

SENATE BILL NO. 218—SENATORS RAWSON AND CEGAVSKE

FEBRUARY 26, 2003

Referred to Committee on Judiciary

SUMMARY—Revises certain provisions relating to program that provides public with access to certain information in statewide registry concerning certain sex offenders and offenders convicted of crime against child. (BDR 14-159)

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 public safety; revising certain provisions relating to the program that provides the public with access to certain information in the statewide registry concerning certain sex offenders and offenders convicted of a crime against a child; and providing other matters properly relating thereto.

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

- 1     **Section 1.** Chapter 179B of NRS is hereby amended by adding
- 2     thereto a new section to read as follows:
- 3     *“Offender” means a sex offender or an offender convicted of a*
- 4     *crime against a child.*
- 5     **Sec. 2.** NRS 179B.010 is hereby amended to read as follows:
- 6     179B.010 As used in this chapter, unless the context otherwise
- 7     requires, the words and terms defined in NRS 179B.020 to
- 8     179B.140, inclusive, *and section 1 of this act* have the meanings
- 9     ascribed to them in those sections.
- 10    **Sec. 3.** NRS 179B.250 is hereby amended to read as follows:
- 11    179B.250 1. The Department shall, in a manner prescribed
- 12    by the Director, establish within the Central Repository a program to
- 13    provide the public with access to certain information contained in



1 the statewide registry. The program may include, but is not limited  
2 to, the use of a secure website on the Internet or other electronic  
3 means of communication to provide the public with access to certain  
4 information contained in the statewide registry if such information is  
5 made available and disclosed in accordance with the procedures set  
6 forth in this section.

7 2. ~~Before a search of the statewide registry is conducted on~~  
8 ~~behalf of a requester seeking information from]~~ *For each inquiry to*  
9 the program, the requester ~~[must]~~ *:*

10 (a) *Must* provide his name, address and telephone number ~~[and~~  
11 ~~the following information concerning the identity of the subject of~~  
12 ~~the search:~~

13 ~~—(a) The name of the subject of the search and at least one of the~~  
14 ~~following items:~~

15 ~~— (1) The social security number of the subject of the search;~~

16 ~~— (2) The identification number from a driver's license or an~~  
17 ~~identification card issued to the subject of the search by this state; or~~

18 ~~— (3) The date of birth of the subject of the search; or~~

19 ~~—(b) The name and address of the subject of the search and all of~~  
20 ~~the following items:~~

21 ~~— (1) The race or ethnicity of the subject of the search;~~

22 ~~— (2) The hair color and eye color of the subject of the search;~~

23 ~~— (3) The approximate height and weight of the subject of the~~  
24 ~~search; and~~

25 ~~— (4) The approximate age of the subject of the search.~~

26 ~~After conducting a search based upon information provided~~  
27 ~~pursuant to paragraph (a) or (b), the Central Repository may require~~  
28 ~~the requester to provide additional information to confirm the~~  
29 ~~identity of the subject of the search. The additional information may~~  
30 ~~include, but is not limited to, the license number from a motor~~  
31 ~~vehicle frequently driven by the subject of the search, the employer~~  
32 ~~of the subject of the search or any information listed in paragraph~~  
33 ~~(a) or (b) that was not provided for the initial search.~~

34 ~~3. After conducting a search of the statewide registry on behalf~~  
35 ~~of a requester,]~~ ;

36 (b) *May be asked to provide other information including, but*  
37 *not limited to, his electronic mail address; and*

38 (c) *Must provide:*

39 (1) *The name of the subject of the search;*

40 (2) *Any alias of the subject of the search;*

41 (3) *The zip code of the residence, place of work or school of*  
42 *the subject of the search; or*

43 (4) *Any other information concerning the identity or*  
44 *location of the subject of the search that is deemed sufficient in*  
45 *the discretion of the Department.*



