS 200.5098 is hereby amended to read as follows:
12 200.5098 1. The Aging and Disability Services Division of
13 the Department of Health and Human Services shall:

14 (a) Identify and record demographic information on the older
15 person who is alleged to have been abused, neglected, exploited ,
16 ~~for~~ isolated *or abandoned* and the person who is alleged to be
17 responsible for such abuse, neglect, exploitation , ~~for~~ isolation ~~for~~ *or*
18 *abandonment*.

19 (b) Obtain information from programs for preventing abuse of
20 older persons, analyze and compare the programs, and make
21 recommendations to assist the organizers of the programs in
22 achieving the most efficient and effective service possible.

23 (c) Publicize the provisions of NRS 200.5091 to 200.50995,
24 inclusive.

25 2. The Administrator of the Aging and Disability Services
26 Division of the Department may organize one or more teams to
27 assist in strategic assessment and planning of protective services,
28 issues regarding the delivery of service, programs or individual
29 plans for preventing, identifying, remedying or treating abuse,
30 neglect, exploitation , ~~for~~ isolation *or abandonment* of older
31 persons. Members of the team serve at the invitation of the
32 Administrator and must be experienced in preventing, identifying,
33 remedying or treating abuse, neglect, exploitation , ~~for~~ isolation *or*
34 *abandonment* of older persons. The team may include
35 representatives of other organizations concerned with education, law
36 enforcement or physical or mental health.

37 3. The team may receive otherwise confidential information
38 and records pertaining to older persons to assist in assessing and
39 planning. The confidentiality of any information or records received
40 must be maintained under the terms or conditions required by law.
41 The content of any discussion regarding information or records
42 received by the team pursuant to this subsection is not subject to
43 discovery and a member of the team shall not testify regarding any
44 discussion which occurred during the meeting. Any information



1 disclosed in violation of this subsection is inadmissible in all
2 judicial proceedings.

3 **Sec. 11.** NRS 200.50982 is hereby amended to read as
4 follows:

5 200.50982 1. The provisions of NRS 200.5091 to 200.50995,
6 inclusive, do not prohibit an agency which is investigating a report
7 of abuse, neglect, exploitation , ~~for~~ isolation ~~for~~ *or abandonment*,
8 or which provides protective services, from disclosing data or
9 information concerning the reports and investigations of the abuse,
10 neglect, exploitation , ~~for~~ isolation *or abandonment* of an older
11 person or a vulnerable person to other federal, state or local agencies
12 or the legal representatives of the older person or vulnerable person
13 on whose behalf the investigation is being conducted if:

14 (a) The agency making the disclosure determines that the
15 disclosure is in the best interest of the older person or vulnerable
16 person; and

17 (b) Proper safeguards are taken to ensure the confidentiality of
18 the information.

19 2. If the Aging and Disability Services Division of the
20 Department of Health and Human Services is investigating a report
21 of abuse, neglect, exploitation , ~~for~~ isolation *or abandonment* of an
22 older person, a law enforcement agency shall, upon request of the
23 Aging and Disability Services Division, provide information
24 relating to any suspect in the investigation as soon as possible. The
25 information must include, when possible:

26 (a) The records of criminal history of the suspect;

27 (b) Whether or not the suspect resides with or near the older
28 person; and

29 (c) A summary of any events, incidents or arrests which have
30 occurred at the residence of the suspect or the older person within
31 the past 90 days and which involve physical violence or concerns
32 related to public safety or the health or safety of the older person.

33 **Sec. 12.** NRS 200.50984 is hereby amended to read as
34 follows:

35 200.50984 1. Notwithstanding any other statute to the
36 contrary, the local office of the Aging and Disability Services
37 Division of the Department of Health and Human Services and a
38 county's office for protective services, if one exists in the county
39 where a violation is alleged to have occurred, may for the purpose of
40 investigating an alleged violation of NRS 200.5091 to 200.50995,
41 inclusive, inspect all records pertaining to the older person on whose
42 behalf the investigation is being conducted, including, but not
43 limited to, that person's medical and financial records.

44 2. Except as otherwise provided in this subsection, if a
45 guardian has not been appointed for the older person, the Aging and



1 Disability Services Division or the county's office for protective
2 services shall obtain the consent of the older person before
3 inspecting those records. If the Aging and Disability Services
4 Division or the county's office for protective services determines
5 that the older person is unable to consent to the inspection, the
6 inspection may be conducted without his or her consent. Except as
7 otherwise provided in this subsection, if a guardian has been
8 appointed for the older person, the Aging and Disability Services
9 Division or the county's office for protective services shall obtain
10 the consent of the guardian before inspecting those records. If the
11 Aging and Disability Services Division or the county's office for
12 protective services has reasonable cause to believe that the guardian
13 is abusing, neglecting, exploiting, ~~or~~ isolating *or abandoning* the
14 older person, the inspection may be conducted without the consent
15 of the guardian, except that if the records to be inspected are in the
16 personal possession of the guardian, the inspection must be
17 approved by a court of competent jurisdiction.

18 **Sec. 13.** NRS 200.50986 is hereby amended to read as
19 follows:

20 200.50986 The local office of the Aging and Disability
21 Services Division of the Department of Health and Human Services
22 or the county's office for protective services may petition a court in
23 accordance with NRS 159.185, 159.1853 or 159.1905 for the
24 removal of the guardian of an older person, or the termination or
25 modification of that guardianship, if, based on its investigation, the
26 Aging and Disability Services Division or the county's office of
27 protective services has reasonable cause to believe that the guardian
28 is abusing, neglecting, exploiting, ~~or~~ isolating *or abandoning* the
29 older person in violation of NRS 200.5091 to 200.50995, inclusive.

30 **Sec. 14.** NRS 200.5099 is hereby amended to read as follows:
31 200.5099 1. Except as otherwise provided in subsection ~~6,~~
32 *7*, any person who abuses an older person or a vulnerable person is
33 guilty:

34 (a) For *the first negligent offense, of a misdemeanor;*

35 (b) *For any subsequent negligent offense, or for the first*
36 *willful* offense, of a gross misdemeanor; or

37 ~~(b)~~ (c) For any subsequent *willful* offense, or if the person
38 has been previously convicted of violating a law of any other
39 jurisdiction that prohibits the same or similar conduct, of a category
40 B felony and shall be punished by imprisonment in the state prison
41 for a minimum term of not less than 2 years and a maximum term of
42 not more than 6 years,

43 *unless a more severe penalty is prescribed by law for the act or*
44 *omission which brings about the abuse.*



1 2. Except as otherwise provided in subsection ~~7.~~ 8, any
2 person who has assumed responsibility, legally, voluntarily or
3 pursuant to a contract, to care for an older person or a vulnerable
4 person and who:

5 (a) Neglects the older person or vulnerable person, causing the
6 older person or vulnerable person to suffer physical pain or mental
7 suffering;

8 (b) Permits or allows the older person or vulnerable person to
9 suffer unjustifiable physical pain or mental suffering; or

10 (c) Permits or allows the older person or vulnerable person to be
11 placed in a situation where the older person or vulnerable person
12 may suffer physical pain or mental suffering as the result of abuse or
13 neglect,

14 ↪ is guilty of a *misdemeanor for a negligent offense or a* gross
15 misdemeanor *for a willful offense*, unless a more severe penalty is
16 prescribed by law for the act or omission which brings about the
17 abuse or neglect.

18 3. Except as otherwise provided in subsection 4, any person
19 who exploits an older person or a vulnerable person shall be
20 punished, if the value of any money, assets and property obtained or
21 used:

22 (a) Is less than \$650, for a gross misdemeanor by imprisonment
23 in the county jail for not more than 364 days, or by a fine of not
24 more than \$2,000, or by both fine and imprisonment;

25 (b) Is at least \$650, but less than \$5,000, for a category B felony
26 by imprisonment in the state prison for a minimum term of not less
27 than 2 years and a maximum term of not more than 10 years, or by a
28 fine of not more than \$10,000, or by both fine and imprisonment; or

29 (c) Is \$5,000 or more, for a category B felony by imprisonment
30 in the state prison for a minimum term of not less than 2 years and a
31 maximum term of not more than 20 years, or by a fine of not more
32 than \$25,000, or by both fine and imprisonment,

33 ↪ unless a more severe penalty is prescribed by law for the act
34 which brought about the exploitation. The monetary value of all of
35 the money, assets and property of the older person or vulnerable
36 person which have been obtained or used, or both, may be combined
37 for the purpose of imposing punishment for an offense charged
38 pursuant to this subsection.

39 4. If a person exploits an older person or a vulnerable person
40 and the monetary value of any money, assets and property obtained
41 cannot be determined, the person shall be punished for a gross
42 misdemeanor by imprisonment in the county jail for not more than
43 364 days, or by a fine of not more than \$2,000, or by both fine and
44 imprisonment.



1 5. Any person who isolates an older person or a vulnerable
2 person is guilty:

3 (a) For the first offense, of a gross misdemeanor; or

4 (b) For any subsequent offense, of a category B felony and shall
5 be punished by imprisonment in the state prison for a minimum
6 term of not less than 2 years and a maximum term of not more than
7 10 years, and may be further punished by a fine of not more than
8 \$5,000.

9 6. *Unless a greater penalty is provided by law, any person
10 who abandons an older person or a vulnerable person is guilty:*

11 (a) *For a negligent offense, of a misdemeanor; and*

12 (b) *For a willful offense, of a gross misdemeanor.*

13 7. A person who violates any provision of subsection 1, if
14 substantial bodily or mental harm or death results to the older person
15 or vulnerable person, is guilty of a category B felony and shall be
16 punished by imprisonment in the state prison for a minimum term of
17 not less than 2 years and a maximum term of not more than 20
18 years, unless a more severe penalty is prescribed by law for the act
19 or omission which brings about the abuse.

20 ~~7.~~ 8. A person who violates any provision of subsection 2, if
21 substantial bodily or mental harm or death results to the older person
22 or vulnerable person, shall be punished for a category B felony by
23 imprisonment in the state prison for a minimum term of not less
24 than 2 years and a maximum term of not more than 6 years, unless a
25 more severe penalty is prescribed by law for the act or omission
26 which brings about the abuse or neglect.

