

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 ~~fornitted 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,” “exploitation” and “isolation” 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 and other identifying information 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; 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 **Section 3** of this bill defines the term “abandonment” to mean the: (1) desertion
6 of an older person or a vulnerable person in an unsafe manner by a caretaker or
7 other person with a legal duty of care; or (2) withdrawal of necessary assistance
8 owed to an older person or a vulnerable person by a caretaker or other person with



9 an obligation to provide services to the older person or vulnerable person. **Section 3**
10 also provides that the term "abuse" includes: (1) infliction of psychological or
11 emotional anguish, pain or distress on an older person or a vulnerable person
12 through any act; (2) nonconsensual sexual contact with an older person or a
13 vulnerable person; and (3) permitting acts which constitute abuse to be committed
14 against an older person or a vulnerable person. Additionally, **section 3** provides that
15 the term "isolation" includes permitting acts which constitute isolation to be
16 committed against an older person or a vulnerable person. Finally, **section 3** revises
17 the definition of the term "undue influence" for purposes of the definition of the
18 term "exploitation," and revises the definition of the term "protective services" to
19 include services provided to an older person or a vulnerable person who is unable
20 to provide for his or her own needs.

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

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

47 **Sections 2, 5, 6, 8-13, 16-24 and 26-41** of this bill generally add a reference to
48 the term "abandonment" to certain provisions of existing law that reference the
49 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;



- 1 (e) Kidnapping;
- 2 (f) Robbery;
- 3 (g) Sexual assault;
- 4 (h) Embezzlement of, or attempting or conspiring to embezzle,
- 5 money or property of a value of \$650 or more;
- 6 (i) Obtaining, or attempting or conspiring to obtain, money or
- 7 property of a value of \$650 or more by false pretenses; or
- 8 (j) Taking money or property from the person of another,
- 9 ↪ against any person who is 60 years of age or older or against a
- 10 vulnerable person shall, in addition to the term of imprisonment
- 11 prescribed by statute for the crime, be punished, if the crime is a
- 12 misdemeanor or gross misdemeanor, by imprisonment in the county
- 13 jail for a term equal to the term of imprisonment prescribed by
- 14 statute for the crime, and, if the crime is a felony, by imprisonment
- 15 in the state prison for a minimum term of not less than 1 year and a
- 16 maximum term of not more than 20 years.

17 2. Except as otherwise provided in NRS 193.169, any person
18 who commits a criminal violation of the provisions of chapter 90 or
19 91 of NRS against any person who is 60 years of age or older or
20 against a vulnerable person shall, in addition to the term of
21 imprisonment prescribed by statute for the criminal violation, be
22 punished, if the criminal violation is a misdemeanor or gross
23 misdemeanor, by imprisonment in the county jail for a term equal to
24 the term of imprisonment prescribed by statute for the criminal
25 violation, and, if the criminal violation is a felony, by imprisonment
26 in the state prison for a minimum term of not less than 1 year and a
27 maximum term of not more than 20 years.

28 3. In determining the length of the additional penalty imposed
29 pursuant to this section, the court shall consider the following
30 information:

- 31 (a) The facts and circumstances of the crime or criminal
- 32 violation;
- 33 (b) The criminal history of the person;
- 34 (c) The impact of the crime or criminal violation on any victim;
- 35 (d) Any mitigating factors presented by the person; and
- 36 (e) Any other relevant information.

37 ↪ The court shall state on the record that it has considered the
38 information described in paragraphs (a) to (e), inclusive, in
39 determining the length of the additional penalty imposed.

40 4. The sentence prescribed by this section must run
41 consecutively with the sentence prescribed by statute for the crime
42 or criminal violation.

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



1 6. As used in this section, “vulnerable person” has the meaning
2 ascribed to it in ~~subsection 7 of~~ NRS 200.5092.

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

4 200.5091 It is the policy of this State to provide for the
5 cooperation of law enforcement officials, courts of competent
6 jurisdiction and all appropriate state agencies providing human
7 services in identifying the abuse, neglect, exploitation , ~~and~~
8 isolation *and abandonment* of older persons and vulnerable persons
9 through the complete reporting of abuse, neglect, exploitation ,
10 ~~and~~ isolation *and abandonment* of older persons and vulnerable
11 persons.

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

13 200.5092 As used in NRS 200.5091 to 200.50995, inclusive,
14 unless the context otherwise requires:

15 1. *“Abandonment” means:*

16 (a) *Desertion of an older person or a vulnerable person in an*
17 *unsafe manner by a caretaker or other person with a legal duty of*
18 *care; or*

19 (b) *Withdrawal of necessary assistance owed to an older*
20 *person or a vulnerable person by a caretaker or other person with*
21 *an obligation to provide services to the older person or vulnerable*
22 *person.*

23 2. “Abuse” means willful : ~~and unjustified:~~

24 (a) Infliction of pain ~~or~~ injury ~~or mental anguish~~ on an older
25 person or a vulnerable person; ~~or~~

26 (b) Deprivation of food, shelter, clothing or services which are
27 necessary to maintain the physical or mental health of an older
28 person or a vulnerable person ~~f~~
29 ~~—2.;~~

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

33 (1) *Threatening, controlling or socially isolating the older*
34 *person or vulnerable person;*

35 (2) *Disregarding the needs of the older person or*
36 *vulnerable person; or*

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

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

42 (1) *An act that the older person or vulnerable person is*
43 *unable to understand or to which the older person or vulnerable*
44 *person is unable to communicate his or her objection; or*



1 (2) *Intentional touching, either directly or through the*
2 *clothing, of the genitalia, anus, groin, breast, inner thigh or*
3 *buttocks of the older person or vulnerable person; or*

4 (e) *Permitting any of the acts described in paragraphs (a) to*
5 *(d), inclusive, to be committed against an older person or a*
6 *vulnerable person.*

7 3. “Exploitation” means any act taken by a person who has the
8 trust and confidence of an older person or a vulnerable person or
9 any use of the power of attorney or guardianship of an older person
10 or a vulnerable person to:

11 (a) Obtain control, through deception, intimidation or undue
12 influence, over the older person’s or vulnerable person’s money,
13 assets or property with the intention of permanently depriving the
14 older person or vulnerable person of the ownership, use, benefit or
15 possession of his or her money, assets or property; or

16 (b) Convert money, assets or property of the older person or
17 vulnerable person with the intention of permanently depriving the
18 older person or vulnerable person of the ownership, use, benefit or
19 possession of his or her money, assets or property.

