

Amendment No. 758

Senate Amendment to Senate Bill No. 103	(BDR 14-308)
<b>Proposed by:</b> Senate Committee on Finance	
<b>Amends:</b> Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

KMD/KRO



Date: 5/27/2023

S.B. No. 103—Revises provisions governing the Nevada Sentencing Commission within the Department of Sentencing Policy. (BDR 14-308)





## SENATE BILL NO. 103—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE JOINT INTERIM STANDING  
COMMITTEE ON JUDICIARY)

PREFILED FEBRUARY 2, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the Nevada Sentencing Commission within the Department of Sentencing Policy. (BDR 14-308)

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 criminal justice; revising the membership, powers and duties of the Nevada Sentencing Commission; ~~requiring~~ **establishing the Subcommittee on Misdemeanors of the Sentencing Commission** ~~to conduct an interim study concerning the sentences imposed for misdemeanor offenses in this State;~~ **prescribing the membership, powers and duties of the Subcommittee;** and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law creates the Nevada Sentencing Commission within the Department of Sentencing Policy, prescribes the membership of the Sentencing Commission and sets forth various powers and duties of the Sentencing Commission. (NRS 176.0133, 176.0134) **Section 2** of this bill revises the membership of the Sentencing Commission to remove a member appointed by the Governor and add: (1) a member who is ~~the Chief of Staff to the Governor or his or her designee;~~ **an attorney and whose practice primarily consists of representing criminal defendants in a county whose population is less than 55,000 (currently counties other than Clark and Washoe Counties and Carson City);** (2) a member who is a district attorney; (3) a member who is a representative of the Central Repository for Nevada Records of Criminal History; **and** (4) ~~fa member who has expertise in certain sentencing policies and practices; and (5)~~ a member who is a faculty member in the Nevada System of Higher Education. **Section 2** also: (1) prescribes certain additional requirements relating to members of the Sentencing Commission who are district attorneys; and (2) authorizes the Sentencing Commission to establish working groups, task forces and similar entities to assist in its work.

**Section 3** of this bill removes certain specific requirements relating to recommendations of the Sentencing Commission. **Section 3** also removes requirements that the Sentencing Commission: (1) provide certain training regarding sentencing; (2) act as a sentencing policy resource for this State; and (3) propose and recommend statutory sentencing guidelines. **Section ~~H~~ 1.9** of this bill makes a conforming change relating to the duties of the Sentencing Commission.

**Section ~~H~~ 1.5** of this bill ~~requires~~ **creates** the **Subcommittee on Misdemeanors of the** Sentencing Commission ~~to conduct an interim study concerning the sentences imposed~~

23 ~~for misdemeanor offenses in this State.] and sets forth its membership and duties. Section~~  
 24 ~~[4 requires that such a study include an evaluation of: (1) the offenses punishable as~~  
 25 ~~misdemeanors in this State; (2) the laws governing misdemeanor offenses in other states and~~  
 26 ~~territories of the United States; and (3) any other data the Sentencing Commission determines~~  
 27 ~~is relevant to] 1.7 of this bill authorizes the [study.] Chair of the Subcommittee to appoint~~  
 28 ~~working groups to aid in the work of the Subcommittee. Section 1.7 provides that all~~  
 29 ~~information and materials received or prepared by a working group are confidential.~~  
 30 ~~Section 4.5 of this bill makes a conforming change relating to the information and~~  
 31 ~~materials made confidential pursuant to section 1.7. Section [4 requires] 1.3 of this bill~~  
 32 ~~defines the [Sentencing Commission to submit a report of the results of the study and any~~  
 33 ~~recommendations for legislation to the Joint Interim Standing Committee on the Judiciary and~~  
 34 ~~the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the~~  
 35 ~~Nevada Legislature.] term "subcommittee" for purposes of the provisions of sections 1.5~~  
 36 ~~and 1.7. Section 1.8 of this bill makes a conforming change to indicate the proper~~  
 37 ~~placement of sections 1.3-1.7 in the Nevada Revised Statutes.~~

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

1 Section 1. Chapter 176 of NRS is hereby amended by adding thereto the  
 2 provisions set forth as sections 1.3, 1.5 and 1.7 of this act.

