

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; 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.

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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:*

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

8 *(b) The Attorney General or his designee;*

9 *(c) The Director of the Department of Corrections or his*  
10 *designee;*

11 *(d) One member who is a representative of the Judicial Branch*  
12 *of State Government, appointed by the Chief Justice of the*  
13 *Supreme Court;*

14 *(e) One member appointed by the Nevada Sheriffs and Chiefs*  
15 *Association, or a successor organization;*

16 *(f) One member appointed by the Nevada District Attorneys*  
17 *Association, or a successor organization;*

18 *(g) One member appointed by the Director of the Department*  
19 *who uses the Central Repository to obtain information relating to*  
20 *records of criminal history for purposes other than criminal*  
21 *justice, which may include, without limitation, for purposes of*  
22 *determining eligibility of persons for employment or licensure;*

23 *(h) One member of the Senate appointed by the Majority*  
24 *Leader of the Senate; and*

25 *(i) One member of the Assembly appointed by the Speaker of*  
26 *the Assembly.*

27 *3. The Advisory Committee shall:*

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

30 *(b) Advise on technological support for the Central Repository;*  
31 *and*

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



1       4. *Each member that is appointed to the Advisory Committee*  
2 *pursuant to subsection 2, other than a member of the Senate or*  
3 *the Assembly, shall serve a term of 3 years. A member of the*  
4 *Senate and the Assembly appointed to the Advisory Committee*  
5 *shall serve until a replacement is appointed. Any vacancy*  
6 *occurring in the membership of the Advisory Committee must be*  
7 *filled in the same manner as the original appointment.*

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

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

12       7. *Members of the Advisory Committee serve without*  
13 *compensation. If sufficient money is available, members are*  
14 *entitled to travel allowances provided for state officers and*  
15 *employees generally while attending meetings of the Advisory*  
16 *Committee.*

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

18       179A.075 1. The Central Repository for Nevada Records of  
19 Criminal History is hereby created within the ~~[Nevada Highway~~  
20 ~~Patrol Division of the]~~ Department.

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

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

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

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

35       (a) Through an electronic network;

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

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



1 4. The ~~Division~~ *Department* shall, in the manner prescribed  
2 by the Director of the Department:

3 (a) Collect, maintain and arrange all information submitted to it  
4 relating to:

5 (1) Records of criminal history; and

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

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

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

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

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

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

21 (c) Request of and receive from the Federal Bureau of  
22 Investigation information on the background and personal history of  
23 any person whose record of fingerprints the Central Repository  
24 submits to the Federal Bureau of Investigation and:

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

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

31 (3) About whom any agency of the State of Nevada or any  
32 political subdivision thereof has a legitimate need to have accurate  
33 personal information for the protection of the agency or the persons  
34 within its jurisdiction; or

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

37 ➤ To request and receive information from the Federal Bureau of  
38 Investigation concerning a person pursuant to this subsection, the  
39 Central Repository must receive the person's complete set of  
40 fingerprints from the agency or political subdivision and submit the  
41 fingerprints to the Federal Bureau of Investigation for its report.

42 6. The Central Repository shall:

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



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

3 (c) Disseminate to federal agencies engaged in the collection of  
4 statistical data relating to crime information which is contained in  
5 the Central Repository.

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

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

9 (2) Has applied to a county school district or a private school  
10 for employment; or

11 (3) Is employed by a county school district or a private  
12 school,

13 ➤ and notify the superintendent of each county school district and  
14 the Superintendent of Public Instruction, or the administrator of  
15 each private school, as appropriate, if the investigation of the  
16 Central Repository indicates that the person has been convicted of a  
17 violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395,  
18 or convicted of a felony or any offense involving moral turpitude.

19 (e) Upon discovery, notify the superintendent of each county  
20 school district or the administrator of each private school, as  
21 appropriate, by providing the superintendent or administrator with a  
22 list of all persons:

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

24 (2) Employed by a county school district or private school  
25 whose fingerprints were sent previously to the Central Repository  
26 for investigation,

27 ➤ who the Central Repository's records indicate have been  
28 convicted of a violation of NRS 200.508, 201.230, 453.3385,  
29 453.339 or 453.3395, or convicted of a felony or any offense  
30 involving moral turpitude since the Central Repository's initial  
31 investigation. The superintendent of each county school district or  
32 the administrator of each private school, as applicable, shall  
33 determine whether further investigation or action by the district or  
34 private school, as applicable, is appropriate.

35 (f) Investigate the criminal history of each person who submits  
36 fingerprints or has his fingerprints submitted pursuant to NRS  
37 449.176 or 449.179.

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



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

6 (i) Identify and review the collection and processing of  
7 statistical data relating to criminal justice and the delinquency of  
8 children by any agency identified in subsection 2, and make  
9 recommendations for any necessary changes in the manner of  
10 collecting and processing statistical data by any such agency.

11 7. The Central Repository may:

12 (a) ~~At the recommendation of the Advisory Committee and in~~  
13 *In* the manner prescribed by the Director of the Department,  
14 disseminate compilations of statistical data and publish statistical  
15 reports relating to crime or the delinquency of children.

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

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

29 8. As used in this section:

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

32 ~~(b)~~ “Personal identifying information” means any information  
33 designed, commonly used or capable of being used, alone or in  
34 conjunction with any other information, to identify a person,  
35 including, without limitation:

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

39 (2) The fingerprints, voiceprint, retina image and iris image  
40 of a person.

41 ~~(c)~~ (b) “Private school” has the meaning ascribed to it in  
42 NRS 394.103.

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

44 179A.078 ~~(a)~~ The Director of the Department shall establish  
45 within the Central Repository a Uniform Program for Reporting



1 Crimes that is designed to collect statistical data relating to crime or  
2 delinquency of children and to facilitate the collection and analysis  
3 of statistical data relating to crime at a central location.

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

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

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

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

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

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

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

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

22 ~~—(h) One member who represents the Office of Court  
23 Administrator.~~

24 ~~—3.—The members of the Advisory Committee are not entitled to  
25 receive compensation while engaged in the business of the Advisory  
26 Committee.~~

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

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

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



