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SECOND REPRINT

A.B. 41

ASSEMBLY BILL NO. 41—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 16, 2018

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the fictitious address program for victims of certain crimes. (BDR 16-418)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: Yes.

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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 victims of crime; requiring additional entities to accept fictitious addresses from certain victims of crime; prohibiting the maintenance, use and disclosure of certain identifying information of such victims by the additional entities except under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law authorizes the Division of Child and Family Services of the  
2 Department of Health and Human Services to issue a fictitious address to an adult  
3 person, a parent or guardian acting on behalf of a child or a guardian acting on  
4 behalf of an incapacitated person who has been a victim of domestic violence,  
5 human trafficking, sexual assault or stalking who applies for the issuance of a  
6 fictitious address. (NRS 217.462-217.471) Existing law also prohibits the Division  
7 from disclosing the name, the confidential address or fictitious address of a  
8 participant, except in certain circumstances. (NRS 217.464) **Section 1** of this bill  
9 requires a governmental entity or provider of a utility service in this State to allow  
10 the use of a fictitious address upon the request of a participant who has received a  
11 fictitious address issued by the Division. **Section 1** also prohibits such entities from  
12 disclosing the same information prohibited from disclosure by the Division and  
13 expands the protected information to include the telephone number and image of  
14 the person with the fictitious address. Additionally, **section 1** sets forth the  
15 circumstances under which such entities may maintain, use and disclose the  
16 confidential address of a participant.



\* A B 4 1 R 2 \*

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

1       **Section 1.** NRS 217.464 is hereby amended to read as follows:  
2       217.464 1. If the Division approves an application, the  
3 Division shall:

4       (a) Designate a fictitious address for the participant; and  
5       (b) Forward mail that the Division receives for a participant to  
6 the participant.

7       2. *Upon request of a participant, a governmental entity or*  
8 *provider of a utility service in this State to which the participant is*  
9 *required to provide an address shall allow the participant to use*  
10 *the fictitious address issued by the Division. A governmental entity*  
11 *or provider of a utility service who receives a request pursuant to*  
12 *this subsection shall not maintain a record of the confidential*  
13 *address of the participant, unless:*

14       (a) *The governmental entity or provider of a utility service is*  
15 *required to maintain the confidential address of the participant by*  
16 *federal, state or local law; or*

17       (b) *The provision of service by a provider of a utility service is*  
18 *impossible without maintaining the confidential address of the*  
19 *participant.*

20       ↳ *If a governmental entity or provider of a utility service*  
21 *maintains a record of the confidential address of a participant*  
22 *pursuant to paragraph (a) or (b), the governmental entity or*  
23 *provider of a utility service must maintain and use the confidential*  
24 *address of the participant only to the extent as required by federal,*  
25 *state or local law or as necessary to provide a utility service.*

26       3. The Division , *governmental entity or provider of a utility*  
27 *service to which a participant provides a fictitious address*  
28 *pursuant to this section* shall not make any records containing the  
29 name, *telephone number*, confidential address , ~~or~~ fictitious  
30 address *or image* of ~~a~~ the participant available for inspection or  
31 copying, unless:

32       (a) The address is requested by a law enforcement agency, in  
33 which case the Division shall make the address available to the law  
34 enforcement agency; ~~or~~

35       (b) The Division , *governmental entity or provider of a utility*  
36 *service* is directed to do so by lawful order of a court of competent  
37 jurisdiction, in which case the Division , *governmental entity or*  
38 *provider of a utility service* shall make the address available to the  
39 person identified in the order ~~;~~

40       ~~3.~~ ; or

41       (c) *The Division, governmental entity or provider of a utility*  
42 *service is required to do so by federal or state law.*



1       **4.** If a pupil is attending or wishes to attend a public school that  
2 is located in a school district other than the school district in which  
3 the pupil resides as authorized by NRS 392.016, the Division shall,  
4 upon request of the public school that the pupil is attending or  
5 wishes to attend, inform the public school of whether the pupil is a  
6 participant and whether the parent or legal guardian with whom the  
7 pupil resides is a participant. The Division shall not provide any  
8 other information concerning the pupil or the parent or legal  
9 guardian of the pupil to the public school.

10       **5.** *As used in this section, "governmental entity" means any:*  
11       **(a)** *Institution, board, commission, bureau, council,*  
12 *department, division, authority or other unit of government of this*  
13 *State, including, without limitation, an agency of this State or of a*  
14 *political subdivision of this State; and*

15       **(b)** *Incorporated city, county, unincorporated town, township,*  
16 *school district or other public district or agency designed to*  
17 *perform local governmental functions.*

18       **Sec. 2.** This act becomes effective on July 1, 2019.

