

Amendment No. 899

Assembly Amendment to Senate Bill No. 103 First Reprint (BDR 14-308)

Proposed by: Assembly Committee on Judiciary

Amends: Summary: No Title: No 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.



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; establishing the Subcommittee on Misdemeanors of the Sentencing Commission; 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 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) a member who is a faculty member ~~of~~ of the Nevada System of Higher Education ~~who~~ **who teaches criminal justice**. **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 1.9** of this bill makes a conforming change relating to the duties of the Sentencing Commission.

Section 1.5 of this bill creates the Subcommittee on Misdemeanors of the Sentencing Commission and sets forth its membership and duties. **Section 1.7** of this bill authorizes the Chair of the Subcommittee to appoint working groups to aid in the work of the Subcommittee. **Section 1.7** provides that all information and materials received or prepared by a working group are confidential. **Section 4.5** of this bill makes a conforming change relating to the information and materials made confidential pursuant to **section 1.7**. **Section 1.3** of this bill

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26 defines the term “subcommittee” for purposes of the provisions of **sections 1.5 and 1.7.**
27 **Section 1.8** of this bill makes a conforming change to indicate the proper placement of
28 **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.*

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

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

39 *4. The members of a working group serve without compensation.*

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

41 176.01313 As used in NRS 176.0131 to 176.014, inclusive, *and sections 1.3,*
42 *1.5 and 1.7 of this act*, unless the context otherwise requires, the words and terms
43 defined in NRS 176.01315, 176.01317 and 176.0132 *and section 1.3 of this act*
44 have the meanings ascribed to them in those sections.

1 **Sec. 1.9.** NRS 176.01327 is hereby amended to read as follows:

2 176.01327 The Executive Director appointed pursuant to NRS 176.01323
3 shall:

4 1. Oversee all of the functions of the Department.
5 2. Serve as Executive Secretary of the Sentencing Commission without
6 additional compensation.

7 3. Report to the Sentencing Commission on sentencing and related issues
8 regarding the functions of the Department and provide such information to the
9 Sentencing Commission as requested.

10 4. Assist the Sentencing Commission in determining necessary and
11 appropriate recommendations to assist in carrying out the responsibilities of the
12 Department.

13 5. Establish the budget for the Department.

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

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

19 8. Assist in preparing and submitting the comprehensive report required to be
20 prepared by the Sentencing Commission pursuant to subsection ~~444~~ 5 of NRS
21 176.0134.

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

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

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

31 176.0133 1. The Nevada Sentencing Commission is hereby created within
32 the Department. The Sentencing Commission consists of:

33 (a) One member ~~[appointed by the Governor;]~~ *who is an attorney and whose*
34 *practice primarily consists of representing criminal defendants in a county whose*
35 *population is less than 55,000, appointed by the Executive Director of the*
36 *Department of Indigent Defense Services or his or her designee;*

37 (b) One member who is a justice of the Supreme Court of Nevada or a retired
38 justice of the Supreme Court of Nevada, appointed by the Chief Justice of the
39 Supreme Court of Nevada;

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

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

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

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

47 (g) ~~[One member who is a district attorney;]~~ *Two members* appointed by the
48 governing body of the Nevada District Attorneys Association ~~444~~, *one of whom*
49 *must be a district attorney in a county whose population is 100,000 or more and*
50 *one of whom must be a district attorney in a county whose population is less than*
51 *100,000;*

1 (h) One member who is a representative of the Office of the Clark County
2 Public Defender, appointed by the head of the Office of the Clark County Public
3 Defender;

4 (i) One member who is a representative of the Office of the Washoe County
5 Public Defender, appointed by the head of the Office of the Washoe County Public
6 Defender;

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

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

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

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

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

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

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

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

24 (r) Two members who are Senators, one of whom is appointed by the Majority
25 Leader of the Senate and one of whom is appointed by the Minority Leader of the
26 Senate;

27 (s) Two members who are members of the Assembly, one of whom is
28 appointed by the Speaker of the Assembly and one of whom is appointed by the
29 Minority Leader of the Assembly;

30 (t) The Director of the Department of Employment, Training and
31 Rehabilitation; ~~and~~

32 (u) One member who is a representative of an organization that works with
33 offenders upon release from incarceration to assist in reentry into the community
34 appointed by the Chair of the Legislative Commission ~~H~~;

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

38 *(w) One member who is a faculty member of the ~~University of~~ Nevada ~~Las Vegas,~~*
39 *or the University System of ~~Nevada, Reno,~~ Higher Education who*
40 *teaches criminal justice, appointed by the Governor.*

41 2. The Executive Director shall serve as the Executive Secretary of the
42 Sentencing Commission.