27 ~~8.~~ 9. In addition to any other penalty imposed against a
28 person for a violation of any provision of NRS 200.5091 to
29 200.50995, inclusive, the court shall order the person to pay
30 restitution.

31 ~~9.~~ 10. As used in this section:

32 (a) "Allow" means to take no action to prevent or stop the abuse
33 or neglect of an older person or a vulnerable person if the person
34 knows or has reason to know that the older person or vulnerable
35 person is being abused or neglected.

36 (b) "Permit" means permission that a reasonable person would
37 not grant and which amounts to a neglect of responsibility attending
38 the care and custody of an older person or a vulnerable person.

39 (c) "Substantial mental harm" means an injury to the intellectual
40 or psychological capacity or the emotional condition of an older
41 person or a vulnerable person as evidenced by an observable and
42 substantial impairment of the ability of the older person or
43 vulnerable person to function within his or her normal range of
44 performance or behavior.



1 **Sec. 15.** NRS 207.014 is hereby amended to read as follows:

2 207.014 1. A person who:

3 (a) Has been convicted in this State of any felony committed on
4 or after July 1, 1995, of which fraud or intent to defraud is an
5 element; and

6 (b) Has previously been two times convicted, whether in this
7 State or elsewhere, of any felony of which fraud or intent to
8 defraud is an element before the commission of the felony under
9 paragraph (a),

10 ↳ is a habitually fraudulent felon and shall be punished for a
11 category B felony by imprisonment in the state prison for a
12 minimum term of not less than 5 years and a maximum term of not
13 more than 20 years, if the victim of each offense was an older
14 person, a person with a mental disability or a vulnerable person.

15 2. The prosecuting attorney shall include a count under this
16 section in any information or shall file a notice of habitually
17 fraudulent felon if an indictment is found, if the prior convictions
18 and the alleged offense committed by the accused are felonies of
19 which fraud or intent to defraud is an element and the victim of each
20 offense was:

21 (a) An older person;

22 (b) A person with a mental disability; or

23 (c) A vulnerable person.

24 3. The trial judge may not dismiss a count under this section
25 that is included in an indictment or information.

26 4. As used in this section:

27 (a) "Older person" means a person who is:

28 (1) Sixty-five years of age or older if the crime was
29 committed before October 1, 2003.

30 (2) Sixty years of age or older if the crime was committed on
31 or after October 1, 2003.

32 (b) "Person with a mental disability" means a person who has a
33 mental impairment which is medically documented and substantially
34 limits one or more of the person's major life activities. The term
35 includes, but is not limited to, a person who:

36 (1) Suffers from an intellectual disability;

37 (2) Suffers from a severe mental or emotional illness;

38 (3) Has a severe learning disability; or

39 (4) Is experiencing a serious emotional crisis in his or her life
40 as a result of the fact that the person or a member of his or her
41 immediate family has a catastrophic illness.

42 (c) "Vulnerable person" has the meaning ascribed to it in

43 ~~[subsection 7 of]~~ NRS 200.5092.



1 **Sec. 16.** NRS 62B.270 is hereby amended to read as follows:

2 62B.270 1. A public institution or agency to which a juvenile
3 court commits a child or the licensing authority of a private
4 institution to which a juvenile court commits a child, including,
5 without limitation, a facility for the detention of children, shall
6 secure from appropriate law enforcement agencies information on
7 the background and personal history of each employee of the
8 institution or agency to determine whether the employee has been
9 convicted of:

10 (a) Murder, voluntary manslaughter or mayhem;

11 (b) Any other felony involving the use of a firearm or other
12 deadly weapon;

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

15 (d) Sexual assault, statutory sexual seduction, incest, lewdness,
16 indecent exposure or any other sexually related crime;

17 (e) Abuse or neglect of a child or contributory delinquency;

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

21 (g) Abuse, neglect, exploitation , ~~for~~ isolation *or abandonment*
22 of older persons or vulnerable persons, including, without
23 limitation, a violation of any provision of NRS 200.5091 to
24 200.50995, inclusive, or a law of any other jurisdiction that
25 prohibits the same or similar conduct; or

26 (h) Any offense involving fraud, theft, embezzlement, burglary,
27 robbery, fraudulent conversion or misappropriation of property
28 within the immediately preceding 7 years.

29 2. An employee of the public or private institution or agency
30 must submit to the public institution or agency or the licensing
31 authority, as applicable, two complete sets of fingerprints and
32 written authorization to forward those fingerprints to the Central
33 Repository for Nevada Records of Criminal History for submission
34 to the Federal Bureau of Investigation for its report.

35 3. The public institution or agency or the licensing authority, as
36 applicable, may exchange with the Central Repository or the Federal
37 Bureau of Investigation any information concerning the fingerprints
38 submitted.

39 4. The public institution or agency or the licensing authority, as
40 applicable, may charge an employee investigated pursuant to this
41 section for the reasonable cost of that investigation.

42 5. When a report from the Federal Bureau of Investigation is
43 received by the Central Repository, the Central Repository shall
44 immediately forward a copy of the report to the public institution or
45 agency or the licensing authority, as applicable, for a determination



1 of whether the employee has been convicted of a crime listed in
2 subsection 1.

3 6. A person who is required to submit to an investigation
4 required pursuant to this section shall not have contact with a child
5 without supervision in a public or private institution or agency to
6 which a juvenile court commits a child, including, without
7 limitation, a facility for the detention of children, before the
8 investigation of the background and personal history of the person
9 has been conducted.

10 7. The public institution or agency or the licensing authority, as
11 applicable, shall conduct an investigation of each employee of the
12 institution or agency pursuant to this section at least once every 5
13 years after the initial investigation.

14 **Sec. 17.** NRS 62G.223 is hereby amended to read as follows:

15 62G.223 1. A department of juvenile justice services shall
16 secure from appropriate law enforcement agencies information on
17 the background and personal history of each applicant for
18 employment with the department of juvenile justice services, and
19 each employee of the department of juvenile justice services, to
20 determine:

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

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

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

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

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

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

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

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

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

41 (9) Abuse or neglect of a child, including, without limitation,
42 a violation of any provision of NRS 200.508 or 200.5083 or
43 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 is
7 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, other
11 than a violation described in subparagraph (11), within the
12 immediately preceding 3 years;

13 (13) Abuse, neglect, exploitation, ~~for~~ isolation *or*
14 *abandonment* of older persons or vulnerable persons, including,
15 without limitation, a violation of any provision of NRS 200.5091 to
16 200.50995, inclusive, or a law of any other jurisdiction that
17 prohibits the same 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. A department of juvenile justice services shall request
26 information from:

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

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

36 3. Each applicant for employment with the department of
37 juvenile justice services, and each employee of the department of
38 juvenile justice services, must submit to the department of juvenile
39 justice services:

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

44 (b) Written authorization for the department of juvenile justice
45 services to obtain any information that may be available from the



1 Statewide Central Registry or the central registry of information
2 concerning the abuse or neglect of a child established by any other
3 state in which the applicant or employee resided within the
4 immediately preceding 5 years.

5 4. The department of juvenile justice services may exchange
6 with the Central Repository or the Federal Bureau of Investigation
7 any information concerning the fingerprints submitted pursuant to
8 this section.

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

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

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

23 **Sec. 18.** NRS 62G.353 is hereby amended to read as follows:

24 62G.353 1. A department of juvenile justice services shall
25 secure from appropriate law enforcement agencies information on
26 the background and personal history of each applicant for
27 employment with the department of juvenile justice services, and
28 each employee of the department of juvenile justice services, to
29 determine:

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

31 (1) Murder, voluntary manslaughter, involuntary
32 manslaughter or mayhem;

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

35 (3) Assault with intent to kill or to commit sexual assault or
36 mayhem;

37 (4) Battery which results in substantial bodily harm to the
38 victim;

39 (5) Battery that constitutes domestic violence that is
40 punishable as a felony;

41 (6) Battery that constitutes domestic violence, other than a
42 battery described in subparagraph (5), within the immediately
43 preceding 3 years;



1 (7) Sexual assault, statutory sexual seduction, incest,
2 lewdness, indecent exposure or an offense involving pornography
3 and a minor;

4 (8) A crime involving pandering or prostitution, including,
5 without limitation, a violation of any provision of NRS 201.295 to
6 201.440, inclusive;

7 (9) Abuse or neglect of a child, including, without limitation,
8 a violation of any provision of NRS 200.508 or 200.5083 or
9 contributory delinquency;

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

13 (11) A violation of any federal or state law prohibiting
14 driving or being in actual physical control of a vehicle while under
15 the influence of intoxicating liquor or a controlled substance that is
16 punishable as a felony;

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

22 (13) Abuse, neglect, exploitation, ~~isolation~~ *isolation or*
23 *abandonment* of older persons or vulnerable persons, including,
24 without limitation, a violation of any provision of NRS 200.5091 to
25 200.50995, inclusive, or a law of any other jurisdiction that
26 prohibits the same or similar conduct; or

27 (14) Any offense involving arson, fraud, theft,
28 embezzlement, burglary, robbery, fraudulent conversion,
29 misappropriation of property or perjury within the immediately
30 preceding 7 years; or

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

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

36 (a) The Statewide Central Registry concerning an applicant for
37 employment with the department of juvenile justice services, or an
38 employee of the department of juvenile justice services, to
39 determine whether there has been a substantiated report of child
40 abuse or neglect made against the applicant or employee; and

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



1 3. Each applicant for employment with the department of
2 juvenile justice services, and each employee of the department of
3 juvenile justice services, must submit to the department of juvenile
4 justice services:

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

9 (b) Written authorization for the department of juvenile justice
10 services to obtain any information that may be available from the
11 Statewide Central Registry or the central registry of information
12 concerning the abuse or neglect of a child established by any other
13 state in which the applicant or employee resided within the
14 immediately preceding 5 years.

15 4. The department of juvenile justice services may exchange
16 with the Central Repository or the Federal Bureau of Investigation
17 any information concerning the fingerprints submitted pursuant to
18 this section.

