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SENATE BILL NO. 452—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA HIGHWAY PATROL DIVISION)

MARCH 29, 2005

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Referred to Committee on Judiciary

**SUMMARY**—Revises provisions pertaining to Central Repository for Nevada Records of Criminal History. (BDR 14-612)

**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.

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**AN ACT** relating to the Central Repository for Nevada Records of Criminal History; requiring the Director of the Department of Public Safety to establish within the Department the Advisory Committee on Nevada Criminal Justice Information Sharing; prescribing the duties of the Advisory Committee; repealing the establishment of an Advisory Committee on the Uniform Program for Reporting Crimes; making various other changes concerning the Central Repository; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law requires the Director of the Department of Public Safety to  
2 establish within the Central Repository for Nevada Records of Criminal History a  
3 Uniform Program for Reporting Crimes. The Program is designed to collect and  
4 facilitate the collection and analysis of statistical data relating to crime and juvenile  
5 delinquency. The Director is required to establish an Advisory Committee to assist  
6 in carrying out the Program. (NRS 179A.078)  
7 This bill repeals the requirement for a Uniform Program for Reporting Crimes  
8 and for an Advisory Committee to assist in carrying out the Program.  
9 This bill requires the Director of the Department of Public Safety to establish  
10 within the Department the Advisory Committee on Nevada Criminal Justice  
11 Information Sharing. The Advisory Committee is required to: (1) recommend  
12 policies and procedures for managing the Central Repository for Nevada Records  
13 of Criminal History; (2) advise on technological support for the Central Repository;



14 and (3) advise on the integrated information sharing of statistical data relating to  
15 crime or the delinquency of children.

16 Under existing law, the Central Repository is created within the Nevada  
17 Highway Patrol Division of the Department of Public Safety. (NRS 179A.075)

18 This bill removes references to the Divison. Although the Central Repository  
19 remains within the Department of Public Safety, it is not specifically within the  
20 Nevada Highway Patrol Division.

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

1 **Section 1.** Chapter 179A of NRS is hereby amended by  
2 adding thereto a new section to read as follows:

3 *1. The Director of the Department shall establish within the*  
4 *Department the Advisory Committee on Nevada Criminal Justice*  
5 *Information Sharing.*

6 *2. The Advisory Committee consists of seven members*  
7 *including:*

8 *(a) The Director of the Department or his designee; and*

9 *(b) Six other members appointed by the Director of the*  
10 *Department.*

11 *3. The Director of the Department shall consider balanced*  
12 *representation from the Executive, Judicial and Legislative*  
13 *Branches when appointing members of the Advisory Committee.*

14 *4. The Advisory Committee shall:*

15 *(a) Recommend policies and procedures that apply the best*  
16 *management practices to the activities at the Central Repository;*

17 *(b) Advise on technological support for the Central Repository;*  
18 *and*

19 *(c) Advise on the integrated information sharing of statistical*  
20 *data relating to crime or the delinquency of children.*

21 *5. Each member of the Advisory Committee, except for the*  
22 *Director of the Department, shall serve a term of 3 years. If a*  
23 *vacancy occurs, the Director of the Department shall appoint a*  
24 *new member to fill the vacancy for the remainder of the unexpired*  
25 *term.*

26 *6. The Advisory Committee shall meet twice annually.*

27 *7. The Director may assign such other employees of the*  
28 *Department as he deems necessary to assist the Advisory*  
29 *Committee in its duties.*

30 *8. Members of the Advisory Committee serve without*  
31 *compensation. If sufficient money is available, members are*  
32 *entitled to travel allowances provided for state officers and*  
33 *employees generally while attending meetings of the Advisory*  
34 *Committee.*



1       **Sec. 2.** NRS 179A.075 is hereby amended to read as follows:

2       179A.075 1. The Central Repository for Nevada Records of  
3 Criminal History is hereby created within the ~~[Nevada Highway~~  
4 ~~Patrol Division of the]~~ Department.

5       2. Each agency of criminal justice and any other agency  
6 dealing with crime or delinquency of children shall:

7       (a) Collect and maintain records, reports and compilations of  
8 statistical data required by the Department; and

9       (b) Submit the information collected to the Central Repository  
10 in the manner ~~[recommended by the Advisory Committee and]~~  
11 approved by the Director of the Department.