- 1       3. For each inquiry to the program, made by the requester,  
2 the Central Repository shall:
- 3       (a) Inform the requester that information obtained through the  
4 program may not be used to violate the law or the individual rights  
5 of another person and that such misuse of information obtained  
6 through the program may subject the requester to criminal  
7 prosecution or civil liability for damages;
- 8       (b) Explain the levels of notification that are assigned to sex  
9 offenders pursuant to NRS 179D.730; and
- 10       (c) Explain that the Central Repository is prohibited by law  
11 from disclosing information concerning certain offenders, even if  
12 those offenders are listed in the statewide registry.
- 13       4. If an offender listed in the statewide registry matches the  
14 information provided by the requester concerning the identity or  
15 location of the subject of the search, the Central Repository:
- 16       (a) Shall disclose to the requester information concerning an  
17 offender who is assigned a Tier 3 level of notification and who is:
- 18           (1) Convicted on or after July 1, 1997; or  
19           (2) Convicted before July 1, 1997, if disclosure of  
20 information concerning the offender has been authorized  
21 pursuant to NRS 179D.730 and the guidelines and procedures for  
22 community notification adopted by the Attorney General.
- 23       (b) May, in the discretion of the Department, disclose to the  
24 requester information concerning an offender who is assigned a  
25 Tier 2 level of notification and who is convicted on or after July 1,  
26 1997.
- 27       (c) Shall not disclose to the requester information concerning  
28 an offender who is assigned a Tier 1 level of notification.
- 29       5. After each inquiry to the program, made by the requester,  
30 the Central Repository shall inform the requester that:
- 31       (a) No ~~person~~ offender listed in the statewide registry matches  
32 the information provided by the requester concerning the identity or  
33 location of the subject of the search;
- 34       (b) The search of the statewide registry has not produced  
35 information that is available to the public through the statewide  
36 registry;
- 37       (c) The requester needs to provide additional information  
38 concerning the identity or location of the subject of the search  
39 before the Central Repository may disclose the results of the search;  
40 or
- 41       ~~(c) A person~~
- 42       (d) An offender listed in the statewide registry matches the  
43 information provided by the requester concerning the identity or  
44 location of the subject of the search. If a search of the statewide



1 registry results in a match pursuant to this paragraph, the Central  
2 Repository:

3 (1) Shall inform the requester of each offense for which the  
4 ~~[subject of the search]~~ *offender* was convicted, *describing each*  
5 *offense in language that is understandable to the ordinary*  
6 *layperson*, and the date and location of each conviction.

7 (2) *May inform the requester of the age of the victim and*  
8 *offender at the time of each offense.*

9 (3) May, through the use of a secure website on the Internet  
10 or other electronic means of communication, provide the requester  
11 with a photographic image of the ~~[subject of the search]~~ *offender* if  
12 such an image is available.

13 ~~[(3) Shall not]~~

14 (4) *May, in the discretion of the Department*, provide the  
15 requester with any other information that is included in the record of  
16 registration for the ~~[subject of the search]~~.

17 ~~4.]~~ *offender, including, but not limited to, the name or any alias*  
18 *of the offender and the zip codes of the residence, work place and*  
19 *school of the offender.*

20 6. For each inquiry to the program, the Central Repository shall  
21 ~~[-~~

22 ~~—(a) Charge a fee to the requester;~~

23 ~~—(b) Maintain] maintain~~ a log of the information provided by the  
24 requester to the Central Repository and the information provided by  
25 the Central Repository to the requester. ~~[-and~~

26 ~~—(c) Inform the requester that information obtained through the~~  
27 ~~program may not be used to violate the law or the individual rights~~  
28 ~~of another person and that such misuse of information obtained~~  
29 ~~through the program may subject the requester to criminal~~  
30 ~~prosecution or civil liability for damages.~~

31 ~~—5.]~~ 7. A person may not use information obtained through the  
32 program as a substitute for information relating to sexual offenses  
33 that must be provided by the Central Repository pursuant to NRS  
34 179A.180 to 179A.240, inclusive, or another provision of law.

35 8. *The provisions of this section do not prevent law*  
36 *enforcement officers, the Central Repository and its officers and*  
37 *employees, or any other person from:*

38 (a) *Accessing information in the statewide registry pursuant to*  
39 *NRS 179B.200;*

40 (b) *Carrying out any duty pursuant to chapter 179D of NRS;*  
41 *or*

42 (c) *Carrying out any duty pursuant to another provision of*  
43 *law.*

44 **Sec. 4.** NRS 179B.260 is hereby repealed.



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TEXT OF REPEALED SECTION

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**179B.260 Use of fees collected from operation of program.**  
All money received by the Central Repository from operation of the program must be used as provided in subsection 2 of NRS 179A.140.

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