

Amendment No. 417

Senate Amendment to Senate Bill No. 38	(BDR 15-425)
Proposed by: Senate 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.

KMD/KRO



Date: 4/20/2023

S.B. No. 38—Revises provisions relating to offenses against children.
(BDR 15-425)



SENATE BILL NO. 38—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to offenses against children. (BDR 15-425)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.

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 crimes; prohibiting certain employees of or volunteers at a school from contacting or communicating with a pupil under certain circumstances; prohibiting certain employees of or volunteers at a school from engaging in conduct intended to cause or encourage a pupil to engage in sexual conduct, transmit or distribute a sexual image of the pupil or engage in certain other behavior; providing that certain crimes committed against pupils constitute sexual offenses for the purposes of various statutes; providing that certain persons who are convicted of engaging in such conduct are subject to various statutory provisions relating to sex offenders; revising provisions relating to the licensure and employment of persons convicted of engaging in certain prohibited conduct with pupils; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law imposes criminal penalties on any person who knowingly contacts or
2 communicates with a child, a person believed to be a child or a person with mental illness
3 with the intent to persuade, lure or transport the child or person to a different location without
4 permission or for certain purposes. (NRS 201.560) **Section 2** of this bill defines “person in a
5 position of authority” to mean a person who is 18 years of age or older and who: (1) is or was
6 employed by or volunteering at a public or private school; and (2) ~~by reason~~ **has had**
7 **contact with a pupil in the course of performing** his or her ~~position, is able to exercise~~
8 ~~significant or undue influence over a pupil at the school.~~ **duties as an employee or**
9 **volunteer.** Unless a greater penalty is provided by statute, **section 2** provides that a person in
10 a position of authority is guilty of a category C felony if he or she knowingly contacts or
11 communicates with or attempts to contact or communicate with a pupil who is less than 18
12 years of age with the intent to persuade, lure or transport the pupil away from certain locations
13 ~~for any purpose: (1) without the express consent of the parent or guardian of or other person~~
14 ~~legally responsible for the pupil;~~ and ~~(2)~~ with the intent to ~~avoid such consent.~~ : (1)

15 engage in the commission of a crime punishable as a felony or gross misdemeanor; or (2)
 16 cause or encourage the pupil to engage in an unlawful act that, if committed by an adult,
 17 would be a felony or gross misdemeanor or facilitate the commission by the person in a
 18 position of authority of such an act.

19 Existing law prohibits certain employees of or volunteers at a school from engaging in
 20 sexual conduct with certain pupils. (NRS 201.540) Existing law also prohibits: (1) a person
 21 from possessing a visual representation depicting a sexual portrayal or sexual conduct of
 22 certain minors; and (2) a minor from using an electronic communication device to transmit or
 23 distribute a sexual image of himself or herself to another person. (NRS 200.730, 200.737)
 24 Unless a greater penalty is provided by specific statute, **section 2** provides that a person in
 25 a position of authority is guilty of a category C felony if he or she knowingly contacts or
 26 communicates with or attempts to contact or communicate with a pupil with the intent to ;(1)
 27 engage in the commission of a crime punishable as a felony or gross misdemeanor; or (2)
 28 cause or encourage the pupil to ~~;(1) engage in sexual conduct ~~;(1) either in person or through~~~~
 29 ~~electronic means; (2) use an electronic communication device to transmit or distribute a~~
 30 sexual image of himself or herself to the person ~~;(3) or engage in~~ or facilitate the
 31 commission of ~~a crime.~~