20 ➔ As used in this subsection, “undue influence” *means the*
21 *improper use of power or trust in a way that deprives a person of*
22 *his or her free will and substitutes the objectives of another*
23 *person. The term* does not include the normal influence that one
24 member of a family has over another.

25 ~~[3.]~~ 4. “Isolation” means ~~[willfully, maliciously and~~
26 ~~intentionally]~~ preventing an older person or a vulnerable person
27 from having contact with another person by:

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

38 (b) Physically restraining the older person or vulnerable person
39 to prevent the older person or vulnerable person from meeting with
40 a person who comes to visit the older person or vulnerable person ~~[~~
41 *; or*

42 (c) *Permitting any of the acts described in paragraphs (a) and*
43 *(b) to be committed against an older person or a vulnerable*
44 *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 failure of ~~[-; -or]~~

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

20 (a) *The investigation, evaluation, counseling, arrangement and*
21 *referral for other services and assistance* ~~[-; -or]~~ *and*

22 (b) *Services provided to an older person or a vulnerable person*
23 *who is unable to provide for his or her own needs.*

24 ~~[7.]~~ 8. "Vulnerable person" means a person 18 years of age or
25 older who:

26 (a) Suffers from a condition of physical or mental incapacitation
27 because of a developmental disability, organic brain damage or
28 mental illness; or

29 (b) Has one or more physical or mental limitations that restrict
30 the ability of the person to perform the normal activities of daily
31 living.

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

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

37 (a) Except as otherwise provided in subsection 2, report the
38 abuse, neglect, exploitation , ~~[-or]~~ isolation *or abandonment* of the
39 older person to:

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

42 (2) A police department or sheriff's office; *or*

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



1 ~~—(4)~~ A toll-free telephone service designated by the Aging
2 and Disability Services Division of the Department of Health and
3 Human Services; and

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

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

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

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

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

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

39 (c) A coroner.

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

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



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

4 (g) Any employee of the Department of Health and Human
5 Services.

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

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

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

16 (k) Every social worker.

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

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

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

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

40 (a) Aging and Disability Services Division;

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

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

44 8. If the investigation of a report results in the belief that an
45 older person is abused, neglected, exploited, ~~isolated~~ *or*



1 *abandoned*, the Aging and Disability Services Division of the
2 Department of Health and Human Services or the county's office for
3 protective services may provide protective services to the older
4 person if the older person is able and willing to accept them.

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

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

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

12 200.50935 1. Any person who is described in subsection 3
13 and who, in a professional or occupational capacity, knows or has
14 reasonable cause to believe that a vulnerable person has been
15 abused, neglected, exploited, ~~or~~ isolated *or abandoned* shall:

16 (a) Report the abuse, neglect, exploitation, ~~or~~ isolation *or*
17 *abandonment* of the vulnerable person to a law enforcement
18 agency; and

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

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

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

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

43 (b) Any personnel of a hospital or similar institution engaged in
44 the admission, examination, care or treatment of persons or an
45 administrator, manager or other person in charge of a hospital or



1 similar institution upon notification of the suspected abuse, neglect,
2 exploitation , ~~for~~ isolation *or abandonment* of a vulnerable person
3 by a member of the staff of the hospital.

4 (c) A coroner.

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

7 (e) Any employee of the Department of Health and Human
8 Services.

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

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

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

18 (i) Every social worker.

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

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

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

33 6. A law enforcement agency which receives a report pursuant
34 to this section shall immediately initiate an investigation of the
35 report.

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

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

39 200.5094 1. A person may make a report pursuant to NRS
40 200.5093 or 200.50935 by telephone or, in light of all the
41 surrounding facts and circumstances which are known or which
42 reasonably should be known to the person at the time, by any other
43 means of oral, written or electronic communication that a reasonable
44 person would believe, under those facts and circumstances, is a
45 reliable and swift means of communicating information to the



1 person who receives the report. If the report is made orally, the
2 person who receives the report must reduce it to writing as soon as
3 reasonably practicable.

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

6 (a) The name and address of the older person or vulnerable
7 person;

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

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

13 (d) The nature and extent of the abuse, neglect, exploitation,
14 ~~or~~ isolation *or abandonment* of the older person or vulnerable
15 person;

16 (e) Any evidence of previous injuries; and

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

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

21 200.5095 1. Reports made pursuant to NRS 200.5093,
22 200.50935 and 200.5094, and records and investigations relating to
23 those reports, are confidential.

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

29 (a) Pursuant to a criminal prosecution;

30 (b) Pursuant to NRS 200.50982; or

31 (c) To persons or agencies enumerated in subsection 3,
32 ↪ is guilty of a misdemeanor.

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

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

41 (b) An agency responsible for or authorized to undertake the
42 care, treatment and supervision of the older person or vulnerable
43 person;

44 (c) A district attorney or other law enforcement official who
45 requires the information in connection with an investigation of the



1 abuse, neglect, exploitation , ~~for~~ isolation *or abandonment* of the
2 older person or vulnerable person;

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

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

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

10 (g) Any comparable authorized person or agency in another
11 jurisdiction;

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

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

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

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

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

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

43 200.50955 A law enforcement agency shall promptly seek to
44 obtain a warrant for the arrest of any person the agency has probable
45 cause to believe is criminally responsible for the abuse, neglect,



1 exploitation , ~~and~~ isolation *or abandonment* of an older person or a
2 vulnerable person.

3 **Sec. 9.** NRS 200.5096 is hereby amended to read as follows:

4 200.5096 Immunity from civil or criminal liability extends to
5 every person who, pursuant to NRS 200.5091 to 200.50995,
6 inclusive, in good faith:

7 1. Participates in the making of a report;

8 2. Causes or conducts an investigation of alleged abuse,
9 neglect, exploitation , ~~and~~ isolation *or abandonment* of an older
10 person or a vulnerable person; or

11 3. Submits information contained in a report to a licensing
12 board pursuant to subsection 4 of NRS 200.5095.

13 **Sec. 10.** NRS 200.5098 is hereby amended to read as follows:

14 200.5098 1. The Aging and Disability Services Division of
15 the Department of Health and Human Services shall:

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

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

25 (c) Publicize the provisions of NRS 200.5091 to 200.50995,
26 inclusive.

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

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



1 discussion which occurred during the meeting. Any information
2 disclosed in violation of this subsection is inadmissible in all
3 judicial proceedings.