3 Sec. 1.3. "Subcommittee" means the Subcommittee on Misdemeanors of  
 4 the Sentencing Commission.

5 Sec. 1.5. 1. There is hereby created the Subcommittee on Misdemeanors  
 6 of the Sentencing Commission, consisting of members appointed by the Chair of  
 7 the Sentencing Commission, who must include, without limitation:

8 (a) One member who has expertise in:

9 (1) Policies and practices regarding misdemeanor sentencing  
 10 implemented in this State and other states; and

11 (2) Administrative assessments, fines and fees related to the criminal  
 12 justice system in this State and other states;

13 (b) One member who is a city attorney;

14 (c) One member who is an attorney, experienced in defending criminal  
 15 actions; and

16 (d) One member who serves as a court administrator for a justice or  
 17 municipal court.

18 2. The Chair of the Sentencing Commission shall designate one of the  
 19 members of the Subcommittee to serve as the Chair of the Subcommittee.

20 3. The Subcommittee shall meet at the times and places specified by a call  
 21 of the Chair. A majority of the members of the Subcommittee constitutes a  
 22 quorum, and a quorum may exercise all the power or authority conferred on the  
 23 Subcommittee. Members of the Subcommittee shall serve without compensation.

24 4. The Subcommittee shall:

25 (a) Study existing laws, policies and practices relating to misdemeanor  
 26 offenses in this State and other states, including, without limitation, the sentences  
 27 imposed for misdemeanor offenses in this State and other states; and

28 (b) Submit a biennial report describing the findings, conclusions and  
 29 recommendations of the subcommittee to the Sentencing Commission.

30 Sec. 1.7. 1. The Chair of the Subcommittee may appoint working groups  
 31 composed of persons with subject matter expertise, including, without limitation,  
 32 representations of criminal justice agencies in this State to aid in the work of the  
 33 Subcommittee.

1 2. The Chair of the Subcommittee may appoint any person the Chair deems  
 2 appropriate to serve on a working group, which may include, without limitation,  
 3 representatives of criminal justice agencies within this State.

4 3. All information and materials received or prepared by a working group  
 5 are confidential and not public record for purposes of chapter 239 of NRS.

6 4. The members of a working group serve without compensation.

7 Sec. 1.8. NRS 176.01313 is hereby amended to read as follows:

8 176.01313 As used in NRS 176.0131 to 176.014, inclusive, and sections 1.3,  
 9 1.5 and 1.7 of this act, unless the context otherwise requires, the words and terms  
 10 defined in NRS 176.01315, 176.01317 and 176.0132 and section 1.3 of this act  
 11 have the meanings ascribed to them in those sections.

12 ~~[Section 1.]~~ Sec. 1.9. NRS 176.01327 is hereby amended to read as follows:

13 176.01327 The Executive Director appointed pursuant to NRS 176.01323  
 14 shall:

15 1. Oversee all of the functions of the Department.

16 2. Serve as Executive Secretary of the Sentencing Commission without  
 17 additional compensation.

18 3. Report to the Sentencing Commission on sentencing and related issues  
 19 regarding the functions of the Department and provide such information to the  
 20 Sentencing Commission as requested.

21 4. Assist the Sentencing Commission in determining necessary and  
 22 appropriate recommendations to assist in carrying out the responsibilities of the  
 23 Department.

24 5. Establish the budget for the Department.

25 6. Facilitate the collection and aggregation of data from the courts,  
 26 Department of Corrections, Division of Parole and Probation of the Department of  
 27 Public Safety and any other agency of criminal justice.

28 7. Identify variables or sets of data concerning criminal justice that are not  
 29 currently collected or shared across agencies of criminal justice within this State.

30 8. Assist in preparing and submitting the comprehensive report required to be  
 31 prepared by the Sentencing Commission pursuant to subsection ~~444~~ 5 of NRS  
 32 176.0134.

33 9. Assist the Sentencing Commission in carrying out its duties pursuant to  
 34 subsections 2 and 3 of NRS 176.01347 relating to the calculation of the costs  
 35 avoided by this State for the immediately preceding fiscal year because of the  
 36 enactment of chapter 633, Statutes of Nevada 2019, and in preparing a report  
 37 containing the projected amount of such costs for the next biennium and  
 38 recommendations for the reinvestment of the amount of the costs.

39 10. Take any other actions necessary to carry out the powers and duties of the  
 40 Sentencing Commission pursuant to NRS 176.0131 to 176.014, inclusive.