32 ~~Existing law prohibits a person from committing an act which causes or encourages a~~
 33 ~~minor to perform an act or follow a course of conduct that would cause the minor to become~~
 34 ~~or remain a child in need of supervision or a delinquent child. (NRS 201.110) Unless a greater~~
 35 ~~penalty is provided by specific statute, section 2 provides that a person is guilty of a gross~~
 36 ~~misdemeanor if he or she knowingly contacts or communicates with or attempts to contact or~~
 37 ~~communicate with a pupil who is less than 18 years of age with the intent to cause or~~
 38 ~~encourage the pupil to engage in conduct that would cause the pupil to become a child in need~~
 39 ~~of supervision or a delinquent child.] an unlawful act that, if committed by an adult, would~~
 40 ~~be a felony or gross misdemeanor. Section 2 creates an exemption from the crime~~
 41 ~~prescribed in section 2 if the person in a position of authority: (1) is married to the pupil~~
 42 ~~at the time an act prohibited by section 2 is committed; (2) does not have or did not have~~
 43 ~~contact with the pupil in the course of performing any of his or her duties; or (3) takes~~
 44 ~~certain action upon receipt of an unsolicited sexual image or communication of a sexual~~
 45 ~~nature from a pupil. Section 4 of this bill makes a conforming change to indicate the proper~~
 46 ~~placement of **section 2** in the Nevada Revised Statutes.~~

47 **Section 1** of this bill makes certain penalties which are applicable to a person who
 48 commits sexual assault against certain minors and who has previously been convicted of
 49 another sexual assault or other sexual offense against a child applicable to a person who
 50 commits sexual assault against the same such minors and who has been previously convicted
 51 of ~~[certain violations]~~ a violation of **section 2**.

52 Existing law makes certain conduct relating to the exhibition or sale to minors of obscene
 53 material a misdemeanor offense, unless a greater penalty is provided by specific statute. (NRS
 54 201.265) **Section 3** of this bill adds a violation of **section 2** to the list of specific statutes in
 55 which a greater penalty is provided.

56 Existing law prohibits a court from ordering the victim of or a witness to certain sexual
 57 offenses to take or submit to a psychological or psychiatric examination. (NRS 50.700)
 58 **Section 5** of this bill adds ~~[certain violations]~~ a violation of **section 2** to the list of sexual
 59 offenses to which that prohibition applies.

60 Existing law: (1) requires a court to include a special sentence of lifetime supervision for
 61 any person convicted of certain sexual offenses; and (2) provides certain conditions of lifetime
 62 supervision. (NRS 176.0931, 213.1243) **Sections 6 and 16** of this bill add ~~[certain violations]~~
 63 a violation of **section 2** to the list of sexual offenses that require a special sentence of lifetime
 64 supervision and for which conditions of lifetime supervision apply.

65 Existing law: (1) requires that a person convicted of certain sexual offenses undergo a
 66 psychosexual evaluation as part of the presentence investigation report prepared by the
 67 Division of Parole and Probation of the Department of Public Safety; and (2) prohibits a court
 68 from granting probation to or suspending the sentence of a person convicted of certain sexual
 69 offenses, unless the person who conducts the evaluation certifies that the person convicted of
 70 the sexual offense does not represent a high risk to reoffend. (NRS 176.135, 176A.110)
 71 **Sections 7 and 8** of this bill add ~~[certain violations]~~ a violation of **section 2** to the list of
 72 sexual offenses that require a special sentence of lifetime supervision and for which certain
 73 conditions of lifetime supervision apply. Existing law similarly requires the Department of

74 Corrections to assess each prisoner who has been convicted of a sexual offense before a
75 scheduled parole hearing to determine the prisoner's risk to reoffend. (NRS 213.1214) **Section**
76 **17** of this bill adds ~~certains violations~~ **a violation** of **section 2** to the list of offenses which
77 require such an assessment.

78 Existing law requires a court that grants probation to or suspends the sentence of certain
79 persons convicted of an offense that involved the use of a computer, system or network to
80 order, as a condition of probation or suspension, that the person not own or use a computer.
81 (NRS 176A.413) **Section 9** of this bill: (1) adds certain violations of **section 2** to the list of
82 offenses for which a court is required to issue such an order; and (2) provides that the
83 prohibition on owning or using a computer includes any electronic communication device.
84 Existing law similarly requires the State Board of Parole Commissioners to require that
85 certain persons convicted of an offense that involved the use of a computer, system or network
86 not own or use a computer. (NRS 213.1258) **Section 18** of this bill: (1) adds certain violations
87 of **section 2** to the list of offenses for which the Board is required to impose this condition of
88 parole; and (2) provides that the prohibition on owning or using a computer includes any
89 electronic communication device.

