

EXEMPT

(Reprinted with amendments adopted on April 18, 2019)
FIRST REPRINT **S.B. 265**

SENATE BILL NO. 265—SENATORS SEEVERS GANSERT, HARDY;
CANCELA, GOICOECHEA, HAMMOND, HANSEN,
KIECKHEFER, OHRENSCHALL, PICKARD AND SETTELMAYER

MARCH 12, 2019

JOINT SPONSORS: ASSEMBLYMEN TITUS, KRAMER; ASSEFA, DALY,
HAFEN, HARDY, LEAVITT, NGUYEN, PETERS, TOLLES AND
WATTS

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to certain information
and records concerning public safety.
(BDR 14-1042)

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 public safety; requiring the Central Repository for Nevada Records of Criminal History to prepare an annual report relating to the transmission of certain information and records concerning public safety; providing for coordination between the Central Repository and the courts relating to such information and records; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires a court, within 5 business days, to transmit to the Central
2 Repository for Nevada Records of Criminal History a record concerning the
3 appointment of a guardian for a person with a mental defect, a plea or finding of
4 guilty but mentally ill, a verdict acquitting a person by reason of insanity, a finding
5 that a person is incompetent to stand trial or the involuntary admission of a person
6 to a mental health facility, along with a statement that the record is being
7 transmitted for inclusion in all appropriate databases of the National Instant
8 Criminal Background Check System. (NRS 159.0593, 174.035, 175.533, 175.539,
9 178.425, 433A.310) Existing law also provides that, upon receiving such a record,
10 the Central Repository: (1) must take reasonable steps to ensure that the
11 information reported in the record is included in each appropriate database of the



12 National Instant Criminal Background Check System; and (2) may take reasonable
13 steps to ensure that the information reported in the record is included in each
14 appropriate database of the National Crime Information Center. (NRS 179A.163)

15 Existing law further requires a person to transmit certain information to the
16 Central Repository any time a court issues a temporary or extended order for
17 protection against domestic violence and any time that a person serves such an
18 order, registers such an order, registers a Canadian domestic-violence protection
19 order or receives certain information or takes certain other actions relating to such
20 orders. (NRS 33.095) Finally, existing law requires each agency of criminal justice
21 to submit information to the Central Repository relating to records of criminal
22 history that it creates, issues or collects, and certain information in the agency's
23 possession relating to the DNA profile of certain persons. (NRS 179A.075)

24 This bill requires the Central Repository to prepare an annual report to be
25 submitted to the Governor, the Nevada Supreme Court and the Director of the
26 Legislative Counsel Bureau for transmittal to the Legislature regarding each
27 instance in which certain information relating to orders for protection against
28 domestic violence, records of criminal history, information relating to DNA
29 profiles and mental health records were not timely submitted during the previous
30 fiscal year. This bill also requires the Central Repository to coordinate its efforts
31 with the courts to ensure that such information and records are timely submitted to
32 the Central Repository.

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. On or before September 1 of each year, the Central*
4 *Repository shall prepare and submit to the Governor, the Nevada*
5 *Supreme Court and the Director of the Legislative Counsel*
6 *Bureau for transmittal to the Legislature a report identifying each*
7 *instance in which information or a record is required to be*
8 *transmitted to the Central Repository pursuant to NRS 33.095,*
9 *159.0593, 174.035, 175.533, 175.539, 178.425, subsection 3 of*
10 *NRS 179A.075 or NRS 433A.310 and such information or record*
11 *was not timely submitted during the previous fiscal year. The*
12 *report must include the reason, if known, for the untimely*
13 *submission of the information or record.*

14 *2. The Central Repository shall, according to a schedule*
15 *established by the Director of the Department, contact the courts*
16 *in this State to coordinate efforts to ensure the timely submission*
17 *of information or records transmitted pursuant to NRS 33.095,*
18 *159.0593, 174.035, 175.533, 175.539, 178.425, subsection 3 of*
19 *NRS 179A.075 or NRS 433A.310.*

20 **Sec. 2.** (Deleted by amendment.)

21 **Sec. 3.** The provisions of subsection 1 of NRS 218D.380 do
22 not apply to any provision of this act which adds or revises a
23 requirement to submit a report to the Legislature.



1 **Sec. 4.** This act becomes effective on July 1, 2019.

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