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

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

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

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

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

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

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

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

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

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



2. Except as otherwise provided in this subsection, if a guardian has not been appointed for the older person, the Aging and Disability Services Division or the county's office for protective services shall obtain the consent of the older person before inspecting those records. If the Aging and Disability Services Division or the county's office for protective services determines that the older person is unable to consent to the inspection, the inspection may be conducted without his or her consent. Except as otherwise provided in this subsection, if a guardian has been appointed for the older person, the Aging and Disability Services Division or the county's office for protective services shall obtain the consent of the guardian before inspecting those records. If the Aging and Disability Services Division or the county's office for protective services has reasonable cause to believe that the guardian is abusing, neglecting, exploiting, ~~or~~ isolating *or abandoning* the older person, the inspection may be conducted without the consent of the guardian, except that if the records to be inspected are in the personal possession of the guardian, the inspection must be approved by a court of competent jurisdiction.

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

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

Sec. 14. (Deleted by amendment.)

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

207.014 1. A person who:

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

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

is a habitually fraudulent felon and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not



1 more than 20 years, if the victim of each offense was an older
2 person, a person with a mental disability or a vulnerable person.

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

- 9 (a) An older person;
- 10 (b) A person with a mental disability; or
- 11 (c) A vulnerable person.

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

14 4. As used in this section:

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

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

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

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

- 24 (1) Suffers from an intellectual disability;
- 25 (2) Suffers from a severe mental or emotional illness;
- 26 (3) Has a severe learning disability; or
- 27 (4) Is experiencing a serious emotional crisis in his or her life

28 as a result of the fact that the person or a member of his or her
29 immediate family has a catastrophic illness.

30 (c) "Vulnerable person" has the meaning ascribed to it in
31 ~~subsection 7 of~~ NRS 200.5092.

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

33 62B.270 1. A public institution or agency to which a juvenile
34 court commits a child or the licensing authority of a private
35 institution to which a juvenile court commits a child, including,
36 without limitation, a facility for the detention of children, shall
37 secure from appropriate law enforcement agencies information on
38 the background and personal history of each employee of the
39 institution or agency to determine whether the employee has been
40 convicted of:

- 41 (a) Murder, voluntary manslaughter or mayhem;
- 42 (b) Any other felony involving the use of a firearm or other
43 deadly weapon;
- 44 (c) Assault with intent to kill or to commit sexual assault or
45 mayhem;



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

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

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

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

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

15 2. An employee of the public or private institution or agency
16 must submit to the public institution or agency or the licensing
17 authority, as applicable, two complete sets of fingerprints and
18 written authorization to forward those fingerprints to the Central
19 Repository for Nevada Records of Criminal History for submission
20 to the Federal Bureau of Investigation for its report.

21 3. The public institution or agency or the licensing authority, as
22 applicable, may exchange with the Central Repository or the Federal
23 Bureau of Investigation any information concerning the fingerprints
24 submitted.

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

28 5. When a report from the Federal Bureau of Investigation is
29 received by the Central Repository, the Central Repository shall
30 immediately forward a copy of the report to the public institution or
31 agency or the licensing authority, as applicable, for a determination
32 of whether the employee has been convicted of a crime listed in
33 subsection 1.

34 6. A person who is required to submit to an investigation
35 required pursuant to this section shall not have contact with a child
36 without supervision in a public or private institution or agency to
37 which a juvenile court commits a child, including, without
38 limitation, a facility for the detention of children, before the
39 investigation of the background and personal history of the person
40 has been conducted.

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



1 200.50995, inclusive, or a law of any other jurisdiction that
2 prohibits the same or similar conduct; or

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

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

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

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

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

21 3. Each applicant for employment with the department of
22 juvenile justice services, and each employee of the department of
23 juvenile justice services, must submit to the department of juvenile
24 justice services:

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

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

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

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



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

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

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

9 62G.353 1. A department of juvenile justice services shall
10 secure from appropriate law enforcement agencies information on
11 the background and personal history of each applicant for
12 employment with the department of juvenile justice services, and
13 each employee of the department of juvenile justice services, to
14 determine:

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

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

18 (2) Any felony involving the use or threatened use of force 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 , ~~for~~ 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. A department of juvenile justice services shall request
19 information from:

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

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

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

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

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

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



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

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

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

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

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

18 159.044 1. Except as otherwise provided in NRS 127.045, a
19 proposed ward, a governmental agency, a nonprofit corporation or
20 any interested person may petition the court for the appointment of a
21 guardian.

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

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

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

27 (c) A copy of one of the following forms of identification of the
28 proposed ward which must be placed in the records relating to the
29 guardianship proceeding and, except as otherwise provided in
30 NRS 239.0115 or as otherwise required to carry out a specific
31 statute, maintained in a confidential manner:

32 (1) A social security number;

33 (2) A taxpayer identification number;

34 (3) A valid driver's license number;

35 (4) A valid identification card number; or

36 (5) A valid passport number.

37 ↪ If the information required pursuant to this paragraph is not
38 included with the petition, the information must be provided to the
39 court not later than 120 days after the appointment of a guardian or
40 as otherwise ordered by the court.

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

43 (1) Whether there is a current order concerning custody and,
44 if so, the state in which the order was issued; and



1 (2) Whether the petitioner anticipates that the proposed ward
2 will need guardianship after attaining the age of majority.

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

5 (f) The names and addresses of the spouse of the proposed ward
6 and the relatives of the proposed ward who are within the second
7 degree of consanguinity.

8 (g) The name, date of birth and current address of the proposed
9 guardian. If the proposed guardian is a private professional
10 guardian, the petition must include proof that the guardian meets the
11 requirements of NRS 159.0595. If the proposed guardian is not a
12 private professional guardian, the petition must include a statement
13 that the guardian currently is not receiving compensation for
14 services as a guardian to more than one ward who is not related to
15 the person by blood or marriage.

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

- 21 (1) A social security number;
22 (2) A taxpayer identification number;
23 (3) A valid driver's license number;
24 (4) A valid identification card number; or
25 (5) A valid passport number.

26 (i) Whether the proposed guardian has ever been convicted of a
27 felony and, if so, information concerning the crime for which the
28 proposed guardian was convicted and whether the proposed
29 guardian was placed on probation or parole.

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

34 (1) A certificate signed by a physician who is licensed to
35 practice medicine in this State or who is employed by the
36 Department of Veterans Affairs, a letter signed by any governmental
37 agency in this State which conducts investigations or a certificate
38 signed by any other person whom the court finds qualified to
39 execute a certificate, stating:

- 40 (I) The need for a guardian;
41 (II) Whether the proposed ward presents a danger to
42 himself or herself or others;
43 (III) Whether the proposed ward's attendance at a hearing
44 would be detrimental to the proposed ward;



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

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

5 (2) If the proposed ward is determined to have the limited
6 capacity to consent to the appointment of a special guardian, a
7 written consent to the appointment of a special guardian from the
8 ward.