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

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

51 5. The Legislators who are members of the Sentencing Commission are
52 entitled to receive the salary provided for a majority of the members of the

1 Legislature during the first 60 days of the preceding session for each day's
2 attendance at a meeting of the Sentencing Commission.

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

6 7. The Sentencing Commission shall:

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

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

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

13 9. A majority of the members of the Sentencing Commission constitutes a
14 quorum for the transaction of business, and a majority of those members present at
15 any meeting is sufficient for any official action taken by the Sentencing
16 Commission. A nonvoting alternate designated by a member pursuant to subsection
17 8 who attends a meeting of the Sentencing Commission for which the alternate is
18 designated shall be deemed to be a member of the Sentencing Commission for the
19 purpose of determining whether a quorum exists.

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

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

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

28 176.0134 The Sentencing Commission shall:

29 1. ~~Advise the Legislature on proposed legislation and make~~
30 ~~recommendations with respect to all matters relating to the elements of this State's~~
31 ~~system of criminal justice which affect the sentences imposed for felonies and gross~~
32 ~~misdemeanors.~~

33 ~~2.] Evaluate and study~~ the effectiveness and fiscal impact of various policies
34 and practices regarding sentencing which are employed in this State and other
35 states, including, without limitation, the use of plea bargaining, probation, programs
36 of enhanced supervision, programs of regimental discipline, imprisonment,
37 sentencing recommendations, mandatory and minimum sentencing, mandatory
38 sentencing for crimes involving the possession, manufacture and distribution of
39 controlled substances, enhanced penalties for habitual criminals, parole, credits
40 against sentences, residential confinement and alternatives to incarceration.

41 ~~3.] 2.~~ Recommend changes in the structure of sentencing in this State which
42 ~~[, to] :~~

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

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

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

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

~~1 — (c) Offenders who have committed offenses that do not include acts of violence
2 and who have limited histories of criminality must receive sentences which reflect
3 the need to conserve scarce economic resources through the use of various
4 alternatives to traditional forms of incarceration.~~

~~5 — (d) Offenders with similar histories of criminality who are convicted of similar
6 crimes must receive sentences that are generally similar.~~

~~7 — (e) Offenders sentenced to imprisonment must receive sentences which do not
8 confuse or mislead the public as to the actual time those offenders must serve while
9 incarcerated or before being released from confinement or supervision.~~

~~10 — (f) Offenders must not receive disparate sentences based upon factors such as
11 race, gender or economic status.~~

~~12 — (g) Offenders must receive sentences which are based upon the specific
13 circumstances and facts of their offenses, including the nature of the offense and
14 any aggravating factors, the savagery of the offense, as evidenced by the extent of
15 any injury to the victim, and the degree of criminal sophistication demonstrated by
16 the offender's acts before, during and after commission of the offense.~~

~~17 — 4.] 3. Facilitate the development and maintenance of a statewide sentencing
18 database in collaboration with state and local agencies, using existing databases or
19 resources where appropriate.~~

~~20 [5. Provide training regarding sentencing and related issues, policies and
21 practices, and act as a sentencing policy resource for this State.~~

~~22 — 6. Evaluate the impact of pretrial, sentencing diversion, incarceration and
23 postrelease supervision programs.~~

~~24 — 7. Identify potential areas of sentencing disparity related to race, gender and
25 economic status.~~

~~26 — 8. Propose and recommend statutory sentencing guidelines, based on
27 reasonable offense and offender characteristics which aim to preserve judicial
28 discretion and provide for individualized sentencing, for the use of the district
29 courts. If such guidelines are enacted by the Legislature, the Sentencing
30 Commission shall review and propose any recommended changes.~~

~~31 — 9. Evaluate whether sentencing guidelines recommended pursuant to
32 subsection 8 should be mandatory and if judicial findings should be required for
33 any departures from the sentencing guidelines.~~

~~34 — 10.] 4. Provide recommendations and advice to the Executive Director
35 concerning the administration of the Department, including, without limitation:~~