41 Sec. 2. NRS 176.0133 is hereby amended to read as follows:

42 176.0133 1. The Nevada Sentencing Commission is hereby created within  
 43 the Department. The Sentencing Commission consists of:

44 (a) One member ~~[appointed by]~~ who is [the Chief of Staff to the Governor; or  
 45 his or her designee]; an attorney and whose practice primarily consists of  
 46 representing criminal defendants in a county whose population is less than  
 47 55,000, appointed by the Executive Director of the Department of Indigent  
 48 Defense Services or his or her designee;

49 (b) One member who is a justice of the Supreme Court of Nevada or a retired  
 50 justice of the Supreme Court of Nevada, appointed by the Chief Justice of the  
 51 Supreme Court of Nevada;

52 (c) Two members who are judges appointed by the Chief Justice of the  
 53 Supreme Court of Nevada;

1 (d) One member who is a representative of the Administrative Office of the  
2 Courts appointed by the Chief Justice of the Supreme Court of Nevada;

3 (e) The Director of the Department of Corrections;

4 (f) One member who is a representative of the Office of the Attorney General,  
5 appointed by the Attorney General;

6 (g) ~~One member who is a district attorney.~~ *Two members* appointed by the  
7 governing body of the Nevada District Attorneys Association ~~{;}~~, *one of whom*  
8 *must be a district attorney in a county whose population is 100,000 or more and*  
9 *one of whom must be a district attorney in a county whose population is less than*  
10 *100,000;*

11 (h) One member who is a representative of the Office of the Clark County  
12 Public Defender, appointed by the head of the Office of the Clark County Public  
13 Defender;

14 (i) One member who is a representative of the Office of the Washoe County  
15 Public Defender, appointed by the head of the Office of the Washoe County Public  
16 Defender;

17 (j) One member who is an attorney in private practice, experienced in  
18 defending criminal actions, appointed by the governing body of the State Bar of  
19 Nevada;

20 (k) One member who has been a victim of a crime or is a representative of an  
21 organization supporting the rights of victims of crime, appointed by the Governor;

22 (l) One member who is a member of the State Board of Parole Commissioners,  
23 appointed by the State Board of Parole Commissioners;

24 (m) One member who is a representative of the Division of Parole and  
25 Probation of the Department of Public Safety, appointed by the Governor;

26 (n) One member who is a representative of the Nevada Sheriffs' and Chiefs'  
27 Association, appointed by the Nevada Sheriffs' and Chiefs' Association;

28 (o) One member who is a representative of the Las Vegas Metropolitan Police  
29 Department, appointed by the Sheriff of Clark County;

30 (p) One member who is a representative of the Division of Public and  
31 Behavioral Health of the Department of Health and Human Services;

32 (q) One member who is a representative of an organization that advocates on  
33 behalf of inmates, appointed by the Governor;

34 (r) Two members who are Senators, one of whom is appointed by the Majority  
35 Leader of the Senate and one of whom is appointed by the Minority Leader of the  
36 Senate;

37 (s) Two members who are members of the Assembly, one of whom is  
38 appointed by the Speaker of the Assembly and one of whom is appointed by the  
39 Minority Leader of the Assembly;

40 (t) The Director of the Department of Employment, Training and  
41 Rehabilitation; ~~and~~

42 (u) One member who is a representative of an organization that works with  
43 offenders upon release from incarceration to assist in reentry into the community  
44 appointed by the Chair of the Legislative Commission ~~{;}~~;

45 *(v) One member who is a representative of the Central Repository for Nevada*  
46 *Records of Criminal History, appointed by the Director of the Department of*  
47 *Public Safety; and*

48 ~~(w) One member appointed by the Chair of the Legislative Commission who~~  
49 ~~has expertise in:~~

50 ~~(1) The policies and practices regarding misdemeanor sentencing which~~  
51 ~~are employed in this State and other states; and~~

52 ~~(2) Administrative assessments, fines and fees imposed upon persons~~  
53 ~~involved in the criminal justice system in this State and other states; and~~

1 ~~(c)~~ *One member who is a faculty member of the University of Nevada, Las*  
2 *Vegas, or the University of Nevada, Reno, appointed by the Governor.*

3 2. The Executive Director shall serve as the Executive Secretary of the  
4 Sentencing Commission.

5 3. If any organization listed in subsection 1 ceases to exist, the appointment  
6 required pursuant to that subsection must be made by the association's successor in  
7 interest, or, if there is no successor in interest, by the Governor.