9 (k) Whether the appointment of a general or a special guardian
10 is sought.

11 (l) A general description and the probable value of the property
12 of the proposed ward and any income to which the proposed ward is
13 or will be entitled, if the petition is for the appointment of a
14 guardian of the estate or a special guardian. If any money is paid or
15 is payable to the proposed ward by the United States through the
16 Department of Veterans Affairs, the petition must so state.

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

19 (n) If the petitioner is not the spouse or natural child of the
20 proposed ward, a declaration explaining the relationship of the
21 petitioner to the proposed ward or to the proposed ward's family or
22 friends, if any, and the interest, if any, of the petitioner in the
23 appointment.

24 (o) Requests for any of the specific powers set forth in NRS
25 159.117 to 159.175, inclusive, necessary to enable the guardian to
26 carry out the duties of the guardianship.

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

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

33 (r) Whether the guardianship is sought for the purpose of
34 initiating litigation.

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

39 (t) Whether the proposed guardian has filed for or received
40 protection under the federal bankruptcy laws within the immediately
41 preceding 7 years.

42 3. Before the court makes a finding pursuant to NRS 159.054,
43 a petitioner seeking a guardian for a proposed adult ward must
44 provide the court with an assessment of the needs of the proposed
45 adult ward completed by a licensed physician which identifies the



1 limitations of capacity of the proposed adult ward and how such
2 limitations affect the ability of the proposed adult ward to maintain
3 his or her safety and basic needs. The court may prescribe the form
4 in which the assessment of the needs of the proposed adult ward
5 must be filed.

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

7 159.0523 1. A petitioner may request the court to appoint a
8 temporary guardian for a ward who is an adult and who is unable to
9 respond to a substantial and immediate risk of physical harm or to a
10 need for immediate medical attention. To support the request, the
11 petitioner must set forth in a petition and present to the court under
12 oath:

13 (a) Documentation which shows the proposed ward faces a
14 substantial and immediate risk of physical harm or needs immediate
15 medical attention and lacks capacity to respond to the risk of harm
16 or obtain the necessary medical attention. Such documentation must
17 include, without limitation, a certificate signed by a physician who
18 is licensed to practice medicine in this State or who is employed by
19 the Department of Veterans Affairs, a letter signed by any
20 governmental agency in this State which conducts investigations or
21 a police report indicating:

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

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

27 (3) Whether the proposed ward is or has been subjected to
28 abuse, neglect, ~~or~~ exploitation ~~or~~, *isolation or abandonment*;
29 and

30 (b) Facts which show that:

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

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

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

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

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



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

6 3. Except as otherwise provided in subsection 4, after the
7 appointment of a temporary guardian, the petitioner shall attempt in
8 good faith to notify the persons entitled to notice pursuant to NRS
9 159.047, including, without limitation, notice of any hearing to
10 extend the temporary guardianship. If the petitioner fails to make
11 such an effort, the court may terminate the temporary guardianship.

12 4. If, before the appointment of a temporary guardian, the court
13 determined that advance notice was not required pursuant to
14 subparagraph (2) of paragraph (b) of subsection 1, the petitioner
15 shall notify the persons entitled to notice pursuant to NRS 159.047
16 without undue delay, but not later than 48 hours after the
17 appointment of the temporary guardian or not later than 48 hours
18 after the petitioner discovers the existence, identity and location of
19 the persons entitled to notice pursuant to that section. If the
20 petitioner fails to provide such notice, the court may terminate the
21 temporary guardianship.

22 5. Not later than 10 days after the date of the appointment of a
23 temporary guardian pursuant to subsection 2, the court shall hold a
24 hearing to determine the need to extend the temporary guardianship.
25 Except as otherwise provided in subsection 7, the court may extend
26 the temporary guardianship until a general or special guardian is
27 appointed pursuant to subsection 8 if:

28 (a) The court finds by clear and convincing evidence that the
29 proposed ward is unable to respond to a substantial and immediate
30 risk of physical harm or to a need for immediate medical attention;
31 and

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

34 6. If the court appoints a temporary guardian or extends the
35 temporary guardianship pursuant to this section, the court shall limit
36 the powers of the temporary guardian to those necessary to respond
37 to the substantial and immediate risk of physical harm or to a need
38 for immediate medical attention.

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

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

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



1 8. The court may extend the temporary guardianship, for good
2 cause shown, for not more than two successive 60-day periods,
3 except that the court shall not cause the temporary guardianship to
4 continue longer than 5 months unless extraordinary circumstances
5 are shown.

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

7 159.0525 1. A petitioner may request the court to appoint a
8 temporary guardian for a ward who is unable to respond to a
9 substantial and immediate risk of financial loss. To support the
10 request, the petitioner must set forth in a petition and present to the
11 court under oath:

12 (a) Documentation which shows that the proposed ward faces a
13 substantial and immediate risk of financial loss and lacks capacity to
14 respond to the risk of loss. Such documentation must include,
15 without limitation, a certificate signed by a physician who is
16 licensed to practice medicine in this State or who is employed by the
17 Department of Veterans Affairs, a letter signed by any governmental
18 agency in this State which conducts investigations or a police report
19 indicating:

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

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

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

26 (b) A detailed explanation of what risks the proposed ward
27 faces, including, without limitation, termination of utilities or other
28 services because of nonpayment, initiation of eviction or foreclosure
29 proceedings, exploitation or loss of assets as the result of fraud,
30 coercion or undue influence; and

31 (c) Facts which show that:

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

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

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

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

43 (a) Finds reasonable cause to believe that the proposed ward is
44 unable to respond to a substantial and immediate risk of financial
45 loss; and



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

6 3. Except as otherwise provided in subsection 4, after the
7 appointment of a temporary guardian, the petitioner shall attempt in
8 good faith to notify the persons entitled to notice pursuant to NRS
9 159.047, including, without limitation, notice of any hearing to
10 extend the temporary guardianship. If the petitioner fails to make
11 such an effort, the court may terminate the temporary guardianship.

12 4. If, before the appointment of a temporary guardian, the court
13 determined that advance notice was not required pursuant to
14 subparagraph (2) of paragraph (c) of subsection 1, the petitioner
15 shall notify the persons entitled to notice pursuant to NRS 159.047
16 without undue delay, but not later than 48 hours after the
17 appointment of the temporary guardian or not later than 48 hours
18 after the petitioner discovers the existence, identity and location of
19 the persons entitled to notice pursuant to that section. If the
20 petitioner fails to provide such notice, the court may terminate the
21 temporary guardianship.

