

The meeting was called to order at 9:05 a.m. Senator Close was in the Chair.

PRESENT: Senator Close
Senator Hernstadt
Senator Don Ashworth
Senator Dodge
Senator Ford
Senator Raggio
Senator Sloan

ABSENT: None

AB 524 Limits dissemination of certain criminal records and provides for their examination and challenge.
(See minutes of May 22 for testimony and discussion.)

Senator Close stated that if we are going to pass this, he felt that it should be cut back to the very minimum required by Federal agencies.

Senator Sloan stated that the State could face some sanctions if this bill were not passed. There are two agencies that could be involved, LEAA, which is Law Enforcement Assistance Administration, and then the Department of Justice in general.

Senator Raggio stated that other states have generally adopted these provisions and they would be reluctant to provide information to our agencies unless they have some assurance that there is some control over the dissemination after they send it.

Senator Close stated that he felt the Committee should go through this section by section, because the language is so bad. First he read Jean Ford's preamble. "While at the present time, Nevada has no central repository for criminal history records, it is the intent of the Legislature to work toward that goal. Therefore, at the present time the system known as SCOPE will be maintained by the Las Vegas Metropolitan Police Department, and shall be considered the central repository for Nevada criminal history records."

Senator Raggio stated that after Police Department, we might want to insert, "which at present time provides statewide information to law enforcement agencies on a voluntary basis."

Section 3 - No change.

Section 4 - Take out "the organization that controls", and put in "that maintains a single record system with SCOPE."

Section 5 thru 7 - No change.

Section 8 - On line 48 take out "identification and communications division of the department of law enforcement assistance,

which is,"

Section 9 - As there was much confusion over the wording and meanings the Committee decided to come back to this section later.

Section 10 - On lines 23 and 27, put in "must" instead of "may." Lines 26 and 27, take out "including all correctional supervision."

As they had to go into session, the meeting was adjourned.

Meeting reconvened at 11:45 a.m. All members were present.

Larry Ketzenberger had been called in to help go over the bill with the Committee.

Senator Sloan stated that he had talked with Larry and he said that they don't want every agency checking with them because not every agency works with them. So he and Larry had prepared some language. "No agency of criminal justice in Nevada which has a cooperative agreement with SCOPE, which is previously defined, may disseminate any record of criminal history."

Senator Raggio asked if there was a written agreement.

Mr. Ketzenberger stated that when the privacy and security rules first came down, contracts were sent to the various agencies to be signed. These were the agencies that were tied into SCOPE. The agreement was as to their dissemination of criminal history information. There are no current agreements but they can certainly be drawn up.

Senator Raggio asked if that would also cover the one that submit information.

Mr. Ketzenberger stated that it would. The intent of the Federal rules was not that every agency check with a central repository, if they were not using the repository. The primary purpose was to make sure that when you are disseminating the information you only disseminate the most current information available to you.

Senator Sloan stated he did not understand the language "disclosure of records is an exception", on lines 3, 4 & 5 on Page 2.

Mr. Ketzenberger stated that the purpose of that is to keep that from being classified as dissemination, where the agency would have to log it each time. If they obtain information for exchange, the agency which creates the information would distribute that to the central repository and that is not to be classified as criminal information dissemination.

Senator Sloan stated, say North Las Vegas put all of their criminal records into SCOPE. They say we are not going to keep a separate file, so they put it on the computer, then you have an agency that maintains a single record system with another agency, which is the repository. But then it becomes a single record system which is SCOPE.

Senator Close stated that there had to be a better way of putting in this language.

Senator Ashworth stated that if the Committee couldn't figure it out after an hour of discussion, no one else would be able to either.

Senator Dodge stated that we should put something in here to make it clear that if say, Henderson Police Department, decides to put something into the system, it would not be a disclosure.

Senator Raggio asked what about a unified record system, or else define what a single record system is.

Senator Sloan asked what "an event" meant.

Mr. Ketzenberger stated that an event is one particular arrest. You may be getting back a whole rap sheet.

Senator Sloan stated then maybe we should put in "to an agency which maintains a record system from an agency which maintains a single record system."

Mr. Ketzenberger stated that he would check on the single record definition during the lunch hour and try to get some clarifying language back.

Section 10 - Senator Sloan stated that we should have a reciprocal agreement.

Mr. Ketzenberger stated that that is being done now with the agencies that are set up. Any record of conviction can be disseminated and we do not care what they do with the information, but they do have to do it in the same way that our law requires. When we get information from outside agencies we have to follow what their law states.

As the Committee had to go back into session, the meeting was adjourned.

The meeting reconvened at 2:25 p.m. All the members were present.

David Small, Carson City District Attorney, stated that he had some language. "When Nevada criminal justice agencies jointly participate in the maintenance of a single records keeping department, as an alternative to maintaining separate records, the furnishing of information by that repository to personnel of any participating agency is not a dissemination."

The Committee agreed that that made the language much clearer. They then continued going through the bill.

Section 10 - Page 4, line 5, Section h, put in "a journalist in the scope of his professional capacity." On line 19 add that same language but add, "with intent to communicate to the public."

Section 11 and 12 - No changes.

Section 13 - Add in "except as sealed by law in NRS 179.245." This would keep it consistent with the expungement law.

Section 14 - No change.

Section 15 - Take out Subsection d, because there should be provision for someone coming in on their behalf to get the information.

Section 16 - Line 13, take out "recorded information" and put in "records of criminal history."

Section 17 - Subsection a, take out the rest of the language in that Subsection, after "reasonable fee."

Section 18 - No change.

Section 19 - Delete the entire section.

Senator Sloan moved that AB 524 be passed out of Committee with an "amend and do pass" recommendation.

Seconded by Senator Ashworth.

The motion carried, the vote was as follows:

AYE: Senator Close	NAY: None	ABSENT: Senator Ford
Senator Dodge		Senator Raggio
Senator Ashworth		Senator
Senator Sloan		Hernstadt

The meeting adjourned at 3:30 p.m.

Respectfully submitted,

Virginia C. Letts
Virginia C. Letts, Secretary

APPROVED:

Mel. D. Close Jr.
Senator Melvin D. Close Jr., Chairman