19 5. When a report from the Federal Bureau of Investigation is
20 received by the Central Repository, the Central Repository shall
21 immediately forward a copy of the report to the department of
22 juvenile justice services for a determination of whether the applicant
23 or employee has criminal charges pending against him or her for a
24 crime listed in paragraph (a) of subsection 1 or has been convicted
25 of a crime listed in paragraph (a) of subsection 1.

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

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

33 **Sec. 19.** NRS 159.044 is hereby amended to read as follows:

34 159.044 1. Except as otherwise provided in NRS 127.045, a
35 proposed ward, a governmental agency, a nonprofit corporation or
36 any interested person may petition the court for the appointment of a
37 guardian.

38 2. To the extent the petitioner knows or reasonably may
39 ascertain or obtain, the petition must include, without limitation:

40 (a) The name and address of the petitioner.

41 (b) The name, date of birth and current address of the proposed
42 ward.

43 (c) A copy of one of the following forms of identification of the
44 proposed ward which must be placed in the records relating to the
45 guardianship proceeding and, except as otherwise provided in



1 NRS 239.0115 or as otherwise required to carry out a specific
2 statute, maintained in a confidential manner:

- 3 (1) A social security number;
- 4 (2) A taxpayer identification number;
- 5 (3) A valid driver's license number;
- 6 (4) A valid identification card number; or
- 7 (5) A valid passport number.

8 ➤ If the information required pursuant to this paragraph is not
9 included with the petition, the information must be provided to the
10 court not later than 120 days after the appointment of a guardian or
11 as otherwise ordered by the court.

12 (d) If the proposed ward is a minor, the date on which the
13 proposed ward will attain the age of majority and:

- 14 (1) Whether there is a current order concerning custody and,
15 if so, the state in which the order was issued; and
- 16 (2) Whether the petitioner anticipates that the proposed ward
17 will need guardianship after attaining the age of majority.

18 (e) Whether the proposed ward is a resident or nonresident of
19 this State.

20 (f) The names and addresses of the spouse of the proposed ward
21 and the relatives of the proposed ward who are within the second
22 degree of consanguinity.

23 (g) The name, date of birth and current address of the proposed
24 guardian. If the proposed guardian is a private professional
25 guardian, the petition must include proof that the guardian meets the
26 requirements of NRS 159.0595. If the proposed guardian is not a
27 private professional guardian, the petition must include a statement
28 that the guardian currently is not receiving compensation for
29 services as a guardian to more than one ward who is not related to
30 the person by blood or marriage.

31 (h) A copy of one of the following forms of identification of the
32 proposed guardian which must be placed in the records relating to
33 the guardianship proceeding and, except as otherwise provided in
34 NRS 239.0115 or as otherwise required to carry out a specific
35 statute, maintained in a confidential manner:

- 36 (1) A social security number;
- 37 (2) A taxpayer identification number;
- 38 (3) A valid driver's license number;
- 39 (4) A valid identification card number; or
- 40 (5) A valid passport number.

41 (i) Whether the proposed guardian has ever been convicted of a
42 felony and, if so, information concerning the crime for which the
43 proposed guardian was convicted and whether the proposed
44 guardian was placed on probation or parole.



1 (j) A summary of the reasons why a guardian is needed and
2 recent documentation demonstrating the need for a guardianship. If
3 the proposed ward is an adult, the documentation must include,
4 without limitation:

5 (1) A certificate signed by a physician who is licensed to
6 practice medicine in this State or who is employed by the
7 Department of Veterans Affairs, a letter signed by any governmental
8 agency in this State which conducts investigations or a certificate
9 signed by any other person whom the court finds qualified to
10 execute a certificate, stating:

11 (I) The need for a guardian;

12 (II) Whether the proposed ward presents a danger to
13 himself or herself or others;

14 (III) Whether the proposed ward's attendance at a hearing
15 would be detrimental to the proposed ward;

16 (IV) Whether the proposed ward would comprehend the
17 reason for a hearing or contribute to the proceeding; and

18 (V) Whether the proposed ward is capable of living
19 independently with or without assistance; and

20 (2) If the proposed ward is determined to have the limited
21 capacity to consent to the appointment of a special guardian, a
22 written consent to the appointment of a special guardian from the
23 ward.

24 (k) Whether the appointment of a general or a special guardian
25 is sought.

26 (l) A general description and the probable value of the property
27 of the proposed ward and any income to which the proposed ward is
28 or will be entitled, if the petition is for the appointment of a
29 guardian of the estate or a special guardian. If any money is paid or
30 is payable to the proposed ward by the United States through the
31 Department of Veterans Affairs, the petition must so state.

32 (m) The name and address of any person or care provider having
33 the care, custody or control of the proposed ward.

34 (n) If the petitioner is not the spouse or natural child of the
35 proposed ward, a declaration explaining the relationship of the
36 petitioner to the proposed ward or to the proposed ward's family or
37 friends, if any, and the interest, if any, of the petitioner in the
38 appointment.

39 (o) Requests for any of the specific powers set forth in NRS
40 159.117 to 159.175, inclusive, necessary to enable the guardian to
41 carry out the duties of the guardianship.

42 (p) If the guardianship is sought as the result of an investigation
43 of a report of abuse, neglect , ~~or~~ exploitation , *isolation or*
44 *abandonment* of the proposed ward, whether the referral was from a
45 law enforcement agency or a state or county agency.



1 (q) Whether the proposed ward or the proposed guardian is a
2 party to any pending criminal or civil litigation.

3 (r) Whether the guardianship is sought for the purpose of
4 initiating litigation.

5 (s) Whether the proposed ward has executed a durable power of
6 attorney for health care, a durable power of attorney for financial
7 matters or a written nomination of guardian and, if so, who the
8 named agents are for each document.

9 (t) Whether the proposed guardian has filed for or received
10 protection under the federal bankruptcy laws within the immediately
11 preceding 7 years.

12 3. Before the court makes a finding pursuant to NRS 159.054,
13 a petitioner seeking a guardian for a proposed adult ward must
14 provide the court with an assessment of the needs of the proposed
15 adult ward completed by a licensed physician which identifies the
16 limitations of capacity of the proposed adult ward and how such
17 limitations affect the ability of the proposed adult ward to maintain
18 his or her safety and basic needs. The court may prescribe the form
19 in which the assessment of the needs of the proposed adult ward
20 must be filed.

21 **Sec. 20.** NRS 159.0523 is hereby amended to read as follows:

22 159.0523 1. A petitioner may request the court to appoint a
23 temporary guardian for a ward who is an adult and who is unable to
24 respond to a substantial and immediate risk of physical harm or to a
25 need for immediate medical attention. To support the request, the
26 petitioner must set forth in a petition and present to the court under
27 oath:

28 (a) Documentation which shows the proposed ward faces a
29 substantial and immediate risk of physical harm or needs immediate
30 medical attention and lacks capacity to respond to the risk of harm
31 or obtain the necessary medical attention. Such documentation must
32 include, without limitation, a certificate signed by a physician who
33 is licensed to practice medicine in this State or who is employed by
34 the Department of Veterans Affairs, a letter signed by any
35 governmental agency in this State which conducts investigations or
36 a police report indicating:

37 (1) That the proposed ward is unable to respond to a
38 substantial and immediate risk of physical harm or to a need for
39 immediate medical attention;

40 (2) Whether the proposed ward presents a danger to himself
41 or herself or others; and

42 (3) Whether the proposed ward is or has been subjected to
43 abuse, neglect, ~~or~~ exploitation ~~or~~, *isolation or abandonment*;
44 and

45 (b) Facts which show that:



1 (1) The petitioner has tried in good faith to notify the persons
2 entitled to notice pursuant to NRS 159.047 by telephone or in
3 writing before the filing of the petition;

4 (2) The proposed ward would be exposed to an immediate
5 risk of physical harm if the petitioner were to provide notice to the
6 persons entitled to notice pursuant to NRS 159.047 before the court
7 determines whether to appoint a temporary guardian; or

8 (3) Giving notice to the persons entitled to notice pursuant to
9 NRS 159.047 is not feasible under the circumstances.

10 2. The court may appoint a temporary guardian to serve for 10
11 days if the court:

12 (a) Finds reasonable cause to believe that the proposed ward is
13 unable to respond to a substantial and immediate risk of physical
14 harm or to a need for immediate medical attention; and

15 (b) Is satisfied that the petitioner has tried in good faith to notify
16 the persons entitled to notice pursuant to NRS 159.047 or that
17 giving notice to those persons is not feasible under the
18 circumstances, or determines that such notice is not required
19 pursuant to subparagraph (2) of paragraph (b) of subsection 1.

20 3. Except as otherwise provided in subsection 4, after the
21 appointment of a temporary guardian, the petitioner shall attempt in
22 good faith to notify the persons entitled to notice pursuant to NRS
23 159.047, including, without limitation, notice of any hearing to
24 extend the temporary guardianship. If the petitioner fails to make
25 such an effort, the court may terminate the temporary guardianship.

26 4. If, before the appointment of a temporary guardian, the court
27 determined that advance notice was not required pursuant to
28 subparagraph (2) of paragraph (b) of subsection 1, the petitioner
29 shall notify the persons entitled to notice pursuant to NRS 159.047
30 without undue delay, but not later than 48 hours after the
31 appointment of the temporary guardian or not later than 48 hours
32 after the petitioner discovers the existence, identity and location of
33 the persons entitled to notice pursuant to that section. If the
34 petitioner fails to provide such notice, the court may terminate the
35 temporary guardianship.

36 5. Not later than 10 days after the date of the appointment of a
37 temporary guardian pursuant to subsection 2, the court shall hold a
38 hearing to determine the need to extend the temporary guardianship.
39 Except as otherwise provided in subsection 7, the court may extend
40 the temporary guardianship until a general or special guardian is
41 appointed pursuant to subsection 8 if:

42 (a) The court finds by clear and convincing evidence that the
43 proposed ward is unable to respond to a substantial and immediate
44 risk of physical harm or to a need for immediate medical attention;
45 and



1 (b) The extension of the temporary guardianship is necessary
2 and in the best interests of the proposed ward.