22 5. Not later than 10 days after the date of the appointment of a
23 temporary guardian pursuant to subsection 2, the court shall hold a
24 hearing to determine the need to extend the temporary guardianship.
25 Except as otherwise provided in subsection 7, the court may extend
26 the temporary guardianship until a general or special guardian is
27 appointed pursuant to subsection 8 if:

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

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

33 6. If the court appoints a temporary guardian or extends the
34 temporary guardianship pursuant to this section, the court shall limit
35 the powers of the temporary guardian to those necessary to respond
36 to the substantial and immediate risk of financial loss, specifically
37 limiting the temporary guardian's authority to take possession of,
38 close or have access to any accounts of the ward or to sell or dispose
39 of tangible personal property of the ward to only that authority as
40 needed to provide for the ward's basic living expenses until a
41 general or special guardian can be appointed. The court may freeze
42 any or all of the ward's accounts to protect such accounts from loss.

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



- 1 (a) The provisions of NRS 159.0475 have been satisfied; or
2 (b) Notice by publication pursuant to N.R.C.P. 4(e) is currently
3 being undertaken.

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

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

10 159.059 Except as otherwise provided in NRS 159.0595, any
11 qualified person or entity that the court finds suitable may serve as a
12 guardian. A person is not qualified to serve as a guardian who:

- 13 1. Is an incompetent.
14 2. Is a minor.
15 3. Has been convicted of a felony, unless the court determines
16 that such conviction should not disqualify the person from serving
17 as the guardian of the ward.

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

- 19 (a) The practice of law;
20 (b) The practice of accounting; or
21 (c) Any other profession which:
22 (1) Involves or may involve the management or sale of
23 money, investments, securities or real property; and
24 (2) Requires licensure in this State or any other state,
25 ↪ during the period of the suspension or disbarment.

26 5. Is a nonresident of this State and:

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

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

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

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

37 159.1999 1. A court of this State having jurisdiction to
38 appoint a guardian may decline to exercise its jurisdiction if it
39 determines at any time that a court of another state is a more
40 appropriate forum.

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



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

3 (a) Any expressed preference of the ward;

4 (b) Whether abuse, neglect , ~~for~~ exploitation , *isolation or*
5 *abandonment* of the ward has occurred or is likely to occur and
6 which state could best protect the ward from the abuse, neglect , ~~for~~
7 exploitation ~~for~~ , *isolation or abandonment*;

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

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

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

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

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

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

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

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

20 162A.370 1. Except as otherwise provided in subsection 2:

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

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

29 (c) A person may not require an additional or different form of
30 power of attorney for authority granted in the power of attorney
31 presented.

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

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

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

38 (c) The person has actual knowledge of the termination of the
39 agent's authority or of the power of attorney before exercise of the
40 power;

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

43 (e) The person in good faith believes that the power is not valid
44 or that the agent does not have the authority to perform the act
45 requested, whether or not a certification, a translation or an opinion



1 of counsel has been requested or provided pursuant to NRS
2 162A.360; or

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

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

10 (a) A court order mandating acceptance of the power of
11 attorney; and

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

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

16 174.175 1. If it appears that a prospective witness is an older
17 person or a vulnerable person or may be unable to attend or
18 prevented from attending a trial or hearing, that the witness's
19 testimony is material and that it is necessary to take the witness's
20 deposition in order to prevent a failure of justice, the court at any
21 time after the filing of an indictment, information or complaint may,
22 upon motion of a defendant or of the State and notice to the parties,
23 order that the witness's testimony be taken by deposition and that
24 any designated books, papers, documents or tangible objects, not
25 privileged, be produced at the same time and place. If the motion is
26 for the deposition of an older person or a vulnerable person, the
27 court may enter an order to take the deposition only upon good
28 cause shown to the court. If the deposition is taken upon motion of
29 the State, the court shall order that it be taken under such conditions
30 as will afford to each defendant the opportunity to confront the
31 witnesses against him or her.

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

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

39 4. As used in this section:

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

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



1 **Sec. 26.** NRS 179A.450 is hereby amended to read as follows:
2 179A.450 1. The Repository for Information Concerning
3 Crimes Against Older Persons is hereby created within the Central
4 Repository.

5 2. The Repository for Information Concerning Crimes Against
6 Older Persons must contain a complete and systematic record of all
7 reports of the abuse, neglect, exploitation , ~~(e)~~ isolation *or*
8 *abandonment* of older persons in this State. The record must be
9 prepared in a manner approved by the Director of the Department
10 and must include, without limitation, the following information:

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

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

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

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

18 (e) All cases that are prosecuted and the final disposition of such
19 cases.

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

22 3. The Director of the Department shall compile and analyze
23 the data collected pursuant to this section to assess the incidence of
24 the abuse, neglect, exploitation , ~~(e)~~ isolation *or abandonment* of
25 older persons.

26 4. On or before July 1 of each year, the Director of the
27 Department shall prepare and submit a report to the Director of the
28 Legislative Counsel Bureau for transmittal to the Legislature that
29 sets forth statistical data on the abuse, neglect, exploitation , ~~(e)~~
30 isolation *or abandonment* of older persons.

31 5. The data acquired pursuant to this section is confidential and
32 must be used only for the purpose of research. The data and findings
33 generated pursuant to this section must not contain information that
34 may reveal the identity of an individual victim or a person accused
35 of the abuse, neglect, exploitation , ~~(e)~~ isolation *or abandonment*
36 of older persons.

37 6. As used in this section:

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

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

41 ~~(b)~~ (c) *“Exploitation” has the meaning ascribed to it in*
42 *NRS 200.5092.*

43 ~~(e)~~ (d) *“Isolation” has the meaning ascribed to it in*
44 *NRS 200.5092.*



1 ~~[(d)]~~ (e) "Neglect" has the meaning ascribed to it in
2 NRS 200.5092.

3 ~~[(e)]~~ (f) "Older person" means a person who is 60 years of age
4 or older.

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

6 217.070 "Victim" means:

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

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

11 3. A minor who was sexually abused, as "sexual abuse" is
12 defined in NRS 432B.100;

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

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

20 6. An older person who is abused, neglected, exploited, ~~for~~
21 isolated *or abandoned* in violation of NRS 200.5099 or 200.50995;

22 7. A resident who is physically injured or killed as the direct
23 result of an act of international terrorism as defined in 18 U.S.C. §
24 2331(1); or

25 8. A person who is trafficked in violation of subsection 2 of
26 NRS 201.300.