12       3. Each agency of criminal justice shall submit the information  
13 relating to records of criminal history that it creates or issues, and  
14 any information in its possession relating to the genetic markers of a  
15 biological specimen of a person who is convicted of an offense  
16 listed in subsection 4 of NRS 176.0913, to the ~~[Division in the~~  
17 ~~manner prescribed by the Director of the Department. The~~  
18 ~~information must be submitted to the Division:]~~ **Department:**

19       (a) Through an electronic network;

20       (b) On a medium of magnetic storage; or

21       (c) In the manner prescribed by the Director of the Department,  
22       ↪ within the period prescribed by the Director of the Department. If  
23 an agency has submitted a record regarding the arrest of a person  
24 who is later determined by the agency not to be the person who  
25 committed the particular crime, the agency shall, immediately upon  
26 making that determination, so notify the ~~[Division. The Division]~~  
27 **Department. The Department** shall delete all references in the  
28 Central Repository relating to that particular arrest.

29       4. The ~~[Division]~~ **Department** shall, in the manner prescribed  
30 by the Director of the Department:

31       (a) Collect, maintain and arrange all information submitted to it  
32 relating to:

33               (1) Records of criminal history; and

34               (2) The genetic markers of a biological specimen of a person  
35 who is convicted of an offense listed in subsection 4 of  
36 NRS 176.0913.

37       (b) When practicable, use a record of the personal identifying  
38 information of a subject as the basis for any records maintained  
39 regarding him.

40       (c) Upon request, provide the information that is contained in  
41 the Central Repository to the State Disaster Identification Team of  
42 the Division of Emergency Management of the Department.

43       5. The ~~[Division]~~ **Department** may:



1 (a) Disseminate any information which is contained in the  
2 Central Repository to any other agency of criminal justice;

3 (b) Enter into cooperative agreements with federal and state  
4 repositories to facilitate exchanges of information that may be  
5 disseminated pursuant to paragraph (a); and

6 (c) Request of and receive from the Federal Bureau of  
7 Investigation information on the background and personal history of  
8 any person whose record of fingerprints the Central Repository  
9 submits to the Federal Bureau of Investigation and:

10 (1) Who has applied to any agency of the State of Nevada or  
11 any political subdivision thereof for a license which it has the power  
12 to grant or deny;

13 (2) With whom any agency of the State of Nevada or any  
14 political subdivision thereof intends to enter into a relationship of  
15 employment or a contract for personal services;

16 (3) About whom any agency of the State of Nevada or any  
17 political subdivision thereof has a legitimate need to have accurate  
18 personal information for the protection of the agency or the persons  
19 within its jurisdiction; or

20 (4) For whom such information is required to be obtained  
21 pursuant to NRS 449.179.

22 ➔ To request and receive information from the Federal Bureau of  
23 Investigation concerning a person pursuant to this subsection, the  
24 Central Repository must receive the person's complete set of  
25 fingerprints from the agency or political subdivision and submit the  
26 fingerprints to the Federal Bureau of Investigation for its report.

27 6. The Central Repository shall:

28 (a) Collect and maintain records, reports and compilations of  
29 statistical data submitted by any agency pursuant to subsection 2.

30 (b) Tabulate and analyze all records, reports and compilations of  
31 statistical data received pursuant to this section.

32 (c) Disseminate to federal agencies engaged in the collection of  
33 statistical data relating to crime information which is contained in  
34 the Central Repository.

35 (d) Investigate the criminal history of any person who:

36 (1) Has applied to the Superintendent of Public Instruction  
37 for a license;

38 (2) Has applied to a county school district or a private school  
39 for employment; or

40 (3) Is employed by a county school district or a private  
41 school,

42 ➔ and notify the superintendent of each county school district and  
43 the Superintendent of Public Instruction, or the administrator of  
44 each private school, as appropriate, if the investigation of the  
45 Central Repository indicates that the person has been convicted of a



1 violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395,  
2 or convicted of a felony or any offense involving moral turpitude.

3 (e) Upon discovery, notify the superintendent of each county  
4 school district or the administrator of each private school, as  
5 appropriate, by providing the superintendent or administrator with a  
6 list of all persons:

7 (1) Investigated pursuant to paragraph (d); or

8 (2) Employed by a county school district or private school  
9 whose fingerprints were sent previously to the Central Repository  
10 for investigation,

11 who the Central Repository's records indicate have been  
12 convicted of a violation of NRS 200.508, 201.230, 453.3385,  
13 453.339 or 453.3395, or convicted of a felony or any offense  
14 involving moral turpitude since the Central Repository's initial  
15 investigation. The superintendent of each county school district or  
16 the administrator of each private school, as applicable, shall  
17 determine whether further investigation or action by the district or  
18 private school, as applicable, is appropriate.