3 6. If the court appoints a temporary guardian or extends the
4 temporary guardianship pursuant to this section, the court shall limit
5 the powers of the temporary guardian to those necessary to respond
6 to the substantial and immediate risk of physical harm or to a need
7 for immediate medical attention.

8 7. The court may not extend a temporary guardianship pursuant
9 to subsection 5 beyond the initial period of 10 days unless the
10 petitioner demonstrates that:

11 (a) The provisions of NRS 159.0475 have been satisfied; or

12 (b) Notice by publication pursuant to N.R.C.P. 4(e) is currently
13 being undertaken.

14 8. The court may extend the temporary guardianship, for good
15 cause shown, for not more than two successive 60-day periods,
16 except that the court shall not cause the temporary guardianship to
17 continue longer than 5 months unless extraordinary circumstances
18 are shown.

19 **Sec. 21.** NRS 159.0525 is hereby amended to read as follows:

20 159.0525 1. A petitioner may request the court to appoint a
21 temporary guardian for a ward who is unable to respond to a
22 substantial and immediate risk of financial loss. To support the
23 request, the petitioner must set forth in a petition and present to the
24 court under oath:

25 (a) Documentation which shows that the proposed ward faces a
26 substantial and immediate risk of financial loss and lacks capacity to
27 respond to the risk of loss. Such documentation must include,
28 without limitation, a certificate signed by a physician who is
29 licensed to practice medicine in this State or who is employed by the
30 Department of Veterans Affairs, a letter signed by any governmental
31 agency in this State which conducts investigations or a police report
32 indicating:

33 (1) That the proposed ward is unable to respond to a
34 substantial and immediate risk of financial loss;

35 (2) Whether the proposed ward can live independently with
36 or without assistance or services; and

37 (3) Whether the proposed ward is or has been subjected to
38 abuse, neglect, ~~for~~ exploitation ~~is~~, *isolation or abandonment*;

39 (b) A detailed explanation of what risks the proposed ward
40 faces, including, without limitation, termination of utilities or other
41 services because of nonpayment, initiation of eviction or foreclosure
42 proceedings, exploitation or loss of assets as the result of fraud,
43 coercion or undue influence; and

44 (c) Facts which show that:



1 (1) The petitioner has tried in good faith to notify the persons
2 entitled to notice pursuant to NRS 159.047 by telephone or in
3 writing before the filing of the petition;

4 (2) The proposed ward would be exposed to an immediate
5 risk of financial loss if the petitioner were to provide notice to the
6 persons entitled to notice pursuant to NRS 159.047 before the court
7 determines whether to appoint a temporary guardian; or

8 (3) Giving notice to the persons entitled to notice pursuant to
9 NRS 159.047 is not feasible under the circumstances.

10 2. The court may appoint a temporary guardian to serve for 10
11 days if the court:

12 (a) Finds reasonable cause to believe that the proposed ward is
13 unable to respond to a substantial and immediate risk of financial
14 loss; and

15 (b) Is satisfied that the petitioner has tried in good faith to notify
16 the persons entitled to notice pursuant to NRS 159.047 or that
17 giving notice to those persons is not feasible under the
18 circumstances, or determines that such notice is not required
19 pursuant to subparagraph (2) of paragraph (c) of subsection 1.

20 3. Except as otherwise provided in subsection 4, after the
21 appointment of a temporary guardian, the petitioner shall attempt in
22 good faith to notify the persons entitled to notice pursuant to NRS
23 159.047, including, without limitation, notice of any hearing to
24 extend the temporary guardianship. If the petitioner fails to make
25 such an effort, the court may terminate the temporary guardianship.

26 4. If, before the appointment of a temporary guardian, the court
27 determined that advance notice was not required pursuant to
28 subparagraph (2) of paragraph (c) of subsection 1, the petitioner
29 shall notify the persons entitled to notice pursuant to NRS 159.047
30 without undue delay, but not later than 48 hours after the
31 appointment of the temporary guardian or not later than 48 hours
32 after the petitioner discovers the existence, identity and location of
33 the persons entitled to notice pursuant to that section. If the
34 petitioner fails to provide such notice, the court may terminate the
35 temporary guardianship.

36 5. Not later than 10 days after the date of the appointment of a
37 temporary guardian pursuant to subsection 2, the court shall hold a
38 hearing to determine the need to extend the temporary guardianship.
39 Except as otherwise provided in subsection 7, the court may extend
40 the temporary guardianship until a general or special guardian is
41 appointed pursuant to subsection 8 if:

42 (a) The court finds by clear and convincing evidence that the
43 proposed ward is unable to respond to a substantial and immediate
44 risk of financial loss; and



1 (b) The extension of the temporary guardianship is necessary
2 and in the best interests of the proposed ward.

3 6. If the court appoints a temporary guardian or extends the
4 temporary guardianship pursuant to this section, the court shall limit
5 the powers of the temporary guardian to those necessary to respond
6 to the substantial and immediate risk of financial loss, specifically
7 limiting the temporary guardian's authority to take possession of,
8 close or have access to any accounts of the ward or to sell or dispose
9 of tangible personal property of the ward to only that authority as
10 needed to provide for the ward's basic living expenses until a
11 general or special guardian can be appointed. The court may freeze
12 any or all of the ward's accounts to protect such accounts from loss.

13 7. The court may not extend a temporary guardianship pursuant
14 to subsection 5 beyond the initial period of 10 days unless the
15 petitioner demonstrates that:

16 (a) The provisions of NRS 159.0475 have been satisfied; or

17 (b) Notice by publication pursuant to N.R.C.P. 4(e) is currently
18 being undertaken.

19 8. The court may extend the temporary guardianship, for good
20 cause shown, for not more than two successive 60-day periods,
21 except that the court shall not cause the temporary guardianship to
22 continue longer than 5 months unless extraordinary circumstances
23 are shown.

24 **Sec. 22.** NRS 159.059 is hereby amended to read as follows:

25 159.059 Except as otherwise provided in NRS 159.0595, any
26 qualified person or entity that the court finds suitable may serve as a
27 guardian. A person is not qualified to serve as a guardian who:

28 1. Is an incompetent.

29 2. Is a minor.

30 3. Has been convicted of a felony, unless the court determines
31 that such conviction should not disqualify the person from serving
32 as the guardian of the ward.

33 4. Has been suspended for misconduct or disbarred from:

34 (a) The practice of law;

35 (b) The practice of accounting; or

36 (c) Any other profession which:

37 (1) Involves or may involve the management or sale of
38 money, investments, securities or real property; and

39 (2) Requires licensure in this State or any other state,
40 → during the period of the suspension or disbarment.

41 5. Is a nonresident of this State and:

42 (a) Has not associated as a coguardian, a resident of this State or
43 a banking corporation whose principal place of business is in this
44 State; and

45 (b) Is not a petitioner in the guardianship proceeding.



1 6. Has been judicially determined, by clear and convincing
2 evidence, to have committed abuse, neglect , ~~or~~ exploitation ,
3 *isolation or abandonment* of a child, spouse, parent or other adult,
4 unless the court finds that it is in the best interests of the ward to
5 appoint the person as the guardian of the ward.

6 **Sec. 23.** NRS 159.1999 is hereby amended to read as follows:

7 159.1999 1. A court of this State having jurisdiction to
8 appoint a guardian may decline to exercise its jurisdiction if it
9 determines at any time that a court of another state is a more
10 appropriate forum.

11 2. If a court of this State declines to exercise its jurisdiction
12 under subsection 1, it shall either dismiss or stay the proceedings.
13 The court may impose any condition the court considers just and
14 proper, including the condition that a petition for the appointment of
15 a guardian be filed promptly in another state.

16 3. In determining whether it is an appropriate forum, the court
17 shall consider all relevant factors, including, without limitation:

18 (a) Any expressed preference of the ward;

19 (b) Whether abuse, neglect , ~~or~~ exploitation , *isolation or*
20 *abandonment* of the ward has occurred or is likely to occur and
21 which state could best protect the ward from the abuse, neglect , ~~or~~
22 exploitation ~~or~~ , *isolation or abandonment*;

23 (c) The length of time the ward was physically present in or was
24 a legal resident of this State or another state;

25 (d) The distance of the ward from the court in each state;

26 (e) The financial circumstances of the ward's estate;

27 (f) The nature and location of the evidence;

28 (g) The ability of the court in each state to decide the issue
29 expeditiously and the procedures necessary to present evidence;

30 (h) The familiarity of the court of each state with the facts and
31 issues in the proceeding; and

32 (i) If an appointment were made, the court's ability to monitor
33 the conduct of the guardian.

34 **Sec. 24.** NRS 162A.370 is hereby amended to read as follows:

35 162A.370 1. Except as otherwise provided in subsection 2:

36 (a) A person shall either accept an acknowledged power of
37 attorney, or request a certification, a translation or an opinion of
38 counsel pursuant to NRS 162A.360, not later than 10 business days
39 after presentation of the power of attorney for acceptance;

40 (b) If a person requests a certification, a translation or an
41 opinion of counsel pursuant to NRS 162A.360, the person shall
42 accept the power of attorney not later than 5 business days after
43 receipt of the certification, translation or opinion of counsel; and



1 (c) A person may not require an additional or different form of
2 power of attorney for authority granted in the power of attorney
3 presented.

4 2. A person is not required to accept an acknowledged power
5 of attorney if:

6 (a) The person is not otherwise required to engage in a
7 transaction with the principal in the same circumstances;

8 (b) Engaging in a transaction with the agent or the principal in
9 the same circumstances would be inconsistent with federal law;

10 (c) The person has actual knowledge of the termination of the
11 agent's authority or of the power of attorney before exercise of the
12 power;

13 (d) A request for a certification, a translation or an opinion of
14 counsel pursuant to NRS 162A.360 is refused;

15 (e) The person in good faith believes that the power is not valid
16 or that the agent does not have the authority to perform the act
17 requested, whether or not a certification, a translation or an opinion
18 of counsel has been requested or provided pursuant to NRS
19 162A.360; or

20 (f) The person makes, or has actual knowledge that another
21 person has made, a report pursuant to NRS 200.5093 stating a good
22 faith belief that the principal may be subject to abuse, neglect,
23 exploitation , ~~for~~ isolation *or abandonment* by the agent or a
24 person acting for or with the agent.