27 ➤ The term includes a person who was harmed by any of these acts
28 whether the act was committed by an adult or a minor.

29 **Sec. 28.** NRS 218E.760 is hereby amended to read as follows:

30 218E.760 1. The Committee may review, study and comment
31 upon issues relating to senior citizens, veterans and adults with
32 special needs, including, without limitation:

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

35 (b) The abuse, neglect, ~~[isolation and]~~ exploitation, *isolation*
36 *and abandonment* of senior citizens and adults with special needs;

37 (c) Public outreach and advocacy;

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

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



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

5 (g) Laws relating to the appointment of a guardian and the
6 improvement of laws for the protection of senior citizens and adults
7 with special needs who have been appointed a guardian, including,
8 without limitation, the improvement of investigations relating to
9 guardianships and systems for monitoring guardianships; and

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

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

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

16 (3) Developing alternatives to placement in facilities for
17 long-term care, including, without limitation, units for long-term
18 care located in other types of facilities, and ensuring that such
19 alternatives are available throughout this State for the treatment of
20 persons with psychological needs; and

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

23 2. The Committee may:

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

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

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

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

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

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

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

41 228.270 1. The Unit may investigate and prosecute any
42 alleged abuse, neglect, exploitation, ~~for~~ isolation *or abandonment*
43 of an older person in violation of NRS 200.5099 or 200.50995 and
44 any failure to report such a violation pursuant to NRS 200.5093:



1 (a) At the request of the district attorney of the county in which
2 the violation occurred;

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

5 (c) Jointly with the district attorney of the county in which the
6 violation occurred.

7 2. The Unit may organize or sponsor one or more
8 multidisciplinary teams to review any allegations of abuse, neglect,
9 exploitation , ~~for~~ isolation *or abandonment* of an older person or
10 the death of an older person that is alleged to be from abuse, neglect
11 , ~~for~~ isolation ~~for~~ *or abandonment*. A multidisciplinary team may
12 include, without limitation, the following members:

13 (a) A representative of the Unit;

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

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

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

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

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

25 3. Each organization represented on a multidisciplinary team
26 may share with other members of the team information in its
27 possession concerning the older person who is the subject of the
28 review or any person who was in contact with the older person and
29 any other information deemed by the organization to be pertinent to
30 the review. Any information shared by an organization with other
31 members of a team is confidential.

32 4. The organizing or sponsoring of a multidisciplinary team
33 pursuant to subsection 2 does not grant the Unit supervisory
34 authority over, or restrict or impair the statutory authority of, any
35 state or local agency responsible for the investigation or prosecution
36 of allegations of abuse, neglect, exploitation , ~~for~~ isolation *or*
37 *abandonment* of an older person or the death of an older person that
38 is alleged to be the result of abuse, neglect , ~~for~~ isolation ~~for~~ *or*
39 *abandonment*.

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

41 228.275 The Unit may bring an action to enjoin or obtain any
42 other equitable relief to prevent the abuse, neglect, exploitation , ~~for~~
43 isolation *or abandonment* of an older person. The court may award
44 reasonable attorney's fees and costs if the Unit prevails in such an
45 action.



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

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

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

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

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

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

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

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

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

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

228.495 1. The Attorney General may organize or sponsor one or more multidisciplinary teams to review the death of the victim of a crime that constitutes domestic violence pursuant to NRS 33.018 if a court or an agency of a local government does not organize or sponsor a multidisciplinary team pursuant to NRS 217.475 or if the court or agency requests the assistance of the Attorney General. In addition to the review of a particular case, a multidisciplinary team organized or sponsored by the Attorney General pursuant to this section shall:

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

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

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

(d) Engage in activities to educate the public, providers of services to victims of domestic violence and policymakers



1 concerning deaths from crimes that constitute domestic violence and
2 strategies for intervention and prevention of such crimes; and

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

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

8 (a) A representative of the Attorney General;

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

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

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

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

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

18 (g) Any other person that the Attorney General determines is
19 appropriate.

20 3. An organization that is concerned with domestic violence
21 may apply to the Attorney General or his or her designee for
22 authorization to appoint a member to a multidisciplinary team
23 organized or sponsored pursuant to this section. Such an application
24 must be made in the form and manner prescribed by the Attorney
25 General and is subject to the approval of the Attorney General or his
26 or her designee.

27 4. Each organization represented on a multidisciplinary team
28 organized or sponsored pursuant to this section may share with other
29 members of the team information in its possession concerning a
30 victim who is the subject of a review or any person who was in
31 contact with the victim and any other information deemed by the
32 organization to be pertinent to the review. Any information shared
33 by an organization with other members of a team is confidential.

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

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

43 7. A multidisciplinary team organized or sponsored pursuant to
44 this section may request any person, agency or organization that is
45 in possession of information or records concerning a victim who is



1 the subject of a review or any person who was in contact with the
2 victim to provide the team with any information or records that are
3 relevant to the review. Any information or records provided to a
4 team pursuant to this subsection are confidential.

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

10 (a) To review the death of the victim of a crime that constitutes
11 domestic violence organized or sponsored pursuant to
12 NRS 217.475;

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

17 (c) To review the death of a child organized pursuant to NRS
18 432B.405; or

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

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

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

29 11. The Attorney General:

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

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

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

38 13. A multidisciplinary team organized or sponsored pursuant
39 to this section shall submit a report of its activities to the Attorney
40 General. The report must include, without limitation, the findings
41 and recommendations of the team. The report must not include
42 information that identifies any person involved in a particular case
43 under review. The Attorney General shall make the report available
44 to the public.



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

2 289.510 1. The Commission:

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

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

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

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

13 (2) Standards for programs for the continuing education of
14 peace officers, including minimum courses of study and
15 requirements concerning attendance;

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

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

18 (d) Shall, when necessary, present courses of training and
19 continuing education courses for category I, category II and
20 category III peace officers and reserve peace officers.

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

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

26 (g) May perform any other acts that may be necessary and
27 appropriate to the functions of the Commission as set forth in NRS
28 289.450 to 289.600, inclusive.

