

CHAPTER.....

AN ACT relating to public records; authorizing certain persons to have personal information contained in the records of a county assessor kept confidential; authorizing a county assessor to create a program for the disclosure of confidential information for certain purposes; providing civil and criminal penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires certain books and records of a governmental entity to be open for public inspection. (NRS 239.010) Books and records of a governmental entity are not required to be open for public inspection if they are deemed by statute to be confidential or if the governmental entity determines pursuant to a balancing test that disclosure is not required. (*Donrey v. Bradshaw*, 106 Nev. 630 (1990))

This bill authorizes certain governmental officers and other persons to obtain a court order to require a county assessor to keep confidential certain personal information about such officers and persons. Upon receipt of such a court order, a county assessor must keep the personal information confidential, except that the county assessor may provide the information to other governmental entities in carrying out their functions and for use in connection with certain legal and administrative proceedings and for use in certain investigatory, statistical and marketing activities.

This bill also allows a county assessor to establish a program by which certain qualified persons may request a complete list of the assessor’s roll, including confidential information.

This bill makes it a misdemeanor for a person to make a false representation to obtain confidential information from a county assessor and to knowingly obtain or disclose such information for unauthorized purposes. This bill also authorizes a civil penalty of up to \$2,500 for committing such an act.

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

Section 1. Chapter 250 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 15, inclusive, of this act.

Sec. 2. *As used in sections 2 to 15, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Confidential information” means personal information deemed confidential pursuant to section 5 of this act.*

Sec. 4. *“Personal information” means:*

- 1. The home address of the person;*
- 2. The home address of the spouse or minor child of the person;*
- 3. Any photograph of the home of the person; and*

4. Any photograph of the home of the spouse or minor child of the person,

↳ but does not include an assessor's parcel number.

Sec. 5. 1. Any person listed in section 6 of this act who wishes to have personal information about himself that is contained in the records of a county assessor be kept confidential must obtain an order of a court that requires the county assessor to maintain the personal information of the person in a confidential manner. Such an order must be based on a sworn affidavit by the person, which affidavit:

(a) States that the affiant qualifies as a person listed in section 6 of this act; and

(b) Sets forth sufficient justification for the request for confidentiality.

2. Upon receipt of such an order, a county assessor shall keep such information confidential and shall not:

(a) Disclose the confidential information to anyone, unless disclosure is specifically authorized in writing by that person; or

(b) Post the confidential information on the Internet or its successor, if any, or make the information available to others in any other way.

Sec. 6. 1. The following persons may request that personal information contained in the records of a county assessor be kept confidential:

(a) Any justice or judge in this State.

(b) Any peace officer or retired peace officer.

(c) The spouse or minor child of a person described in paragraph (a) or (b).

(d) The surviving spouse or minor child of a person described in paragraph (a) or (b) who was killed in the performance of his duties.

2. As used in this section, "peace officer" means:

(a) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive; and

(b) Any person:

(1) Who resides in this State;

(2) Whose primary duties are to enforce the law; and

(3) Who is employed by a law enforcement agency of the Federal Government, including, without limitation, a ranger for the National Park Service and an agent employed by the Federal Bureau of Investigation, Secret Service, United States Department of Homeland Security or United States Department of the Treasury.

Sec. 7. *If a person listed in section 6 of this act requests confidentiality, the confidential information of that person may only be disclosed as provided in section 8 or 10 of this act.*

Sec. 8. 1. *A county assessor may provide confidential information for use:*

(a) By any governmental entity, including, without limitation, any court or law enforcement agency, in carrying out its functions, or any person acting on behalf of a federal, state or local governmental agency in carrying out its functions.

(b) In connection with any civil, criminal, administrative or arbitration proceeding before any federal or state court, regulatory body, board, commission or agency, including, without limitation, use for service of process, investigation in anticipation of litigation, and execution or enforcement of judgments and orders or pursuant to an order of a federal or state court.

(c) By a private investigator, private patrolman or security consultant who is licensed pursuant to chapter 648 of NRS, for any use authorized pursuant to this section.

(d) In connection with an investigation conducted pursuant to NRS 253.0415, 253.044 or 253.220.

(e) In activities relating to research and the production of statistical reports, if the address or information will not be published or otherwise disclosed or used to contact any person.

(f) In the bulk distribution of surveys, marketing material or solicitations, if the assessor has adopted policies and procedures to ensure that the information will be used or sold only for use in the bulk distribution of surveys, marketing material or solicitations.

(g) By a reporter or editorial employee who is employed by or affiliated with any newspaper, press association or commercially operated, federally licensed radio or television station.

2. *Except for a reporter or editorial employee described in paragraph (g) of subsection 1, a person who obtains information pursuant to this section and sells or discloses that information shall keep and maintain for at least 5 years a record of:*

(a) Each person to whom the information is sold or disclosed; and

(b) The purpose for which that person will use the information.

Sec. 9. *Except for a request from a governmental entity pursuant to paragraph (a) of subsection 1 of section 8 of this act or in response to an order of a federal or state court pursuant to paragraph (b) of subsection 1 of section 8 of this act, a county assessor may deny a request for confidential information if the assessor reasonably believes that the information may be used in an unauthorized manner.*

Sec. 10. *A county assessor may establish a program whereby a person may request a complete list of the assessor's roll, including, without limitation, any confidential information, by establishing an account with the office of the assessor to facilitate his ability to request such information electronically or by written request if he has submitted to the assessor proof that he is eligible to request such information pursuant to section 8 of this act and a signed and notarized affidavit acknowledging:*

1. That he has read and fully understands the current laws and regulations regarding the manner in which confidential information from the assessor's files and records may be obtained and the authorized use of such information.

2. That he understands that any sale or disclosure of such information must be in accordance with the provisions of sections 2 to 10, inclusive, of this act.

3. That he understands that the assessor will maintain a record of any confidential information he requests.

4. That he understands the penalties for violating the provisions of sections 2 to 10, inclusive, of this act.

5. That he understands that a violation of any of the provisions of sections 2 to 10, inclusive, of this act may result in a revocation of his privilege to request documents pursuant to this section.

Sec. 11. *A county assessor who establishes a program pursuant to section 10 of this act may revoke the privilege to request documents pursuant to section 10 of this act for a violation of the provisions of sections 2 to 10, inclusive, of this act.*

Sec. 12. *If a professional or occupational board determines that its licensees regularly participate in a program established pursuant to section 10 of this act, the board shall adopt procedures to ensure that the confidential information obtained by its licensees pursuant to section 10 of this act is used for the purposes for which it was obtained.*

Sec. 13. *1. A person shall not:*

(a) Make a false representation to obtain any information pursuant to sections 2 to 10, inclusive, of this act; or

(b) Knowingly obtain or disclose information pursuant to sections 2 to 10, inclusive, of this act for any use not authorized pursuant to sections 2 to 10, inclusive, of this act.

2. A person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 14. *If a person discloses confidential information about a person listed in section 6 of this act in violation of sections 2 to 10, inclusive, of this act, and the person who makes the disclosure knows or reasonably should know that such disclosure will create a substantial risk of bodily harm to the person about whom the*

information pertains, the person who makes the disclosure is guilty of a misdemeanor.

Sec. 15. *In addition to any penalty imposed pursuant to section 13 or 14 of this act, the court may order a person who commits an act described in those sections to pay a civil penalty in an amount not to exceed \$2,500 for each act.*

Sec. 16. This act becomes effective on July 1, 2005.