8 4. Each appointed member serves a term of 2 years. Members may be  
9 reappointed for additional terms of 2 years in the same manner as the original  
10 appointments. Any vacancy occurring in the membership of the Sentencing  
11 Commission must be filled in the same manner as the original appointment not later  
12 than 30 days after the vacancy occurs.

13 5. The Legislators who are members of the Sentencing Commission are  
14 entitled to receive the salary provided for a majority of the members of the  
15 Legislature during the first 60 days of the preceding session for each day's  
16 attendance at a meeting of the Sentencing Commission.

17 6. At the first regular meeting of each odd-numbered year, the members of the  
18 Sentencing Commission shall elect a Chair by majority vote who shall serve until  
19 the next Chair is elected.

20 7. The Sentencing Commission shall:

21 (a) Hold its first meeting on or before September 1 of each odd-numbered year;  
22 and

23 (b) Meet at least once every 3 months and may meet at such further times as  
24 deemed necessary by the Chair.

25 8. A member of the Sentencing Commission may designate a nonvoting  
26 alternate to attend a meeting in his or her place.

27 9. A majority of the members of the Sentencing Commission constitutes a  
28 quorum for the transaction of business, and a majority of those members present at  
29 any meeting is sufficient for any official action taken by the Sentencing  
30 Commission. A nonvoting alternate designated by a member pursuant to subsection  
31 8 who attends a meeting of the Sentencing Commission for which the alternate is  
32 designated shall be deemed to be a member of the Sentencing Commission for the  
33 purpose of determining whether a quorum exists.

34 10. While engaged in the business of the Sentencing Commission, to the  
35 extent of legislative appropriation, each member of the Sentencing Commission is  
36 entitled to receive the per diem allowance and travel expenses provided for state  
37 officers and employees generally.

38 *11. The Sentencing Commission may establish such working groups, task*  
39 *forces and similar entities from within or outside its membership as necessary to*  
40 *address specific issues or otherwise to assist in its work.*

41 **Sec. 3.** NRS 176.0134 is hereby amended to read as follows:

42 176.0134 The Sentencing Commission shall:

43 1. ~~[Advise the Legislature on proposed legislation and make~~  
44 ~~recommendations with respect to all matters relating to the elements of this State's~~  
45 ~~system of criminal justice which affect the sentences imposed for felonies and gross~~  
46 ~~misdemeanors.~~

47 ~~2.]~~ Evaluate *and study* the effectiveness and fiscal impact of various policies  
48 and practices regarding sentencing which are employed in this State and other  
49 states, including, without limitation, the use of plea bargaining, probation, programs  
50 of enhanced supervision, programs of regimental discipline, imprisonment,  
51 sentencing recommendations, mandatory and minimum sentencing, mandatory  
52 sentencing for crimes involving the possession, manufacture and distribution of

1 controlled substances, enhanced penalties for habitual criminals, parole, credits  
2 against sentences, residential confinement and alternatives to incarceration.

3 ~~[3.]~~ 2. Recommend changes in the structure of sentencing in this State which  
4 ~~[, to] :~~

5 ~~(a) Are consistent with the public policy set forth in NRS 176.0131; and~~

6 ~~(b) To the extent practicable and with consideration for their fiscal impact,~~  
7 ~~incorporate general objectives and goals for sentencing . ~~[, including, without~~~~  
8 ~~limitation, the following:~~

9 ~~— (a) Offenders must receive sentences that increase in direct proportion to the~~  
10 ~~severity of their crimes and their histories of criminality.~~

11 ~~— (b) Offenders who have extensive histories of criminality or who have~~  
12 ~~exhibited a propensity to commit crimes of a predatory or violent nature must~~  
13 ~~receive sentences which reflect the need to ensure the safety and protection of the~~  
14 ~~public and which allow for the imprisonment for life of such offenders.~~

15 ~~— (c) Offenders who have committed offenses that do not include acts of violence~~  
16 ~~and who have limited histories of criminality must receive sentences which reflect~~  
17 ~~the need to conserve scarce economic resources through the use of various~~  
18 ~~alternatives to traditional forms of incarceration.~~

19 ~~— (d) Offenders with similar histories of criminality who are convicted of similar~~  
20 ~~crimes must receive sentences that are generally similar.~~

21 ~~— (e) Offenders sentenced to imprisonment must receive sentences which do not~~  
22 ~~confuse or mislead the public as to the actual time those offenders must serve while~~  
23 ~~incarcerated or before being released from confinement or supervision.~~

