

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 by
12 the Director, establish within the Central Repository a program to
13 provide the public with access to certain information contained in



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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 the program, the~~
9 ~~requester must provide his name, address and telephone number and~~
10 ~~the following information concerning the identity of the subject of~~
11 ~~the search:~~

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

- 14 ~~— (1) The social security number of the subject of the search;~~
- 15 ~~— (2) The identification number from a driver's license or an~~
16 ~~identification card issued to the subject of the search by this state; or~~
- 17 ~~— (3) The date of birth of the subject of the search; or~~

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

- 20 ~~— (1) The race or ethnicity of the subject of the search;~~
- 21 ~~— (2) The hair color and eye color of the subject of the search;~~
- 22 ~~— (3) The approximate height and weight of the subject of the~~
23 ~~search; and~~
- 24 ~~— (4) The approximate age of the subject of the search.~~

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

33 ~~3. After conducting a search of the statewide registry on behalf~~
34 ~~of a requester,] For each inquiry to the program, the requester~~
35 ~~must provide:~~

- 36 ~~(a) The name of the subject of the search;~~
- 37 ~~(b) Any alias of the subject of the search;~~
- 38 ~~(c) The zip code of the residence, place of work or school of~~
39 ~~the subject of the search; or~~
- 40 ~~(d) Any other information concerning the identity or location~~
41 ~~of the subject of the search that is deemed sufficient in the~~
42 ~~discretion of the Department.~~

43 3. For each inquiry to the program, made by the requester,
44 the Central Repository shall:



- 1 (a) Explain the levels of notification that are assigned to sex
2 offenders pursuant to NRS 179D.730; and
- 3 (b) Explain that the Central Repository is prohibited by law
4 from disclosing information concerning certain offenders, even if
5 those offenders are listed in the statewide registry.
- 6 4. If an offender listed in the statewide registry matches the
7 information provided by the requester concerning the identity or
8 location of the subject of the search, the Central Repository:
- 9 (a) Shall disclose to the requester information concerning an
10 offender who is assigned a Tier 3 level of notification.
- 11 (b) May, in the discretion of the Department, disclose to the
12 requester information concerning an offender who is assigned a
13 Tier 2 level of notification.
- 14 (c) Shall not disclose to the requester information concerning
15 an offender who is assigned a Tier 1 level of notification.
- 16 5. After each inquiry to the program made by the requester,
17 the Central Repository shall inform the requester that:
- 18 (a) No ~~person~~ offender listed in the statewide registry matches
19 the information provided by the requester concerning the identity or
20 location of the subject of the search;
- 21 (b) The search of the statewide registry has not produced
22 information that is available to the public through the statewide
23 registry;
- 24 (c) The requester needs to provide additional information
25 concerning the identity or location of the subject of the search
26 before the Central Repository may disclose the results of the search;
27 or
- 28 ~~(c) A person~~
- 29 (d) An offender listed in the statewide registry matches the
30 information provided by the requester concerning the identity or
31 location of the subject of the search. If a search of the statewide
32 registry results in a match pursuant to this paragraph, the Central
33 Repository:
- 34 (1) Shall inform the requester of the name or any alias of
35 the offender and the zip codes of the residence, work place and
36 school of the offender.
- 37 (2) Shall inform the requester of each offense for which the
38 ~~subject of the search~~ offender was convicted, describing each
39 offense in language that is understandable to the ordinary
40 layperson, and the date and location of each conviction.
- 41 ~~(2)~~ (3) Shall inform the requester of the age of the victim
42 and offender at the time of each offense.
- 43 (4) May, through the use of a secure website on the Internet
44 or other electronic means of communication, provide the requester



1 with a photographic image of the ~~subject of the search~~ *offender* if
2 such an image is available.

3 ~~[(3)] (5)~~ Shall not provide the requester with any other
4 information that is included in the record of registration for the
5 ~~subject of the search.~~
6 ~~4.] offender.~~

7 6. For each inquiry to the program, the Central Repository shall
8 ~~f:~~

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

10 ~~—(b) Maintain] maintain~~ a log of the information provided by the
11 requester to the Central Repository and the information provided by
12 the Central Repository to the requester. ~~f; and~~

13 ~~—(c) Inform the requester that information obtained through the~~
14 ~~program may not be used to violate the law or the individual rights~~
15 ~~of another person and that such misuse of information obtained~~
16 ~~through the program may subject the requester to criminal~~
17 ~~prosecution or civil liability for damages.~~

18 ~~5.] 7.~~ A person may not use information obtained through the
19 program as a substitute for information relating to sexual offenses
20 that must be provided by the Central Repository pursuant to NRS
21 179A.180 to 179A.240, inclusive, or another provision of law.

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

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

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

29 (c) *Carrying out any duty pursuant to another provision of*
30 *law.*

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

TEXT OF REPEALED SECTION

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.