~~36 (a) Receiving reports from the Executive Director and providing advice to the
37 Executive Director concerning measures to be taken by the Department to ensure
38 compliance with the duties of the Sentencing Commission.~~

~~39 (b) Reviewing information from the Department regarding sentencing of
40 offenders in this State.~~

~~41 (c) Requesting any audit, investigation or review the Sentencing Commission
42 deems necessary to carry out the duties of the Sentencing Commission.~~

~~43 (d) Coordinating with the Executive Director regarding the procedures for the
44 identification and collection of data concerning the sentencing of offenders in this
45 State.~~

~~46 (e) Advising the Executive Director concerning any required reports and
47 reviewing drafts of such reports.~~

~~48 (f) Making recommendations to the Executive Director concerning the budget
49 for the Department, improvements to the criminal justice system and legislation
50 related to the duties of the Sentencing Commission.~~

~~51 (g) Providing advice and recommendations to the Executive Director on any
52 other matter.~~

1 ~~444~~ 5. For each regular session of the Legislature, with the assistance of the
2 Department, prepare a comprehensive report including the Sentencing
3 Commission's:

4 (a) Recommended changes pertaining to sentencing;

5 (b) Findings;

6 (c) Recommendations for proposed legislation;

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

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

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

16 (g) Recommendations for improvements, changes and budgetary adjustments;
17 and

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

20 ~~444~~ 6. Submit the report prepared pursuant to subsection ~~444~~ 5 not later
21 than January 15 of each odd-numbered year to:

22 (a) The Office of the Governor;

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

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

26 **Sec. 4.** (Deleted by amendment.)

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

28 239.010 1. Except as otherwise provided in this section and NRS 1.4683,
29 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440,
30 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100,
31 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515,
32 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345,
33 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880,
34 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677,
35 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161,
36 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090,
37 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015,
38 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691,
39 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604,
40 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521,
41 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,
42 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350,
43 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473,
44 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030,
45 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270,
46 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335,
47 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095,
48 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350,
49 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086,
50 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855,
51 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908,
52 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,
53 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775,

1 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255,
2 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257,
3 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830,
4 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513,
5 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925,
6 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335,
7 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465,
8 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535,
9 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280,
10 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872,
11 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407,
12 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360,
13 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.755,
14 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395,
15 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245,
16 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055,
17 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,
18 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935,
19 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340,
20 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070,
21 485.316, 501.344, 503A.452, 522.040, 534A.031, 561.285, 571B.120, 584.655,
22 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210,
23 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,
24 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265,
25 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069,
26 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327,
27 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405,
28 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303,
29 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085,
30 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570,
31 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580,
32 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225,
33 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262,
34 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320,
35 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060,
36 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320,
37 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126,
38 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133,
39 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340,
40 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124,
41 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440,
42 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170,
43 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480,
44 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538,
45 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196,
46 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 1.7 of this act*,
47 sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of
48 chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be
49 confidential, all public books and public records of a governmental entity must be
50 open at all times during office hours to inspection by any person, and may be fully
51 copied or an abstract or memorandum may be prepared from those public books
52 and public records. Any such copies, abstracts or memoranda may be used to
53 supply the general public with copies, abstracts or memoranda of the records or

1 may be used in any other way to the advantage of the governmental entity or of the
2 general public. This section does not supersede or in any manner affect the federal
3 laws governing copyrights or enlarge, diminish or affect in any other manner the
4 rights of a person in any written book or record which is copyrighted pursuant to
5 federal law.

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

8 3. A governmental entity that has legal custody or control of a public book or
9 record shall not deny a request made pursuant to subsection 1 to inspect or copy or
10 receive a copy of a public book or record on the basis that the requested public
11 book or record contains information that is confidential if the governmental entity
12 can redact, delete, conceal or separate, including, without limitation, electronically,
13 the confidential information from the information included in the public book or
14 record that is not otherwise confidential.

15 4. If requested, a governmental entity shall provide a copy of a public record
16 in an electronic format by means of an electronic medium. Nothing in this
17 subsection requires a governmental entity to provide a copy of a public record in an
18 electronic format or by means of an electronic medium if:

19 (a) The public record:

20 (1) Was not created or prepared in an electronic format; and

21 (2) Is not available in an electronic format; or

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

24 (1) Give access to proprietary software; or

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

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

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

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

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

37 2. Sections 1 to 4.5, inclusive, of this act become effective:

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

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