24 ~~— (f) Offenders must not receive disparate sentences based upon factors such as~~  
25 ~~race, gender or economic status.~~

26 ~~— (g) Offenders must receive sentences which are based upon the specific~~  
27 ~~circumstances and facts of their offenses, including the nature of the offense and~~  
28 ~~any aggravating factors, the savagery of the offense, as evidenced by the extent of~~  
29 ~~any injury to the victim, and the degree of criminal sophistication demonstrated by~~  
30 ~~the offender's acts before, during and after commission of the offense.~~

31 ~~— 4.]~~ 3. Facilitate the development and maintenance of a statewide sentencing  
32 database in collaboration with state and local agencies, using existing databases or  
33 resources where appropriate.

34 ~~[5. Provide training regarding sentencing and related issues, policies and~~  
35 ~~practices, and act as a sentencing policy resource for this State.~~

36 ~~— 6. Evaluate the impact of pretrial, sentencing diversion, incarceration and~~  
37 ~~postrelease supervision programs.~~

38 ~~— 7. Identify potential areas of sentencing disparity related to race, gender and~~  
39 ~~economic status.~~

40 ~~— 8. Propose and recommend statutory sentencing guidelines, based on~~  
41 ~~reasonable offense and offender characteristics which aim to preserve judicial~~  
42 ~~discretion and provide for individualized sentencing, for the use of the district~~  
43 ~~courts. If such guidelines are enacted by the Legislature, the Sentencing~~  
44 ~~Commission shall review and propose any recommended changes.~~

45 ~~— 9. Evaluate whether sentencing guidelines recommended pursuant to~~  
46 ~~subsection 8 should be mandatory and if judicial findings should be required for~~  
47 ~~any departures from the sentencing guidelines.~~

48 ~~— 10.]~~ 4. Provide recommendations and advice to the Executive Director  
49 concerning the administration of the Department, including, without limitation:

50 (a) Receiving reports from the Executive Director and providing advice to the  
51 Executive Director concerning measures to be taken by the Department to ensure  
52 compliance with the duties of the Sentencing Commission.



1 (b) Reviewing information from the Department regarding sentencing of  
2 offenders in this State.

3 (c) Requesting any audit, investigation or review the Sentencing Commission  
4 deems necessary to carry out the duties of the Sentencing Commission.

5 (d) Coordinating with the Executive Director regarding the procedures for the  
6 identification and collection of data concerning the sentencing of offenders in this  
7 State.

8 (e) Advising the Executive Director concerning any required reports and  
9 reviewing drafts of such reports.

10 (f) Making recommendations to the Executive Director concerning the budget  
11 for the Department, improvements to the criminal justice system and legislation  
12 related to the duties of the Sentencing Commission.

13 (g) Providing advice and recommendations to the Executive Director on any  
14 other matter.

15 ~~HHH~~ 5. For each regular session of the Legislature, with the assistance of the  
16 Department, prepare a comprehensive report including the Sentencing  
17 Commission's:

18 (a) Recommended changes pertaining to sentencing;

19 (b) Findings;

20 (c) Recommendations for proposed legislation;

21 (d) Identification of outcomes resulting from the enactment of chapter 633,  
22 Statutes of Nevada 2019, that were tracked and assessed as required pursuant to  
23 paragraphs (a), (b) and (c) of subsection 1 of NRS 176.01343;

24 (e) Identification of trends observed after the enactment of chapter 633,  
25 Statutes of Nevada 2019, that were tracked and assessed as required pursuant to  
26 paragraph (d) of subsection 1 of NRS 176.01343;

27 (f) Identification of gaps in the State's data tracking capabilities related to the  
28 criminal justice system and recommendations for filling any such gaps as required  
29 pursuant to paragraph (e) of subsection 1 of NRS 176.01343;

30 (g) Recommendations for improvements, changes and budgetary adjustments;  
31 and

32 (h) Additional recommendations for future legislation and policy options to  
33 enhance public safety and control corrections costs.

34 ~~HHH~~ 6. Submit the report prepared pursuant to subsection ~~HHH~~ 5 not later  
35 than January 15 of each odd-numbered year to:

36 (a) The Office of the Governor;

37 (b) The Director of the Legislative Counsel Bureau for distribution to the  
38 Legislature; and

39 (c) The Chief Justice of the Nevada Supreme Court.