25 3. A person that refuses in violation of this section to accept an
26 acknowledged power of attorney is subject to:

27 (a) A court order mandating acceptance of the power of
28 attorney; and

29 (b) Liability for reasonable attorney's fees and costs incurred in
30 any action or proceeding that confirms the validity of the power of
31 attorney or mandates acceptance of the power of attorney.

32 **Sec. 25.** NRS 174.175 is hereby amended to read as follows:

33 174.175 1. If it appears that a prospective witness is an older
34 person or a vulnerable person or may be unable to attend or
35 prevented from attending a trial or hearing, that the witness's
36 testimony is material and that it is necessary to take the witness's
37 deposition in order to prevent a failure of justice, the court at any
38 time after the filing of an indictment, information or complaint may,
39 upon motion of a defendant or of the State and notice to the parties,
40 order that the witness's testimony be taken by deposition and that
41 any designated books, papers, documents or tangible objects, not
42 privileged, be produced at the same time and place. If the motion is
43 for the deposition of an older person or a vulnerable person, the
44 court may enter an order to take the deposition only upon good
45 cause shown to the court. If the deposition is taken upon motion of



1 the State, the court shall order that it be taken under such conditions
2 as will afford to each defendant the opportunity to confront the
3 witnesses against him or her.

4 2. If a witness is committed for failure to give bail to appear to
5 testify at a trial or hearing, the court, on written motion of the
6 witness and upon notice to the parties, may direct that the witness's
7 deposition be taken. After the deposition has been subscribed, the
8 court may discharge the witness.

9 3. This section does not apply to the prosecutor, or to an
10 accomplice in the commission of the offense charged.

11 4. As used in this section:

12 (a) "Older person" means a person who is 70 years of age or
13 older.

14 (b) "Vulnerable person" has the meaning ascribed to it in
15 ~~subsection 7 of~~ NRS 200.5092.

16 **Sec. 26.** NRS 179A.450 is hereby amended to read as follows:

17 179A.450 1. The Repository for Information Concerning
18 Crimes Against Older Persons is hereby created within the Central
19 Repository.

20 2. The Repository for Information Concerning Crimes Against
21 Older Persons must contain a complete and systematic record of all
22 reports of the abuse, neglect, exploitation , ~~or~~ isolation *or*
23 *abandonment* of older persons in this State. The record must be
24 prepared in a manner approved by the Director of the Department
25 and must include, without limitation, the following information:

26 (a) All incidents that are reported to any entity.

27 (b) All cases that are currently under investigation and the type
28 of such cases.

29 (c) All cases that are referred for prosecution and the type of
30 such cases.

31 (d) All cases in which prosecution is declined or dismissed and
32 any reason for such action.

33 (e) All cases that are prosecuted and the final disposition of such
34 cases.

35 (f) All cases that are resolved by agencies which provide
36 protective services and the type of such cases.

37 3. The Director of the Department shall compile and analyze
38 the data collected pursuant to this section to assess the incidence of
39 the abuse, neglect, exploitation , ~~or~~ isolation *or abandonment* of
40 older persons.

41 4. On or before July 1 of each year, the Director of the
42 Department shall prepare and submit a report to the Director of the
43 Legislative Counsel Bureau for transmittal to the Legislature that
44 sets forth statistical data on the abuse, neglect, exploitation , ~~or~~
45 isolation *or abandonment* of older persons.



1 5. The data acquired pursuant to this section is confidential and
2 must be used only for the purpose of research. The data and findings
3 generated pursuant to this section must not contain information that
4 may reveal the identity of an individual victim or a person accused
5 of the abuse, neglect, exploitation, ~~(b)~~ isolation *or abandonment*
6 of older persons.

7 6. As used in this section:

8 (a) *“Abandonment” has the meaning ascribed to it in*
9 *NRS 200.5092.*

10 (b) “Abuse” has the meaning ascribed to it in NRS 200.5092.

11 ~~(b)~~ (c) “Exploitation” has the meaning ascribed to it in
12 NRS 200.5092.

13 ~~(e)~~ (d) “Isolation” has the meaning ascribed to it in
14 NRS 200.5092.

15 ~~(d)~~ (e) “Neglect” has the meaning ascribed to it in
16 NRS 200.5092.

17 ~~(e)~~ (f) “Older person” means a person who is 60 years of age
18 or older.

19 **Sec. 27.** NRS 217.070 is hereby amended to read as follows:

20 217.070 “Victim” means:

21 1. A person who is physically injured or killed as the direct
22 result of a criminal act;

23 2. A minor who was involved in the production of pornography
24 in violation of NRS 200.710, 200.720, 200.725 or 200.730;

25 3. A minor who was sexually abused, as “sexual abuse” is
26 defined in NRS 432B.100;

27 4. A person who is physically injured or killed as the direct
28 result of a violation of NRS 484C.110 or any act or neglect of duty
29 punishable pursuant to NRS 484C.430 or 484C.440;

30 5. A pedestrian who is physically injured or killed as the direct
31 result of a driver of a motor vehicle who failed to stop at the scene
32 of an accident involving the driver and the pedestrian in violation of
33 NRS 484E.010;

34 6. An older person who is abused, neglected, exploited, ~~(b)~~
35 isolated *or abandoned* in violation of NRS 200.5099 or 200.50995;

36 7. A resident who is physically injured or killed as the direct
37 result of an act of international terrorism as defined in 18 U.S.C. §
38 2331(1); or

39 8. A person who is trafficked in violation of subsection 2 of
40 NRS 201.300.

41 ➔ The term includes a person who was harmed by any of these acts
42 whether the act was committed by an adult or a minor.



1 **Sec. 28.** NRS 218E.760 is hereby amended to read as follows:
2 218E.760 1. The Committee may review, study and comment
3 upon issues relating to senior citizens, veterans and adults with
4 special needs, including, without limitation:

5 (a) Initiatives to ensure the financial and physical wellness of
6 senior citizens, veterans and adults with special needs;

7 (b) The abuse, neglect, ~~isolation and~~ exploitation, *isolation*
8 *and abandonment* of senior citizens and adults with special needs;

9 (c) Public outreach and advocacy;

10 (d) Programs for the provision of services to senior citizens,
11 veterans and adults with special needs in this State and methods to
12 enhance such programs to ensure that services are provided in the
13 most appropriate setting;

14 (e) Programs that provide services and care in the home which
15 allow senior citizens to remain at home and live independently
16 instead of in institutional care;

17 (f) The availability of useful information and data as needed for
18 the State of Nevada to effectively make decisions, plan budgets and
19 monitor costs and outcomes of services provided to senior citizens,
20 veterans and adults with special needs;

21 (g) Laws relating to the appointment of a guardian and the
22 improvement of laws for the protection of senior citizens and adults
23 with special needs who have been appointed a guardian, including,
24 without limitation, the improvement of investigations relating to
25 guardianships and systems for monitoring guardianships; and

26 (h) The improvement of facilities for long-term care in this
27 State, including, without limitation:

28 (1) Reducing the number of persons placed in facilities for
29 long-term care located outside this State;

30 (2) Creating units for acute care and long-term care to treat
31 persons suffering from dementia who exhibit behavioral problems;

32 (3) Developing alternatives to placement in facilities for
33 long-term care, including, without limitation, units for long-term
34 care located in other types of facilities, and ensuring that such
35 alternatives are available throughout this State for the treatment of
36 persons with psychological needs; and

37 (4) Creating a program to provide follow-up care and to track
38 the ongoing progress of residents of facilities for long-term care.

39 2. The Committee may:

40 (a) Review, study and comment upon matters relating to senior
41 citizens, veterans and adults with special needs;

42 (b) Conduct investigations and hold hearings in connection with
43 its duties pursuant to this section and exercise any of the
44 investigative powers set forth in NRS 218E.105 to 218E.140,
45 inclusive;



1 (c) Request that the Legislative Counsel Bureau assist in the
2 research, investigations, hearings and studies of the Committee; and

3 (d) Make recommendations to the Legislature concerning senior
4 citizens, veterans and adults with special needs.

5 3. The Committee shall, on or before January 15 of each odd-
6 numbered year, submit to the Director for transmittal to the next
7 regular session a report concerning the study conducted pursuant to
8 subsection 1.

9 4. As used in this section, "facility for long-term care" has the
10 meaning ascribed to it in NRS 427A.028.

11 **Sec. 29.** NRS 228.270 is hereby amended to read as follows:

12 228.270 1. The Unit may investigate and prosecute any
13 alleged abuse, neglect, exploitation, ~~for~~ isolation *or abandonment*
14 of an older person in violation of NRS 200.5099 or 200.50995 and
15 any failure to report such a violation pursuant to NRS 200.5093:

16 (a) At the request of the district attorney of the county in which
17 the violation occurred;

18 (b) If the district attorney of the county in which the violation
19 occurred fails, neglects or refuses to prosecute the violation; or

20 (c) Jointly with the district attorney of the county in which the
21 violation occurred.

22 2. The Unit may organize or sponsor one or more
23 multidisciplinary teams to review any allegations of abuse, neglect,
24 exploitation, ~~for~~ isolation *or abandonment* of an older person or
25 the death of an older person that is alleged to be from abuse, neglect
26, ~~for~~ isolation ~~or~~ *abandonment*. A multidisciplinary team may
27 include, without limitation, the following members:

28 (a) A representative of the Unit;

29 (b) Any law enforcement agency that is involved with the case
30 under review;

31 (c) The district attorney's office in the county where the case is
32 under review;

33 (d) The Aging and Disability Services Division of the
34 Department of Health and Human Services or the county's office of
35 protective services, if one exists in the county where the case is
36 under review;

37 (e) A representative of the coroner's office; and

38 (f) Any other medical professional or financial professional that
39 the Attorney General deems appropriate for the review.

40 3. Each organization represented on a multidisciplinary team
41 may share with other members of the team information in its
42 possession concerning the older person who is the subject of the
43 review or any person who was in contact with the older person and
44 any other information deemed by the organization to be pertinent to



1 the review. Any information shared by an organization with other
2 members of a team is confidential.

