

SENATE BILL NO. 452—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA HIGHWAY PATROL DIVISION)

MARCH 29, 2005

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.

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; removing the requirement for 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 removes the requirement for the establishment of an Advisory
8 Committee to assist in carrying out the Uniform Program for Reporting Crimes.
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 Division. Although the Central Repository
19 remains within the Department of Public Safety, it is not specifically within the
20 Nevada Highway Patrol Division.

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:*

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

8 *(b) One member who is a representative of a police department*
9 *in a city whose population is 100,000 or more, appointed by the*
10 *Director of the Department;*

11 *(c) One member who is a representative of a sheriff's office of*
12 *a county whose population is 100,000 or more, appointed by the*
13 *Director of the Department;*

14 *(d) One member who is a representative of a law enforcement*
15 *agency which serves a county whose population is less than*
16 *100,000 or city whose population is less than 100,000, appointed*
17 *by the Director of the Department;*

18 *(e) One member who is a representative of a justice's court or*
19 *municipal court, appointed by the Director of the Department;*

20 *(f) One member of the Senate appointed by the Majority*
21 *Leader of the Senate; and*

22 *(g) One member of the Assembly appointed by the Speaker of*
23 *the Assembly.*

24 *3. The Advisory Committee shall:*

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

27 *(b) Advise on technological support for the Central Repository;*
28 *and*

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

31 *4. Each member of the Advisory Committee, except for the*
32 *Director of the Department or his designee, shall serve a term of 3*
33 *years. Any vacancy occurring in the membership of the Advisory*



1 *Committee must be filled in the same manner as the original*
2 *appointment.*

3 *5. The Advisory Committee shall meet twice annually.*

4 *6. The Director may assign such other employees of the*
5 *Department as he deems necessary to assist the Advisory*
6 *Committee in its duties.*

7 *7. Members of the Advisory Committee serve without*
8 *compensation. If sufficient money is available, members are*
9 *entitled to travel allowances provided for state officers and*
10 *employees generally while attending meetings of the Advisory*
11 *Committee.*

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

13 179A.075 1. The Central Repository for Nevada Records of
14 Criminal History is hereby created within the ~~[Nevada Highway~~
15 ~~Patrol Division of the]~~ Department.

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

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

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

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

30 (a) Through an electronic network;

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

32 (c) In the manner prescribed by the Director of the Department,
33 ↪ within the period prescribed by the Director of the Department. If
34 an agency has submitted a record regarding the arrest of a person
35 who is later determined by the agency not to be the person who
36 committed the particular crime, the agency shall, immediately upon
37 making that determination, so notify the ~~[Division. The Division]~~
38 **Department. The Department** shall delete all references in the
39 Central Repository relating to that particular arrest.

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

42 (a) Collect, maintain and arrange all information submitted to it
43 relating to:

44 (1) Records of criminal history; and



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

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

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

10 5. The ~~Division~~ *Department* may:

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

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

16 (c) Request of and receive from the Federal Bureau of
17 Investigation information on the background and personal history of
18 any person whose record of fingerprints the Central Repository
19 submits to the Federal Bureau of Investigation and:

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

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

26 (3) About whom any agency of the State of Nevada or any
27 political subdivision thereof has a legitimate need to have accurate
28 personal information for the protection of the agency or the persons
29 within its jurisdiction; or

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

32 ➤ To request and receive information from the Federal Bureau of
33 Investigation concerning a person pursuant to this subsection, the
34 Central Repository must receive the person's complete set of
35 fingerprints from the agency or political subdivision and submit the
36 fingerprints to the Federal Bureau of Investigation for its report.

37 6. The Central Repository shall:

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

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

42 (c) Disseminate to federal agencies engaged in the collection of
43 statistical data relating to crime information which is contained in
44 the Central Repository.

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



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

3 (2) Has applied to a county school district or a private school
4 for employment; or

5 (3) Is employed by a county school district or a private
6 school,

7 ➤ and notify the superintendent of each county school district and
8 the Superintendent of Public Instruction, or the administrator of
9 each private school, as appropriate, if the investigation of the
10 Central Repository indicates that the person has been convicted of a
11 violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395,
12 or convicted of a felony or any offense involving moral turpitude.