40 ~~Sec. 4. 1. The Nevada Sentencing Commission shall conduct a study~~  
41 ~~during the 2023-2024 legislative interim concerning the sentences imposed for~~  
42 ~~misdemeanor offenses in this State, and make a report thereof.~~

43 ~~2. The study and report must include, without limitation, an evaluation of:~~

44 ~~(a) The offenses punishable as misdemeanors in this State;~~

45 ~~(b) The laws governing misdemeanor offenses in other states and territories of~~  
46 ~~the United States; and~~

47 ~~(c) Any other data that the Sentencing Commission determines is relevant to~~  
48 ~~the study.~~

49 ~~3. In conducting the study required by subsection 1, the Sentencing~~  
50 ~~Commission shall consult with and solicit input from persons and organizations~~  
51 ~~with expertise in policies and practices regarding sentencing for misdemeanor~~  
52 ~~offenses.~~

~~4. The Sentencing Commission shall submit a report of the results of the study and any recommendations for legislation to the Joint Interim Standing Committee on the Judiciary and the Director of the Legislative Council Bureau for transmittal to the 83rd Session of the Nevada Legislature.~~ **(Deleted by amendment.)**

**Sec. 4.5. NRS 239.010 is hereby amended to read as follows:**

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.025, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 242.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655,

1 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210,  
2 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,  
3 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265,  
4 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069,  
5 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327,  
6 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405,  
7 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303,  
8 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085,  
9 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570,  
10 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580,  
11 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225,  
12 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262,  
13 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320,  
14 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060,  
15 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320,  
16 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126,  
17 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133,  
18 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340,  
19 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124,  
20 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440,  
21 681B.260, 681B.281, 681B.282, 683A.0873, 685A.077, 686A.289, 686B.170,  
22 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480,  
23 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538,  
24 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196,  
25 704B.325, 706.1725, 706A.230, 710.159, 711.600, and section 1.7 of this act,  
26 sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2  
27 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be  
28 confidential, all public books and public records of a governmental entity must be  
29 open at all times during office hours to inspection by any person, and may be fully  
30 copied or an abstract or memorandum may be prepared from those public books  
31 and public records. Any such copies, abstracts or memoranda may be used to  
32 supply the general public with copies, abstracts or memoranda of the records or  
33 may be used in any other way to the advantage of the governmental entity or of the  
34 general public. This section does not supersede or in any manner affect the federal  
35 laws governing copyrights or enlarge, diminish or affect in any other manner the  
36 rights of a person in any written book or record which is copyrighted pursuant to  
37 federal law.

38 2. A governmental entity may not reject a book or record which is  
39 copyrighted solely because it is copyrighted.

40 3. A governmental entity that has legal custody or control of a public book or  
41 record shall not deny a request made pursuant to subsection 1 to inspect or copy or  
42 receive a copy of a public book or record on the basis that the requested public  
43 book or record contains information that is confidential if the governmental entity  
44 can redact, delete, conceal or separate, including, without limitation, electronically,  
45 the confidential information from the information included in the public book or  
46 record that is not otherwise confidential.

47 4. If requested, a governmental entity shall provide a copy of a public record  
48 in an electronic format by means of an electronic medium. Nothing in this  
49 subsection requires a governmental entity to provide a copy of a public record in an  
50 electronic format or by means of an electronic medium if:

51 (a) The public record:

- 52 (1) Was not created or prepared in an electronic format; and  
53 (2) Is not available in an electronic format; or

1 (b) Providing the public record in an electronic format or by means of an  
2 electronic medium would:

3 (1) Give access to proprietary software; or

4 (2) Require the production of information that is confidential and that  
5 cannot be redacted, deleted, concealed or separated from information that is not  
6 otherwise confidential.

7 5. An officer, employee or agent of a governmental entity who has legal  
8 custody or control of a public record:

9 (a) Shall not refuse to provide a copy of that public record in the medium that  
10 is requested because the officer, employee or agent has already prepared or would  
11 prefer to provide the copy in a different medium.

12 (b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare  
13 the copy of the public record and shall not require the person who has requested the  
14 copy to prepare the copy himself or herself.

15 **Sec. 5.** 1. This section becomes effective on passage and approval.

16 2. Sections 1 to ~~4.4~~ 4.5, inclusive, of this act become effective:

17 (a) Upon passage and approval for the purpose of performing any preparatory  
18 administrative tasks that are necessary to carry out the provisions of this act; and

19 (b) On July 1, 2023, for all other purposes.