3 4. The organizing or sponsoring of a multidisciplinary team
4 pursuant to subsection 2 does not grant the Unit supervisory
5 authority over, or restrict or impair the statutory authority of, any
6 state or local agency responsible for the investigation or prosecution
7 of allegations of abuse, neglect, exploitation , ~~for~~ isolation *or*
8 *abandonment* of an older person or the death of an older person that
9 is alleged to be the result of abuse, neglect , ~~for~~ isolation ~~for~~ *or*
10 *abandonment*.

11 **Sec. 30.** NRS 228.275 is hereby amended to read as follows:

12 228.275 The Unit may bring an action to enjoin or obtain any
13 other equitable relief to prevent the abuse, neglect, exploitation , ~~for~~
14 isolation *or abandonment* of an older person. The court may award
15 reasonable attorney's fees and costs if the Unit prevails in such an
16 action.

17 **Sec. 31.** NRS 228.280 is hereby amended to read as follows:

18 228.280 1. In addition to any criminal penalty, a person who
19 is convicted of a crime against an older person for which an
20 additional term of imprisonment may be imposed pursuant to
21 paragraph (h), (i) or (j) of subsection 1 of NRS 193.167 or of the
22 abuse, neglect, exploitation , ~~for~~ isolation *or abandonment* of an
23 older person pursuant to NRS 200.5099 or 200.50995 is liable for a
24 civil penalty to be recovered by the Attorney General in a civil
25 action brought in the name of the State of Nevada:

26 (a) For the first offense, in an amount which is not less than
27 \$5,000 and not more than \$20,000.

28 (b) For a second or subsequent offense, in an amount which is
29 not less than \$10,000 and not more than \$30,000.

30 2. The Attorney General shall deposit any money collected for
31 civil penalties pursuant to subsection 1 in equal amounts to:

32 (a) A separate account in the Fund for the Compensation of
33 Victims of Crime created pursuant to NRS 217.260 to provide
34 compensation to older persons who are:

35 (1) Victims of a crime for which an additional term of
36 imprisonment may be imposed pursuant to paragraph (h), (i) or (j)
37 of subsection 1 of NRS 193.167; or

38 (2) Abused, neglected, exploited , ~~for~~ isolated *or abandoned*
39 in violation of NRS 200.5099 and 200.50995.

40 (b) The Account for the Unit for the Investigation and
41 Prosecution of Crimes Against Older Persons created pursuant to
42 NRS 228.285.

43 **Sec. 32.** NRS 228.495 is hereby amended to read as follows:

44 228.495 1. The Attorney General may organize or sponsor
45 one or more multidisciplinary teams to review the death of the



1 victim of a crime that constitutes domestic violence pursuant to
2 NRS 33.018 if a court or an agency of a local government does not
3 organize or sponsor a multidisciplinary team pursuant to NRS
4 217.475 or if the court or agency requests the assistance of the
5 Attorney General. In addition to the review of a particular case, a
6 multidisciplinary team organized or sponsored by the Attorney
7 General pursuant to this section shall:

8 (a) Examine the trends and patterns of deaths of victims of
9 crimes that constitute domestic violence in this State;

10 (b) Determine the number and type of incidents the team wishes
11 to review;

12 (c) Make policy and other recommendations for the prevention
13 of deaths from crimes that constitute domestic violence;

14 (d) Engage in activities to educate the public, providers of
15 services to victims of domestic violence and policymakers
16 concerning deaths from crimes that constitute domestic violence and
17 strategies for intervention and prevention of such crimes; and

18 (e) Recommend policies, practices and services to encourage
19 collaboration and reduce the number of deaths from crimes that
20 constitute domestic violence.

21 2. A multidisciplinary team organized or sponsored pursuant to
22 this section may include, without limitation, the following members:

23 (a) A representative of the Attorney General;

24 (b) A representative of any law enforcement agency that is
25 involved with a case under review;

26 (c) A representative of the district attorney's office in the county
27 where a case is under review;

28 (d) A representative of the coroner's office in the county where
29 a case is under review;

30 (e) A representative of any agency which provides social
31 services that is involved in a case under review;

32 (f) A person appointed pursuant to subsection 3; and

33 (g) Any other person that the Attorney General determines is
34 appropriate.

35 3. An organization that is concerned with domestic violence
36 may apply to the Attorney General or his or her designee for
37 authorization to appoint a member to a multidisciplinary team
38 organized or sponsored pursuant to this section. Such an application
39 must be made in the form and manner prescribed by the Attorney
40 General and is subject to the approval of the Attorney General or his
41 or her designee.

42 4. Each organization represented on a multidisciplinary team
43 organized or sponsored pursuant to this section may share with other
44 members of the team information in its possession concerning a
45 victim who is the subject of a review or any person who was in



1 contact with the victim and any other information deemed by the
2 organization to be pertinent to the review. Any information shared
3 by an organization with other members of a team is confidential.

4 5. The organizing or sponsoring of a multidisciplinary team
5 pursuant to this section does not grant the Attorney General
6 supervisory authority over, or restrict or impair the statutory
7 authority of, any state or local governmental agency responsible for
8 the investigation or prosecution of the death of a victim of a crime
9 that constitutes domestic violence pursuant to NRS 33.018.

10 6. Before organizing or sponsoring a multidisciplinary team
11 pursuant to this section, the Attorney General shall adopt a written
12 protocol describing the objectives and structure of the team.

13 7. A multidisciplinary team organized or sponsored pursuant to
14 this section may request any person, agency or organization that is
15 in possession of information or records concerning a victim who is
16 the subject of a review or any person who was in contact with the
17 victim to provide the team with any information or records that are
18 relevant to the review. Any information or records provided to a
19 team pursuant to this subsection are confidential.

20 8. A multidisciplinary team organized or sponsored pursuant to
21 this section may, if appropriate, meet with any person, agency or
22 organization that the team believes may have information relevant to
23 a review conducted by the team, including, without limitation, a
24 multidisciplinary team:

25 (a) To review the death of the victim of a crime that constitutes
26 domestic violence organized or sponsored pursuant to
27 NRS 217.475;

28 (b) To review any allegations of abuse, neglect, exploitation ,
29 ~~for~~ isolation *or abandonment* of an older person or the death of an
30 older person that is alleged to be from abuse, neglect , ~~for~~ isolation
31 *or abandonment* organized pursuant to NRS 228.270;

32 (c) To review the death of a child organized pursuant to NRS
33 432B.405; or

34 (d) To oversee the review of the death of a child organized
35 pursuant to NRS 432B.4075.

36 9. Except as otherwise provided in subsection 10, each member
37 of a multidisciplinary team organized or sponsored pursuant to this
38 section is immune from civil or criminal liability for an activity
39 related to the review of the death of a victim.

40 10. Each member of a multidisciplinary team organized or
41 sponsored pursuant to this section who discloses any confidential
42 information concerning the death of a child is personally liable for a
43 civil penalty of not more than \$500.

44 11. The Attorney General:



1 (a) May bring an action to recover a civil penalty imposed
2 pursuant to subsection 10 against a member of a multidisciplinary
3 team organized or sponsored pursuant to this section; and

4 (b) Shall deposit any money received from the civil penalty with
5 the State Treasurer for credit to the State General Fund.

6 12. The results of a review of the death of a victim conducted
7 pursuant to this section are not admissible in any civil action or
8 proceeding.

9 13. A multidisciplinary team organized or sponsored pursuant
10 to this section shall submit a report of its activities to the Attorney
11 General. The report must include, without limitation, the findings
12 and recommendations of the team. The report must not include
13 information that identifies any person involved in a particular case
14 under review. The Attorney General shall make the report available
15 to the public.

16 **Sec. 33.** NRS 289.510 is hereby amended to read as follows:

17 289.510 1. The Commission:

18 (a) Shall meet at the call of the Chair, who must be elected by a
19 majority vote of the members of the Commission.

20 (b) Shall provide for and encourage the training and education
21 of persons whose primary duty is law enforcement to ensure the
22 safety of the residents of and visitors to this State.

23 (c) Shall adopt regulations establishing minimum standards for
24 the certification and decertification, recruitment, selection and
25 training of peace officers. The regulations must establish:

26 (1) Requirements for basic training for category I, category II
27 and category III peace officers and reserve peace officers;

28 (2) Standards for programs for the continuing education of
29 peace officers, including minimum courses of study and
30 requirements concerning attendance;

31 (3) Qualifications for instructors of peace officers; and

32 (4) Requirements for the certification of a course of training.

33 (d) Shall, when necessary, present courses of training and
34 continuing education courses for category I, category II and
35 category III peace officers and reserve peace officers.

36 (e) May make necessary inquiries to determine whether the
37 agencies of this State and of the local governments are complying
38 with standards set forth in its regulations.

39 (f) Shall carry out the duties required of the Commission
40 pursuant to NRS 432B.610 and 432B.620.

41 (g) May perform any other acts that may be necessary and
42 appropriate to the functions of the Commission as set forth in NRS
43 289.450 to 289.600, inclusive.



1 (h) May enter into an interlocal agreement with an Indian tribe
2 to provide training to and certification of persons employed as
3 police officers by that Indian tribe.

4 2. Regulations adopted by the Commission:

5 (a) Apply to all agencies of this State and of local governments
6 in this State that employ persons as peace officers;

7 (b) Must require that all peace officers receive training in the
8 handling of cases involving abuse or neglect of children or missing
9 children;

10 (c) Must require that all peace officers receive training in the
11 handling of cases involving abuse, neglect, exploitation, ~~and~~
12 isolation *and abandonment* of older persons; and

13 (d) May require that training be carried on at institutions which
14 it approves in those regulations.