13 (e) Upon discovery, notify the superintendent of each county
14 school district or the administrator of each private school, as
15 appropriate, by providing the superintendent or administrator with a
16 list of all persons:

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

18 (2) Employed by a county school district or private school
19 whose fingerprints were sent previously to the Central Repository
20 for investigation,

21 ➤ who the Central Repository's records indicate have been
22 convicted of a violation of NRS 200.508, 201.230, 453.3385,
23 453.339 or 453.3395, or convicted of a felony or any offense
24 involving moral turpitude since the Central Repository's initial
25 investigation. The superintendent of each county school district or
26 the administrator of each private school, as applicable, shall
27 determine whether further investigation or action by the district or
28 private school, as applicable, is appropriate.

29 (f) Investigate the criminal history of each person who submits
30 fingerprints or has his fingerprints submitted pursuant to NRS
31 449.176 or 449.179.

32 (g) On or before July 1 of each year, prepare and present to the
33 Governor a printed annual report containing the statistical data
34 relating to crime received during the preceding calendar year.
35 Additional reports may be presented to the Governor throughout the
36 year regarding specific areas of crime if they are ~~recommended by~~
37 ~~the Advisory Committee and~~ approved by the Director of the
38 Department.

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

44 (i) Identify and review the collection and processing of
45 statistical data relating to criminal justice and the delinquency of



1 children by any agency identified in subsection 2, and make
2 recommendations for any necessary changes in the manner of
3 collecting and processing statistical data by any such agency.

4 7. The Central Repository may:

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

9 (b) Charge a reasonable fee for any publication or special report
10 it distributes relating to data collected pursuant to this section. The
11 Central Repository may not collect such a fee from an agency of
12 criminal justice, any other agency dealing with crime or the
13 delinquency of children which is required to submit information
14 pursuant to subsection 2 or the State Disaster Identification Team of
15 the Division of Emergency Management of the Department. All
16 money collected pursuant to this paragraph must be used to pay for
17 the cost of operating the Central Repository.

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

22 8. As used in this section:

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

25 ~~—(b)]~~ “Personal identifying information” means any information
26 designed, commonly used or capable of being used, alone or in
27 conjunction with any other information, to identify a person,
28 including, without limitation:

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

32 (2) The fingerprints, voiceprint, retina image and iris image
33 of a person.

34 ~~(c)]~~ (b) “Private school” has the meaning ascribed to it in
35 NRS 394.103.

36 **Sec. 3.** NRS 179A.078 is hereby amended to read as follows:

37 179A.078 ~~[H-]~~ The Director of the Department shall establish
38 within the Central Repository a Uniform Program for Reporting
39 Crimes that is designed to collect statistical data relating to crime or
40 delinquency of children and to facilitate the collection and analysis
41 of statistical data relating to crime at a central location.

42 ~~[2.—To assist in establishing and carrying out the Program~~
43 ~~required by subsection 1, the Director shall establish an Advisory~~
44 ~~Committee consisting of eight members selected by the Director.~~
45 ~~The Committee must be composed of:~~



- 1 ~~—(a) One member who represents an association of district judges~~
2 ~~in this State;~~
- 3 ~~—(b) One member who represents an association of justices of the~~
4 ~~peace and judges of municipal courts in this State;~~
- 5 ~~—(c) One member who represents an association of district~~
6 ~~attorneys in this State;~~
- 7 ~~—(d) One member who represents a law enforcement agency~~
8 ~~located in a county whose population is less than 400,000;~~
- 9 ~~—(e) One member who represents a law enforcement agency~~
10 ~~located in a county whose population is 400,000 or more;~~
- 11 ~~—(f) One member who represents the Nevada Highway Patrol;~~
- 12 ~~—(g) One member who represents the University and Community~~
13 ~~College System of Nevada and has knowledge of the criminal~~
14 ~~justice system; and~~
- 15 ~~—(h) One member who represents the Office of Court~~
16 ~~Administrator.~~
- 17 ~~—3.— The members of the Advisory Committee are not entitled to~~
18 ~~receive compensation while engaged in the business of the Advisory~~
19 ~~Committee.~~
- 20 ~~—4.— A member who is selected to fill a vacancy must possess the~~
21 ~~same general qualifications as his predecessor in office.]~~
- 22 **Sec. 4.** 1. This section and sections 2 and 3 of this act
23 become effective upon passage and approval.
- 24 2. Section 1 of this act becomes effective on July 1, 2005.