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

32 2. Regulations adopted by the Commission:

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

35 (b) Must require that all peace officers receive training in the
36 handling of cases involving abuse or neglect of children or missing
37 children;

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

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

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

44 424.031 1. The licensing authority or a person or entity
45 designated by the licensing authority shall obtain from appropriate



1 law enforcement agencies information on the background and
2 personal history of each applicant for a license to conduct a foster
3 home, person who is licensed to conduct a foster home, employee of
4 that applicant or licensee, and resident of a foster home who is 18
5 years of age or older, other than a resident who remains under the
6 jurisdiction of a court pursuant to NRS 432B.594, to determine
7 whether the person investigated has been arrested for, has charges
8 pending for or has been convicted of:

9 (a) Murder, voluntary manslaughter or mayhem;

10 (b) Any other felony involving the use or threatened use of force
11 or violence against the victim or the use of a firearm or other deadly
12 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 or a felony
17 relating to prostitution;

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

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

22 (g) Abuse, neglect, exploitation, ~~for~~ isolation *or abandonment*
23 of older persons or vulnerable persons, including, without
24 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;

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

30 (i) Any offense relating to pornography involving minors,
31 including, without limitation, a violation of any provision of NRS
32 200.700 to 200.760, inclusive, or a law of any other jurisdiction that
33 prohibits the same or similar conduct;

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

37 (k) A crime involving domestic violence that is punishable as a
38 felony;

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

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

43 (n) Any offense involving the sale, furnishing, purchase,
44 consumption or possession of alcoholic beverages by a minor
45 including, without limitation, a violation of any provision of



1 NRS 202.015 to 202.067, inclusive, or driving a vehicle under the
2 influence of alcohol or a controlled substance in violation of chapter
3 484C of NRS or a law of any other jurisdiction that prohibits the
4 same or similar conduct, within the immediately preceding 7 years;
5 or

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

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

11 3. Unless a preliminary Federal Bureau of Investigation
12 Interstate Identification Index name-based check of the records of
13 criminal history has been conducted pursuant to NRS 424.039, a
14 person who is required to submit to an investigation pursuant to this
15 section shall not have contact with a child in a foster home without
16 supervision before the investigation of the background and personal
17 history of the person has been conducted.

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

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

22 424.145 1. The licensing authority or a person designated by
23 the licensing authority shall obtain from appropriate law
24 enforcement agencies information on the background and personal
25 history of each applicant for or holder of a license to conduct a
26 foster care agency and each owner, member of the governing body,
27 employee, paid consultant, contractor, volunteer or vendor of that
28 applicant or licensee who may come into direct contact with a child
29 placed by the foster care agency, to determine whether the person
30 investigated has been arrested for, has charges pending for or has
31 been convicted of:

32 (a) Murder, voluntary manslaughter or mayhem;

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

36 (c) Assault with intent to kill or to commit sexual assault or
37 mayhem;

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

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

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



1 (g) Abuse, neglect, exploitation, ~~for~~ isolation *or abandonment*
2 of older persons or vulnerable persons, including, without
3 limitation, a violation of any provision of NRS 200.5091 to
4 200.50995, inclusive, or a law of any other jurisdiction that
5 prohibits the same or similar conduct;

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

9 (i) Any offense relating to pornography involving minors,
10 including, without limitation, a violation of any provision of NRS
11 200.700 to 200.760, inclusive, or a law of any other jurisdiction that
12 prohibits the same or similar conduct;

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

16 (k) A crime involving domestic violence that is punishable as a
17 felony;

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

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

22 (n) Any offense involving the sale, furnishing, purchase,
23 consumption or possession of alcoholic beverages by a minor,
24 including, without limitation, a violation of any provision of NRS
25 202.015 to 202.067, inclusive, or driving a vehicle under the
26 influence of alcohol or a controlled substance in violation of chapter
27 484C of NRS or a law of any other jurisdiction that prohibits the
28 same or similar conduct, within the immediately preceding 7 years;
29 or

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

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

39 3. The licensing authority or its designee shall conduct an
40 investigation of each holder of a license to conduct a foster care
41 agency and each owner, member of a governing body, employee,
42 paid consultant, contractor, volunteer or vendor who may come into
43 direct contact with a child placed by the foster care agency pursuant
44 to this section at least once every 5 years after the initial
45 investigation.



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

3 427A.1234 1. The Specialist for the Rights of Elderly
4 Persons shall:

5 (a) Provide advocacy and education relating to the legal rights of
6 elderly persons and shall facilitate the development of legal services
7 to assist elderly persons in securing and maintaining their legal
8 rights.

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

11 (1) An attorney who is providing legal services for an elderly
12 person;

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

14 (3) The Ombudsman or an advocate;

15 (4) An employee of an office for protective services of any
16 county; and

17 (5) An employee of the Division.

18 (c) Review existing and proposed policies, legislation and
19 regulations that affect elderly persons and make recommendations
20 as appropriate to the Administrator.

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

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

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

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

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

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

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

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



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

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

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

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

10 432A.170 1. The Division may, upon receipt of an
11 application for a license to operate a child care facility, conduct an
12 investigation into the:

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

15 (b) Qualifications and background of the applicant or the
16 employees of the applicant;

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

18 (d) Policies and purposes of the applicant.

19 2. The Division shall secure from appropriate law enforcement
20 agencies information on the background and personal history of
21 every applicant, licensee or employee of an applicant or licensee, or
22 every resident of a child care facility who is 18 years of age or older,
23 other than a resident who remains under the jurisdiction of a court
24 pursuant to NRS 432B.594, or participant in an outdoor youth
25 program who is 18 years of age or older, to determine whether the
26 person has been convicted of:

27 (a) Murder, voluntary manslaughter or mayhem;

28 (b) Any other felony involving the use of a firearm or other
29 deadly 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;

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

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

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

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



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

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

10 (b) The Statewide Central Registry for the Collection of
11 Information Concerning the Abuse or Neglect of a Child established
12 pursuant to NRS 432.100 to determine whether there has been a
13 substantiated report of child abuse or neglect made against any of
14 them.

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

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

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

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

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

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

35 432B.198 1. An agency which provides child welfare
36 services shall secure from appropriate law enforcement agencies
37 information on the background and personal history of each
38 applicant for employment with the agency, and each employee of
39 the agency, to determine:

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

41 (1) Murder, voluntary manslaughter, involuntary
42 manslaughter or mayhem;

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



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

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

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

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

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

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

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

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

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

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

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

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

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

43 2. An agency which provides child welfare services shall
44 request information from:



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

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

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

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

16 (b) Written authorization for the agency to obtain any
17 information that may be available from the Statewide Central
18 Registry or the central registry of information concerning the abuse
19 or neglect of a child established by any other state in which the
20 applicant or employee resided within the immediately preceding 5
21 years.