15 **Sec. 34.** NRS 424.031 is hereby amended to read as follows:

16 424.031 1. The licensing authority or a person or entity
17 designated by the licensing authority shall obtain from appropriate
18 law enforcement agencies information on the background and
19 personal history of each applicant for a license to conduct a foster
20 home, person who is licensed to conduct a foster home, employee of
21 that applicant or licensee, and resident of a foster home who is 18
22 years of age or older, other than a resident who remains under the
23 jurisdiction of a court pursuant to NRS 432B.594, to determine
24 whether the person investigated has been arrested for, has charges
25 pending for or has been convicted of:

26 (a) Murder, voluntary manslaughter or mayhem;

27 (b) Any other felony involving the use or threatened use of force
28 or violence against the victim or the use of a firearm or other deadly
29 weapon;

30 (c) Assault with intent to kill or to commit sexual assault or
31 mayhem;

32 (d) Sexual assault, statutory sexual seduction, incest, lewdness,
33 indecent exposure or any other sexually related crime or a felony
34 relating to prostitution;

35 (e) Abuse or neglect of a child or contributory delinquency;

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

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



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

4 (i) Any offense relating to pornography involving minors,
5 including, without limitation, a violation of any provision of NRS
6 200.700 to 200.760, inclusive, or a law of any other jurisdiction that
7 prohibits the same or similar conduct;

8 (j) Prostitution, solicitation, lewdness or indecent exposure, or
9 any other sexually related crime that is punishable as a
10 misdemeanor, within the immediately preceding 7 years;

11 (k) A crime involving domestic violence that is punishable as a
12 felony;

13 (l) A crime involving domestic violence that is punishable as a
14 misdemeanor, within the immediately preceding 7 years;

15 (m) A criminal offense under the laws governing Medicaid or
16 Medicare, within the immediately preceding 7 years;

17 (n) Any offense involving the sale, furnishing, purchase,
18 consumption or possession of alcoholic beverages by a minor
19 including, without limitation, a violation of any provision of NRS
20 202.015 to 202.067, inclusive, or driving a vehicle under the
21 influence of alcohol or a controlled substance in violation of chapter
22 484C of NRS or a law of any other jurisdiction that prohibits the
23 same or similar conduct, within the immediately preceding 7 years;
24 or

25 (o) An attempt or conspiracy to commit any of the offenses
26 listed in this subsection within the immediately preceding 7 years.

27 2. The licensing authority or its approved designee may charge
28 each person investigated pursuant to this section for the reasonable
29 cost of that investigation.

30 3. Unless a preliminary Federal Bureau of Investigation
31 Interstate Identification Index name-based check of the records of
32 criminal history has been conducted pursuant to NRS 424.039, a
33 person who is required to submit to an investigation pursuant to this
34 section shall not have contact with a child in a foster home without
35 supervision before the investigation of the background and personal
36 history of the person has been conducted.

37 4. The licensing authority or its designee shall conduct an
38 investigation of each licensee, employee and resident pursuant to
39 this section at least once every 5 years after the initial investigation.

40 **Sec. 35.** NRS 424.145 is hereby amended to read as follows:

41 424.145 1. The licensing authority or a person designated by
42 the licensing authority shall obtain from appropriate law
43 enforcement agencies information on the background and personal
44 history of each applicant for or holder of a license to conduct a
45 foster care agency and each owner, member of the governing body,



1 employee, paid consultant, contractor, volunteer or vendor of that
2 applicant or licensee who may come into direct contact with a child
3 placed by the foster care agency, to determine whether the person
4 investigated has been arrested for, has charges pending for or has
5 been convicted of:

6 (a) Murder, voluntary manslaughter or mayhem;

7 (b) Any other felony involving the use or threatened use of force
8 or violence against the victim or the use of a firearm or other deadly
9 weapon;

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

12 (d) Sexual assault, statutory sexual seduction, incest, lewdness,
13 indecent exposure or any other sexually related crime or a felony
14 relating to prostitution;

15 (e) Abuse or neglect of a child or contributory delinquency;

16 (f) A violation of any federal or state law regulating the
17 possession, distribution or use of any controlled substance or any
18 dangerous drug as defined in chapter 454 of NRS;

19 (g) Abuse, neglect, exploitation, ~~for~~ isolation *or abandonment*
20 of older persons or vulnerable persons, including, without
21 limitation, a violation of any provision of NRS 200.5091 to
22 200.50995, inclusive, or a law of any other jurisdiction that
23 prohibits the same or similar conduct;

24 (h) Any offense involving fraud, theft, embezzlement, burglary,
25 robbery, fraudulent conversion or misappropriation of property
26 within the immediately preceding 7 years;

27 (i) Any offense relating to pornography involving minors,
28 including, without limitation, a violation of any provision of NRS
29 200.700 to 200.760, inclusive, or a law of any other jurisdiction that
30 prohibits the same or similar conduct;

31 (j) Prostitution, solicitation, lewdness or indecent exposure, or
32 any other sexually related crime that is punishable as a
33 misdemeanor, within the immediately preceding 7 years;

34 (k) A crime involving domestic violence that is punishable as a
35 felony;

36 (l) A crime involving domestic violence that is punishable as a
37 misdemeanor, within the immediately preceding 7 years;

38 (m) A criminal offense under the laws governing Medicaid or
39 Medicare, within the immediately preceding 7 years;

40 (n) Any offense involving the sale, furnishing, purchase,
41 consumption or possession of alcoholic beverages by a minor,
42 including, without limitation, a violation of any provision of NRS
43 202.015 to 202.067, inclusive, or driving a vehicle under the
44 influence of alcohol or a controlled substance in violation of chapter
45 484C of NRS or a law of any other jurisdiction that prohibits the



1 same or similar conduct, within the immediately preceding 7 years;
2 or

3 (o) An attempt or conspiracy to commit any of the offenses
4 listed in this subsection within the immediately preceding 7 years.

5 2. Unless a preliminary Federal Bureau of Investigation
6 Interstate Identification Index name-based check of the records of
7 criminal history has been conducted pursuant to NRS 424.039, a
8 person who is required to submit to an investigation pursuant to this
9 section shall not have contact with a child in a foster home without
10 supervision before the investigation of the background and personal
11 history of the person is completed.

12 3. The licensing authority or its designee shall conduct an
13 investigation of each holder of a license to conduct a foster care
14 agency and each owner, member of a governing body, employee,
15 paid consultant, contractor, volunteer or vendor who may come into
16 direct contact with a child placed by the foster care agency pursuant
17 to this section at least once every 5 years after the initial
18 investigation.

19 **Sec. 36.** NRS 427A.1234 is hereby amended to read as
20 follows:

21 427A.1234 1. The Specialist for the Rights of Elderly
22 Persons shall:

23 (a) Provide advocacy and education relating to the legal rights of
24 elderly persons and shall facilitate the development of legal services
25 to assist elderly persons in securing and maintaining their legal
26 rights.

27 (b) Provide, upon request, technical assistance, training and
28 other support relating to the legal rights of elderly persons to:

29 (1) An attorney who is providing legal services for an elderly
30 person;

31 (2) An employee of a law enforcement agency;

32 (3) The Ombudsman or an advocate;

33 (4) An employee of an office for protective services of any
34 county; and

35 (5) An employee of the Division.

36 (c) Review existing and proposed policies, legislation and
37 regulations that affect elderly persons and make recommendations
38 as appropriate to the Administrator.

39 (d) Review and analyze information relating to the nature and
40 extent of abuse, neglect, exploitation, ~~and~~ isolation *and*
41 *abandonment* of elderly persons to identify services that need to be
42 provided, including, without limitation:

43 (1) Methods of intervening on behalf of an elderly person to
44 protect the elderly person from abuse, neglect, exploitation, ~~or~~
45 isolation ~~;~~ *or abandonment*; and



1 (2) Enforcing the laws of this state governing abuse, neglect,
2 exploitation, ~~and~~ isolation *and abandonment* of elderly persons.

3 2. The Specialist for the Rights of Elderly Persons may:

4 (a) Have access to, inspect, copy and subpoena all records in the
5 possession of any clerk of a court, law enforcement agency or public
6 or private institution, wherever situated, that relate to the abuse,
7 neglect, exploitation, ~~or~~ isolation *or abandonment* of an elderly
8 person.

9 (b) Have access to all written records in the possession of any
10 person, government, governmental agency or political subdivision
11 of a government that relate to the abuse, neglect, exploitation, ~~or~~
12 isolation *or abandonment* of an elderly person.

13 (c) Represent and assist any incompetent person until a guardian
14 is appointed for that person.

15 (d) Use the information obtained pursuant to paragraphs (a) and
16 (b) to resolve complaints relating to the abuse, neglect, exploitation,
17 ~~or~~ isolation *or abandonment* of an elderly person.

18 (e) Develop services relating to financial management for an
19 elderly person who is at risk of having a guardian or conservator
20 appointed by a court to manage his or her property.

21 (f) Appear as amicus curiae on behalf of elderly persons in any
22 court in this state.

23 (g) Perform such other functions as are necessary to carry out
24 the duties and the functions of the office of the Specialist for the
25 Rights of Elderly Persons.

26 **Sec. 37.** NRS 432A.170 is hereby amended to read as follows:

27 432A.170 1. The Division may, upon receipt of an
28 application for a license to operate a child care facility, conduct an
29 investigation into the:

30 (a) Buildings or premises of the facility and, if the application is
31 for an outdoor youth program, the area of operation of the program;

32 (b) Qualifications and background of the applicant or the
33 employees of the applicant;

34 (c) Method of operation for the facility; and

35 (d) Policies and purposes of the applicant.

36 2. The Division shall secure from appropriate law enforcement
37 agencies information on the background and personal history of
38 every applicant, licensee or employee of an applicant or licensee, or
39 every resident of a child care facility who is 18 years of age or older,
40 other than a resident who remains under the jurisdiction of a court
41 pursuant to NRS 432B.594, or participant in an outdoor youth
42 program who is 18 years of age or older, to determine whether the
43 person has been convicted of:

44 (a) Murder, voluntary manslaughter or mayhem;



1 (b) Any other felony involving the use of a firearm or other
2 deadly weapon;

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

5 (d) Sexual assault, statutory sexual seduction, incest, lewdness,
6 indecent exposure or any other sexually related crime;

7 (e) Abuse or neglect of a child or contributory delinquency;

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

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

16 (h) Any offense involving fraud, theft, embezzlement, burglary,
17 robbery, fraudulent conversion or misappropriation of property
18 within the immediately preceding 7 years.

