

SENATE BILL NO. 251—SENATOR TITUS

MARCH 10, 2003

Referred to Committee on Judiciary

SUMMARY—Enacts provisions governing confidentiality of certain information. (BDR 3-572)

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 confidentiality; prohibiting a court from knowingly entering an order or judgment that has the purpose or effect of concealing a public hazard or information concerning a public hazard; providing that any portion of an agreement or a contract that has the purpose or effect of concealing a public hazard or information concerning a public hazard is void; 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.** Title 3 of NRS is hereby amended by adding
2 thereto a new chapter to consist of the provisions set forth as
3 sections 2 to 11, inclusive, of this act.
4 **Sec. 2.** *As used in this chapter, unless the context otherwise*
5 *requires, the words and terms defined in sections 3 to 8, inclusive,*
6 *of this act have the meanings ascribed to them in those sections.*
7 **Sec. 3.** *“Court” means a district court in this state.*
8 **Sec. 4.** *“Information concerning a public hazard” means*
9 *any information concerning a public hazard that may be useful to*
10 *members of the public in protecting themselves from physical*
11 *injury or death which may result from the public hazard.*
12 **Sec. 5.** *“Person” includes a government, governmental*
13 *agency or political subdivision of a government.*



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- 1 **Sec. 6. “Physical injury” means:**
2 1. *Permanent or temporary disfigurement of any part of the*
3 *body; or*
4 2. *Impairment of any bodily function or organ of the body.*
5 **Sec. 7. “Protected information” includes:**
6 1. *Any information that is confidential pursuant to federal or*
7 *state law.*
8 2. *A trade secret. As used in this subsection, “trade secret”*
9 *has the meaning ascribed to it in NRS 600A.030.*
10 **Sec. 8. “Public hazard” means any instrumentality, device,**
11 *procedure, product or condition of any instrumentality, device,*
12 *procedure or product that has caused or is likely to cause physical*
13 *injury or death.*
14 **Sec. 9. Except as otherwise provided in section 11 of this act:**
15 1. *A court shall not knowingly enter an order or a judgment*
16 *that has the purpose or effect of concealing:*
17 (a) *A public hazard; or*
18 (b) *Information concerning a public hazard.*
19 2. *Any portion of an agreement or a contract that has the*
20 *purpose or effect of concealing a public hazard or information*
21 *concerning a public hazard is void as against the public policy of*
22 *this state.*
23 **Sec. 10. 1. Any person has standing to contest an order or**
24 *a judgment that allegedly has the purpose or effect of concealing a*
25 *public hazard or information concerning a public hazard by filing*
26 *a motion in the court which entered the order or judgment.*
27 2. *Any person has standing to contest an agreement or a*
28 *contract that allegedly has the purpose or effect of concealing a*
29 *public hazard or information concerning a public hazard by*
30 *bringing an action for declaratory judgment pursuant to chapter*
31 *30 of NRS.*
32 **Sec. 11. 1. The provisions of this chapter must not be**
33 *construed to allow the disclosure of protected information.*
34 2. *A person may seek to prevent disclosure pursuant to this*
35 *chapter of information that allegedly constitutes protected*
36 *information by filing with the court a motion to prevent disclosure*
37 *of the information. Upon the filing of such a motion, the court*
38 *shall examine, in camera, the information that is the subject of the*
39 *motion.*
40 3. *If, after examining the information, the court finds that all*
41 *or part of the information that is the subject of the motion*
42 *constitutes protected information, the court shall enter an order*
43 *prohibiting public disclosure of the information to the extent that*
44 *it constitutes protected information.*



- 1 **Sec. 12.** The amendatory provisions of this act apply to:
2 1. An order or judgment entered on or after the effective date
3 of this act.
4 2. An agreement or a contract executed on or after the effective
5 date of this act.
6 **Sec. 13.** This act becomes effective upon passage and
7 approval.