22 4. An agency which provides child welfare services may
23 exchange with the Central Repository or the Federal Bureau of
24 Investigation any information concerning the fingerprints submitted
25 pursuant to this section.

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

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

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

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

41 433B.183 1. A division facility which provides residential
42 treatment to children shall secure from appropriate law enforcement
43 agencies information on the background and personal history of an
44 employee of the facility to determine whether the employee has
45 been convicted of:



1 (a) Murder, voluntary manslaughter or mayhem;

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

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

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

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

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

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

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

20 2. An employee must submit to the Division two complete sets
21 of fingerprints and written authorization to forward those
22 fingerprints to the Central Repository for Nevada Records of
23 Criminal History for submission to the Federal Bureau of
24 Investigation for its report.

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

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

30 5. An employee who is required to submit to an investigation
31 required pursuant to this section shall not have contact with a child
32 in a division facility without supervision before the investigation of
33 the background and personal history of the employee has been
34 conducted.

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

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

39 449.172 If the Division suspends or revokes the license of a
40 person who operates a residential facility for groups for abuse,
41 neglect, ~~for~~ *exploitation*, isolation *or abandonment* of the
42 occupants of the facility, the Division shall suspend or revoke the
43 license of all residential facilities for groups operated by that person.
44 The person who operates the facility shall move all of the persons
45 who are receiving services in the residential facilities for groups to



1 other licensed residential facilities for groups at his or her own
2 expense.

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

4 449.174 1. In addition to the grounds listed in NRS 449.160,
5 the Division may deny a license to operate a facility, hospital,
6 agency, program or home to an applicant or may suspend or revoke
7 the license of a licensee to operate such a facility, hospital, agency,
8 program or home if:

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

- 10 (1) Murder, voluntary manslaughter or mayhem;
- 11 (2) Assault or battery with intent to kill or to commit sexual
12 assault or mayhem;
- 13 (3) Sexual assault, statutory sexual seduction, incest,
14 lewdness or indecent exposure, or any other sexually related crime
15 that is punished as a felony;
- 16 (4) Prostitution, solicitation, lewdness or indecent exposure,
17 or any other sexually related crime that is punished as a
18 misdemeanor, within the immediately preceding 7 years;
- 19 (5) A crime involving domestic violence that is punished as a
20 felony;
- 21 (6) A crime involving domestic violence that is punished as a
22 misdemeanor, within the immediately preceding 7 years;
- 23 (7) Abuse or neglect of a child or contributory delinquency;
- 24 (8) A violation of any federal or state law regulating the
25 possession, distribution or use of any controlled substance or any
26 dangerous drug as defined in chapter 454 of NRS, within the
27 immediately preceding 7 years;
- 28 (9) Abuse, neglect, exploitation , ~~for~~ isolation *or*
29 *abandonment* of older persons or vulnerable persons, including,
30 without limitation, a violation of any provision of NRS 200.5091 to
31 200.50995, inclusive, or a law of any other jurisdiction that
32 prohibits the same or similar conduct;
- 33 (10) A violation of any provision of law relating to the State
34 Plan for Medicaid or a law of any other jurisdiction that prohibits
35 the same or similar conduct, within the immediately preceding 7
36 years;
- 37 (11) A violation of any provision of NRS 422.450 to
38 422.590, inclusive;
- 39 (12) A criminal offense under the laws governing Medicaid
40 or Medicare, within the immediately preceding 7 years;
- 41 (13) Any offense involving fraud, theft, embezzlement,
42 burglary, robbery, fraudulent conversion or misappropriation of
43 property, within the immediately preceding 7 years;



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

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

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

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

13 2. In addition to the grounds listed in NRS 449.160, the
14 Division may suspend or revoke the license of a licensee to operate
15 an agency to provide personal care services in the home or an
16 agency to provide nursing in the home if the licensee has, in
17 violation of NRS 449.125, continued to employ a person who has
18 been convicted of a crime listed in paragraph (a) of subsection 1.

19 3. As used in this section:

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

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

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

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

25 **Sec. 42.** NRS 657.240 is hereby amended to read as follows:

26 657.240 "Exploitation" has the meaning ascribed to it in
27 ~~subsection 2 of~~ NRS 200.5092.

28 **Sec. 43.** NRS 657.250 is hereby amended to read as follows:

29 657.250 "Older person" has the meaning ascribed to it in
30 ~~subsection 5 of~~ NRS 200.5092.

31 **Sec. 44.** NRS 657.270 is hereby amended to read as follows:

32 657.270 "Vulnerable person" has the meaning ascribed to it in
33 ~~subsection 7 of~~ NRS 200.5092.

34 **Sec. 45.** NRS 673.783 is hereby amended to read as follows:

35 673.783 "Exploitation" has the meaning ascribed to it in
36 ~~subsection 2 of~~ NRS 200.5092.

37 **Sec. 46.** NRS 673.787 is hereby amended to read as follows:

38 673.787 "Older person" has the meaning ascribed to it in
39 ~~subsection 5 of~~ NRS 200.5092.

40 **Sec. 47.** NRS 673.797 is hereby amended to read as follows:

41 673.797 "Vulnerable person" has the meaning ascribed to it in
42 ~~subsection 7 of~~ NRS 200.5092.

43 **Sec. 48.** NRS 677.683 is hereby amended to read as follows:

44 677.683 "Exploitation" has the meaning ascribed to it in
45 ~~subsection 2 of~~ NRS 200.5092.



1 **Sec. 49.** NRS 677.687 is hereby amended to read as follows:
2 677.687 “Older person” has the meaning ascribed to it in
3 ~~subsection 5 of~~ NRS 200.5092.

4 **Sec. 50.** NRS 677.697 is hereby amended to read as follows:
5 677.697 “Vulnerable person” has the meaning ascribed to it in
6 ~~subsection 7 of~~ NRS 200.5092.

7 **Sec. 51.** NRS 678.771 is hereby amended to read as follows:
8 678.771 “Exploitation” has the meaning ascribed to it in
9 ~~subsection 2 of~~ NRS 200.5092.

10 **Sec. 52.** NRS 678.773 is hereby amended to read as follows:
11 678.773 “Older person” has the meaning ascribed to it in
12 ~~subsection 5 of~~ NRS 200.5092.

13 **Sec. 53.** NRS 678.777 is hereby amended to read as follows:
14 678.777 “Vulnerable person” has the meaning ascribed to it in
15 ~~subsection 7 of~~ NRS 200.5092.