19 3. The Division shall request information concerning every
20 applicant, licensee or employee of an applicant or licensee, or every
21 resident of a child care facility who is 18 years of age or older, other
22 than a resident who remains under the jurisdiction of a court
23 pursuant to NRS 432B.594, or participant in an outdoor youth
24 program who is 18 years of age or older, from:

25 (a) The Central Repository for Nevada Records of Criminal
26 History for submission to the Federal Bureau of Investigation for its
27 report pursuant to NRS 432A.175; and

28 (b) The Statewide Central Registry for the Collection of
29 Information Concerning the Abuse or Neglect of a Child established
30 pursuant to NRS 432.100 to determine whether there has been a
31 substantiated report of child abuse or neglect made against any of
32 them.

33 4. The Division may charge each person investigated pursuant
34 to this section for the reasonable cost of that investigation.

35 5. The information required to be obtained pursuant to
36 subsections 2 and 3 must be requested concerning an:

37 (a) Employee of an applicant or licensee, resident of a child care
38 facility who is 18 years of age or older, other than a resident who
39 remains under the jurisdiction of a court pursuant to NRS 432B.594,
40 or participant in an outdoor youth program who is 18 years of age or
41 older not later than 3 days after the employee is hired, the residency
42 begins or the participant begins participating in the program, and
43 then at least once every 5 years thereafter.



1 (b) Applicant at the time that an application is submitted for
2 licensure, and then at least once every 5 years after the license is
3 issued.

4 6. A person who is required to submit to an investigation
5 required pursuant to this section shall not have contact with a child
6 in a child care facility without supervision before the investigation
7 of the background and personal history of the person has been
8 conducted.

9 **Sec. 38.** NRS 432B.198 is hereby amended to read as follows:

10 432B.198 1. An agency which provides child welfare
11 services shall secure from appropriate law enforcement agencies
12 information on the background and personal history of each
13 applicant for employment with the agency, and each employee of
14 the agency, to 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 or
19 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 limitation,
36 a violation of any provision of NRS 200.508 or 200.5083 or
37 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 is
44 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, other
4 than a violation described in subparagraph (11), within the
5 immediately preceding 3 years;

6 (13) Abuse, neglect, exploitation , ~~or~~ isolation *or*
7 *abandonment* of older persons or vulnerable persons, including,
8 without limitation, a violation of any provision of NRS 200.5091 to
9 200.50995, inclusive, or a law of any other jurisdiction that
10 prohibits the same 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. An agency which provides child welfare services shall
19 request information from:

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

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

28 3. Each applicant for employment with an agency which
29 provides child welfare services, and each employee of an agency
30 which provides child welfare services, must submit to the agency:

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

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

41 4. An agency which provides child welfare services may
42 exchange with the Central Repository or the Federal Bureau of
43 Investigation any information concerning the fingerprints submitted
44 pursuant to this section.



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

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

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

15 **Sec. 39.** NRS 433B.183 is hereby amended to read as follows:

16 433B.183 1. A division facility which provides residential
17 treatment to children shall secure from appropriate law enforcement
18 agencies information on the background and personal history of an
19 employee of the facility to determine whether the employee has
20 been convicted of:

21 (a) Murder, voluntary manslaughter or mayhem;

22 (b) Any other felony involving the use of a firearm or other
23 deadly weapon;

24 (c) Assault with intent to kill or to commit sexual assault or
25 mayhem;

26 (d) Sexual assault, statutory sexual seduction, incest, lewdness,
27 indecent exposure or any other sexually related crime;

28 (e) Abuse or neglect of a child or contributory delinquency;

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

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

37 (h) Any offense involving fraud, theft, embezzlement, burglary,
38 robbery, fraudulent conversion or misappropriation of property
39 within the immediately preceding 7 years.

40 2. An employee must submit to the Division two complete sets
41 of fingerprints and written authorization to forward those
42 fingerprints to the Central Repository for Nevada Records of
43 Criminal History for submission to the Federal Bureau of
44 Investigation for its report.



1 3. The Division may exchange with the Central Repository or
2 the Federal Bureau of Investigation any information concerning the
3 fingerprints submitted.

4 4. The Division may charge an employee investigated pursuant
5 to this section for the reasonable cost of that investigation.

6 5. An employee who is required to submit to an investigation
7 required pursuant to this section shall not have contact with a child
8 in a division facility without supervision before the investigation of
9 the background and personal history of the employee has been
10 conducted.

11 6. The division facility shall conduct an investigation of each
12 employee pursuant to this section at least once every 5 years after
13 the initial investigation.

14 **Sec. 40.** NRS 449.172 is hereby amended to read as follows:

15 449.172 If the Division suspends or revokes the license of a
16 person who operates a residential facility for groups for abuse,
17 neglect, ~~for~~ *exploitation*, isolation *or abandonment* of the
18 occupants of the facility, the Division shall suspend or revoke the
19 license of all residential facilities for groups operated by that person.
20 The person who operates the facility shall move all of the persons
21 who are receiving services in the residential facilities for groups to
22 other licensed residential facilities for groups at his or her own
23 expense.

24 **Sec. 41.** NRS 449.174 is hereby amended to read as follows:

25 449.174 1. In addition to the grounds listed in NRS 449.160,
26 the Division may deny a license to operate a facility, hospital,
27 agency, program or home to an applicant or may suspend or revoke
28 the license of a licensee to operate such a facility, hospital, agency,
29 program or home if:

30 (a) The applicant or licensee has been convicted of:

31 (1) Murder, voluntary manslaughter or mayhem;

32 (2) Assault or battery with intent to kill or to commit sexual
33 assault or mayhem;

34 (3) Sexual assault, statutory sexual seduction, incest,
35 lewdness or indecent exposure, or any other sexually related crime
36 that is punished as a felony;

37 (4) Prostitution, solicitation, lewdness or indecent exposure,
38 or any other sexually related crime that is punished as a
39 misdemeanor, within the immediately preceding 7 years;

40 (5) A crime involving domestic violence that is punished as a
41 felony;

42 (6) A crime involving domestic violence that is punished as a
43 misdemeanor, within the immediately preceding 7 years;

44 (7) Abuse or neglect of a child or contributory delinquency;



1 (8) 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, within the
4 immediately preceding 7 years;

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

10 (10) A violation of any provision of law relating to the State
11 Plan for Medicaid or a law of any other jurisdiction that prohibits
12 the same or similar conduct, within the immediately preceding 7
13 years;

14 (11) A violation of any provision of NRS 422.450 to
15 422.590, inclusive;

16 (12) A criminal offense under the laws governing Medicaid
17 or Medicare, within the immediately preceding 7 years;

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

21 (14) Any other felony involving the use or threatened use of
22 force or violence against the victim or the use of a firearm or other
23 deadly weapon; or

24 (15) An attempt or conspiracy to commit any of the offenses
25 listed in this paragraph, within the immediately preceding 7 years;

26 (b) The licensee has, in violation of NRS 449.125, continued to
27 employ a person who has been convicted of a crime listed in
28 paragraph (a); or

29 (c) The applicant or licensee has had a substantiated report of
30 child abuse or neglect made against him or her and if the facility,
31 hospital, agency, program or home provides residential services to
32 children.

33 2. In addition to the grounds listed in NRS 449.160, the
34 Division may suspend or revoke the license of a licensee to operate
35 an agency to provide personal care services in the home or an
36 agency to provide nursing in the home if the licensee has, in
37 violation of NRS 449.125, continued to employ a person who has
38 been convicted of a crime listed in paragraph (a) of subsection 1.

39 3. As used in this section:

40 (a) "Domestic violence" means an act described in NRS 33.018.

41 (b) "Facility, hospital, agency, program or home" has the
42 meaning ascribed to it in NRS 449.119.

43 (c) "Medicaid" has the meaning ascribed to it in NRS 439B.120.

44 (d) "Medicare" has the meaning ascribed to it in NRS 439B.130.



1 **Sec. 42.** NRS 657.240 is hereby amended to read as follows:
2 657.240 “Exploitation” has the meaning ascribed to it in
3 ~~subsection 2 of~~ NRS 200.5092.

4 **Sec. 43.** NRS 657.250 is hereby amended to read as follows:
5 657.250 “Older person” has the meaning ascribed to it in
6 ~~subsection 5 of~~ NRS 200.5092.

7 **Sec. 44.** NRS 657.270 is hereby amended to read as follows:
8 657.270 “Vulnerable person” has the meaning ascribed to it in
9 ~~subsection 7 of~~ NRS 200.5092.

10 **Sec. 45.** NRS 673.783 is hereby amended to read as follows:
11 673.783 “Exploitation” has the meaning ascribed to it in
12 ~~subsection 2 of~~ NRS 200.5092.

13 **Sec. 46.** NRS 673.787 is hereby amended to read as follows:
14 673.787 “Older person” has the meaning ascribed to it in
15 ~~subsection 5 of~~ NRS 200.5092.

16 **Sec. 47.** NRS 673.797 is hereby amended to read as follows:
17 673.797 “Vulnerable person” has the meaning ascribed to it in
18 ~~subsection 7 of~~ NRS 200.5092.

19 **Sec. 48.** NRS 677.683 is hereby amended to read as follows:
20 677.683 “Exploitation” has the meaning ascribed to it in
21 ~~subsection 2 of~~ NRS 200.5092.

22 **Sec. 49.** NRS 677.687 is hereby amended to read as follows:
23 677.687 “Older person” has the meaning ascribed to it in
24 ~~subsection 5 of~~ NRS 200.5092.

25 **Sec. 50.** NRS 677.697 is hereby amended to read as follows:
26 677.697 “Vulnerable person” has the meaning ascribed to it in
27 ~~subsection 7 of~~ NRS 200.5092.

28 **Sec. 51.** NRS 678.771 is hereby amended to read as follows:
29 678.771 “Exploitation” has the meaning ascribed to it in
30 ~~subsection 2 of~~ NRS 200.5092.

31 **Sec. 52.** NRS 678.773 is hereby amended to read as follows:
32 678.773 “Older person” has the meaning ascribed to it in
33 ~~subsection 5 of~~ NRS 200.5092.

34 **Sec. 53.** NRS 678.777 is hereby amended to read as follows:
35 678.777 “Vulnerable person” has the meaning ascribed to it in
36 ~~subsection 7 of~~ NRS 200.5092.

