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AB155 COMMENTS/NEW ADDITIONS

The Criminal History Records Repository is in favor of AB155. These changes are necessary to allow for the submission of fingerprint cards to the Federal Bureau of Investigation (FBI) for licensing and employment. Additional changes are also needed in NRS 239B.010 to allow for the submission of fingerprints for licenses required by the counties so they can perform background checks on city and county employees. The required changes to NRS 239B.010 are attached.

HISTORY

- In 1972, Public Law 92-544 allowed for the submission of fingerprint cards to the FBI for licensing and employment provided a state statute existed as a result of legislative enactment.
- In a letter dated December 20, 2000, the FBI Criminal Justice Information Services Division (CJIS) commenced a comprehensive review of the state statutes enacted pursuant to Public Law 92.544.
- In a letter dated April 26, 2001, the CJIS division of the FBI provided the result of its review of Nevada Statutes. Of the 29 Nevada statutes, 16 satisfied the criteria of Pub. L. 92.544. Eleven statutes did not meet the criteria. Two of the statutes needed clarification. Changes needed to be made by May 1, 2002.
- Mr. Dennis DeBacco requested an extension until after the 2003 legislative session in a letter dated May 17, 2001. That extension was given until July 2003.
- On October 21, 2002, an informational letter from the CJIS division was received by Repository staff which recommended language to allow for the submission of fingerprints for licenses and employment submitted pursuant to NRS 239B.010. NRS 239B.010 was one of the eleven statutes which did not originally meet the criteria of Pub. L. 92-544.

IF BILL IS NOT APPROVED WITH THE NEW ADDITIONS

Failure to enact this needed new language would result in the rejection by the FBI after July 1, 2003, of all fingerprint cards submitted under these 10 statutes. (The Gaming statute had been revised in the 2001 session.) Fingerprint submissions are the only avenue to receive FBI background checks for employment and licensing. If the changes to NRS 239B.010 are not approved, fingerprint based federal background checks for city and county employees working in sensitive positions as well as those submitted pursuant to county ordinances could not be submitted to the FBI after July 1, 2003.

IF THE BILL IS APPROVED WITH THE NEW ADDITIONS

The Criminal History Records Repository would submit the new statutes to the FBI for its review and approval. There would be no interruption in the criminal background service.

ASSEMBLY JUDICIARY

DATE: 3/13/03 ROOM: 3138 EXHIBIT D

SUBMITTED BY: SUZIE CARRILLO

1043

5-31 **Sec. 5.** NRS 239B.010 is hereby amended to read as follows:
5-32 239B.010 *1.* Any agency of the state or political
5-33 subdivision may request and receive from the Federal Bureau of
5-34 Investigation information on the background and personal history of
5-35 any person:
5-36 ~~[1.]~~ *(a)* Who has applied to it for a license *as required by a county*
or local ordinance which ~~[it]~~ *a county or local official* has the
5-37 power to grant or deny:
5-38 ~~[2.]~~ *(b)* With whom it intends to enter into a relationship of
5-39 employment or a contract for personal services; or
5-40 ~~[3.]~~ *(c)* About whom it has a legitimate need to have accurate
5-41 personal information for the protection of the agency or the people
5-42 within its jurisdiction.

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6-1 **2. To request and receive information from the Federal**
6-2 **Bureau of Investigation concerning a person pursuant to**
6-3 **subsection 1, the agency or political subdivision shall require the**
6-4 **person to submit a complete set of his fingerprints and written**
6-5 **permission authorizing the agency or political subdivision to**
6-6 **forward the fingerprints to the Central Repository for Nevada**
6-7 **Records of Criminal History for submission to the Federal Bureau**
6-8 **of Investigation for its report.**

3. The Central Repository for Nevada Records of Criminal History
serves as the State's sole source for receipt of fingerprint submissions
and responses to such submissions from the Federal Bureau of
Investigation pursuant to NRS 239B.010.

6-9 Sec. 6. NRS 391.033 is hereby amended to read as follows:

6-10 391.033 1. All licenses for teachers and other educational
6-11 personnel are granted by the Superintendent of Public Instruction

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