19 (f) Investigate the criminal history of each person who submits  
20 fingerprints or has his fingerprints submitted pursuant to NRS  
21 449.176 or 449.179.

22 (g) On or before July 1 of each year, prepare and present to the  
23 Governor a printed annual report containing the statistical data  
24 relating to crime received during the preceding calendar year.  
25 Additional reports may be presented to the Governor throughout the  
26 year regarding specific areas of crime if they are ~~recommended by~~  
27 ~~the Advisory Committee and]~~ approved by the Director of the  
28 Department.

29 (h) On or before July 1 of each year, prepare and submit to the  
30 Director of the Legislative Counsel Bureau, for submission to the  
31 Legislature, or the Legislative Commission when the Legislature is  
32 not in regular session, a report containing statistical data about  
33 domestic violence in this State.

34 (i) Identify and review the collection and processing of  
35 statistical data relating to criminal justice and the delinquency of  
36 children by any agency identified in subsection 2, and make  
37 recommendations for any necessary changes in the manner of  
38 collecting and processing statistical data by any such agency.

39 7. The Central Repository may:

40 (a) ~~[At the recommendation of the Advisory Committee and in]~~  
41 *In* the manner prescribed by the Director of the Department,  
42 disseminate compilations of statistical data and publish statistical  
43 reports relating to crime or the delinquency of children.

44 (b) Charge a reasonable fee for any publication or special report  
45 it distributes relating to data collected pursuant to this section. The



1 Central Repository may not collect such a fee from an agency of  
2 criminal justice, any other agency dealing with crime or the  
3 delinquency of children which is required to submit information  
4 pursuant to subsection 2 or the State Disaster Identification Team of  
5 the Division of Emergency Management of the Department. All  
6 money collected pursuant to this paragraph must be used to pay for  
7 the cost of operating the Central Repository.

8 (c) In the manner prescribed by the Director of the Department,  
9 use electronic means to receive and disseminate information  
10 contained in the Central Repository that it is authorized to  
11 disseminate pursuant to the provisions of this chapter.

12 8. As used in this section:

13 (a) ~~“Advisory Committee” means the Committee established by~~  
14 ~~the Director of the Department pursuant to NRS 179A.078.~~

15 ~~—(b)~~ “Personal identifying information” means any information  
16 designed, commonly used or capable of being used, alone or in  
17 conjunction with any other information, to identify a person,  
18 including, without limitation:

19 (1) The name, driver’s license number, social security  
20 number, date of birth and photograph or computer generated image  
21 of a person; and

22 (2) The fingerprints, voiceprint, retina image and iris image  
23 of a person.

24 ~~(e)~~ (b) “Private school” has the meaning ascribed to it in  
25 NRS 394.103.

26 **Sec. 3.** NRS 179A.078 is hereby repealed.

27 **Sec. 4.** 1. This section and sections 2 and 3 of this act  
28 become effective upon passage and approval.

29 2. Section 1 of this act becomes effective on July 1, 2005.

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## TEXT OF REPEALED SECTION

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### **179A.078 Uniform Program for Reporting Crimes; Advisory Committee to assist in establishing and carrying out Program.**

1. The Director of the Department shall establish within the  
Central Repository a Uniform Program for Reporting Crimes that is  
designed to collect statistical data relating to crime or delinquency  
of children and to facilitate the collection and analysis of statistical  
data relating to crime at a central location.

2. To assist in establishing and carrying out the Program  
required by subsection 1, the Director shall establish an Advisory



Committee consisting of eight members selected by the Director. The Committee must be composed of:

(a) One member who represents an association of district judges in this State;

(b) One member who represents an association of justices of the peace and judges of municipal courts in this State;

(c) One member who represents an association of district attorneys in this State;

(d) One member who represents a law enforcement agency located in a county whose population is less than 400,000;

(e) One member who represents a law enforcement agency located in a county whose population is 400,000 or more;

(f) One member who represents the Nevada Highway Patrol;

(g) One member who represents the University and Community College System of Nevada and has knowledge of the criminal justice system; and

(h) One member who represents the Office of Court Administrator.

3. The members of the Advisory Committee are not entitled to receive compensation while engaged in the business of the Advisory Committee.

4. A member who is selected to fill a vacancy must possess the same general qualifications as his predecessor in office.



