

ASSEMBLY BILL NO. 224—ASSEMBLYMAN O’NEILL

MARCH 5, 2015

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing records of criminal history. (BDR 14-977)

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

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

AN ACT relating to records of criminal history; revising provisions for requesting and receiving certain information relating to records of criminal history from the Federal Bureau of Investigation; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law establishes the Central Repository for Nevada Records of  
2 Criminal History for the collection and maintenance of certain information relating  
3 to records of criminal history. Under existing law, the General Services Division of  
4 the Department of Public Safety is authorized to request of and receive from the  
5 Federal Bureau of Investigation the background and personal history of a person by  
6 submitting to the Federal Bureau of Investigation a complete set of fingerprints of  
7 the person which was received by the Central Repository. (NRS 179A.075) This  
8 bill provides that such information may be requested of and received from the  
9 Federal Bureau of Investigation by the submission of one or more fingerprints,  
10 rather than a complete set of fingerprints, or other “biometric identifier” which is  
11 defined in this bill as a fingerprint, voiceprint, facial image, retina image or iris  
12 image of a person.

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

1 **Section 1.** NRS 179A.075 is hereby amended to read as  
2 follows:

3 179A.075 1. The Central Repository for Nevada Records of  
4 Criminal History is hereby created within the General Services  
5 Division of the Department.



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

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

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

7 3. Each agency of criminal justice shall submit the information  
8 relating to records of criminal history that it creates or issues, and  
9 any information in its possession relating to the DNA profile of a  
10 person from whom a biological specimen is obtained pursuant to  
11 NRS 176.09123 or 176.0913, to the Division. The information must  
12 be submitted to the Division:

13 (a) Through an electronic network;

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

15 (c) In the manner prescribed by the Director of the Department,  
16 ↪ within the period prescribed by the Director of the Department. If  
17 an agency has submitted a record regarding the arrest of a person  
18 who is later determined by the agency not to be the person who  
19 committed the particular crime, the agency shall, immediately upon  
20 making that determination, so notify the Division. The Division  
21 shall delete all references in the Central Repository relating to that  
22 particular arrest.

23 4. The Division shall, in the manner prescribed by the Director  
24 of the Department:

25 (a) Collect, maintain and arrange all information submitted to it  
26 relating to:

27 (1) Records of criminal history; and

28 (2) The DNA profile of a person from whom a biological  
29 specimen is obtained pursuant to NRS 176.09123 or 176.0913.

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

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

36 (d) Upon request, provide, in paper or electronic form, the  
37 information that is contained in the Central Repository to a  
38 multidisciplinary team to review the death of the victim of a crime  
39 that constitutes domestic violence organized or sponsored by the  
40 Attorney General pursuant to NRS 228.495.

41 5. The Division may:

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



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

4 (c) Request of and receive from the Federal Bureau of  
5 Investigation information on the background and personal history of  
6 any person whose record of fingerprints *or other biometric*  
7 *identifier* the Central Repository submits to the Federal Bureau of  
8 Investigation and:

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

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

15 (3) Who has applied to any agency of the State of Nevada or  
16 any political subdivision thereof to attend an academy for training  
17 peace officers approved by the Peace Officers' Standards and  
18 Training Commission;

19 (4) For whom such information is required to be obtained  
20 pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170,  
21 432B.198, 433B.183, 449.123 and 449.4329; or

22 (5) About whom any agency of the State of Nevada or any  
23 political subdivision thereof is authorized by law to have accurate  
24 personal information for the protection of the agency or the persons  
25 within its jurisdiction.

26 ↪ To request and receive information from the Federal Bureau of  
27 Investigation concerning a person pursuant to this subsection, the  
28 Central Repository must receive ~~{the person's complete set of~~  
29 ~~fingerprints}~~ *one or more fingerprints or other biometric identifier*  
30 *of the person as it may require* from the agency or political  
31 subdivision and submit the ~~{fingerprints}~~ *received data* to the  
32 Federal Bureau of Investigation for its report.

33 6. The Central Repository shall:

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

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

38 (c) Disseminate to federal agencies engaged in the collection of  
39 statistical data relating to crime information which is contained in  
40 the Central Repository.

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

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

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



1 (3) Is employed by a county school district, charter school or  
2 private school,

3 ↪ and notify the superintendent of each county school district, the  
4 governing body of each charter school and the Superintendent of  
5 Public Instruction, or the administrator of each private school, as  
6 appropriate, if the investigation of the Central Repository indicates  
7 that the person has been convicted of a violation of NRS 200.508,  
8 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or  
9 any offense involving moral turpitude.

10 (e) Upon discovery, notify the superintendent of each county  
11 school district, the governing body of each charter school or the  
12 administrator of each private school, as appropriate, by providing  
13 the superintendent, governing body or administrator with a list of all  
14 persons:

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

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

19 ↪ who the Central Repository's records indicate have been  
20 convicted of a violation of NRS 200.508, 201.230, 453.3385,  
21 453.339 or 453.3395, or convicted of a felony or any offense  
22 involving moral turpitude since the Central Repository's initial  
23 investigation. The superintendent of each county school district, the  
24 governing body of a charter school or the administrator of each  
25 private school, as applicable, shall determine whether further  
26 investigation or action by the district, charter school or private  
27 school, as applicable, is appropriate.

28 (f) Investigate the criminal history of each person who submits  
29 *one or more* fingerprints *or other biometric identifier* or has  
30 **[fingerprints]** *such data* submitted pursuant to NRS 62B.270,  
31 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183,  
32 449.122, 449.123 or 449.4329.

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

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

44 (i) Identify and review the collection and processing of  
45 statistical data relating to criminal justice and the delinquency of



1 children by any agency identified in subsection 2 and make  
2 recommendations for any necessary changes in the manner of  
3 collecting and processing statistical data by any such agency.

4 7. The Central Repository may:

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

8 (b) Charge a reasonable fee for any publication or special report  
9 it distributes relating to data collected pursuant to this section. The  
10 Central Repository may not collect such a fee from an agency of  
11 criminal justice, any other agency dealing with crime or the  
12 delinquency of children which is required to submit information  
13 pursuant to subsection 2 or the State Disaster Identification Team of  
14 the Division of Emergency Management of the Department. All  
15 money collected pursuant to this paragraph must be used to pay for  
16 the cost of operating the Central Repository.

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

21 8. As used in this section:

22 (a) *“Biometric identifier” means a fingerprint, voiceprint,*  
23 *facial image, retina image or iris image of a person.*

24 (b) “Personal identifying information” means any information  
25 designed, commonly used or capable of being used, alone or in  
26 conjunction with any other information, to identify a person,  
27 including, without limitation:

28 (1) The name, driver’s license number, social security  
29 number, date of birth and photograph or computer-generated image  
30 of a person; and

31 (2) ~~["The fingerprints, voiceprint, retina image and iris image"]~~  
32 *A biometric identifier* of a person.

33 ~~[(b)]~~ (c) “Private school” has the meaning ascribed to it in  
34 NRS 394.103.

35 **Sec. 2.** This act becomes effective upon passage and approval.