90 Existing law requires a court to provide certain documentation to each victim and witness
91 and certain other persons if an offender is convicted of certain sexual offenses. (NRS
92 178.5698) **Section 10** of this bill requires that such documentation be provided to such
93 persons if an offender is convicted of ~~certains violations~~ **a violation** of **section 2**.

94 **Section 11** of this bill makes the provisions of law which prohibit a person convicted of a
95 sexual offense from petitioning a court to seal the records relating to such a conviction
96 applicable to a person convicted of ~~certains violations~~ **a violation** of **section 2**. (NRS
97 179.245)

98 Existing law allows a judge to grant an order authorizing the interception of certain
99 communications when the interception may provide evidence of the commission of a sexual
100 offense against a child. (NRS 179.460) **Section 12** of this bill adds ~~certains violations~~ **a**
101 **violation** of **section 2** to the list of sexual offenses against a child for which a judge may grant
102 such an order.

103 Existing law defines the term "sexual offense" for the purpose of requiring persons
104 convicted of certain sexual offenses to be prohibited from certain employment, to register as a
105 sex offender, to comply with certain mandatory conditions of probation or parole and to fulfill
106 certain other requirements. (NRS 118A.335, 176A.410, 179D.095, 179D.097, 179D.441,
107 213.1099, 213.1245) **Section 13** of this bill revises the list of sexual offenses to which these
108 statutory provisions apply to include ~~certains violations~~ **a violation** of **section 2**.

109 **Section 14** of this bill adds ~~certains violations~~ **a violation** of **section 2** to the list of
110 offenses used to classify a sex offender as a Tier II offender for the purposes of meeting
111 certain requirements for registration of sex offenders. (NRS 179D.115) **Section 15** of this bill
112 makes conforming changes related to numbering changes made in **sections 13 and 14**.

113 **Sections 19-25 and 33** of this bill authorize the board of trustees of a school district, the
114 governing body of a public or private school and the administrator of a private school to use a
115 substantiated report of a violation of **section 2** for purposes of making certain employment
116 decisions and certain other purposes. (NRS 288.150, 388A.515, 388A.5342, 388C.200,
117 391.033, 391.104, 391.281, 394.155)

118 Existing law requires the Superintendent of Public Instruction to grant all licenses for
119 teachers and other educational personnel. (NRS 391.033) **Section 23** of this bill requires the
120 Superintendent to suspend the application process for an applicant for licensure against whom
121 a substantiated report of a violation of **section 2** is made and take certain other actions related
122 to the report.

123 Existing law authorizes the State Board of Education to suspend or revoke a license
124 issued by the Superintendent if the licensee is convicted of certain sex offenses or a
125 substantiated report of certain prohibited conduct is made against the licensee. (NRS 391.330)
126 **Section 26** of this bill: (1) adds a violation of **section 2** to the list of sex offenses for which the
127 State Board may suspend or revoke a license; and (2) authorizes the State Board to suspend or
128 revoke the license of a person against whom a substantiated report of a violation of **section 2**
129 is made.

130 Existing law authorizes the board of trustees of a school district or the governing body of
131 a public school to suspend, dismiss, demote or refuse to employ a teacher or administrator for
132 immorality. (NRS 391.650, 391.750) Existing law also authorizes the superintendent of a

133 school district to suspend a licensed employee who has been charged but not yet convicted of
 134 a crime involving immorality. (NRS 391.760) **Sections 27 and 28** of this bill add a violation
 135 of **section 2** to the list of immoral acts for which such action may be taken. **Section 28** also
 136 provides that a licensed employee who is convicted of a violation of **section 2** forfeits all
 137 rights of employment after the date of his or her arrest.

138 Existing law requires an employee of or a volunteer for a school to report certain conduct
 139 to an agency which provides child welfare services and to a law enforcement agency. (NRS
 140 392.303) **Section 29** of this bill additionally requires an employee of or a volunteer for a
 141 school to make such a report for a violation of **section 2**. **Sections 29-32** of this bill make
 142 conforming changes relating to the requirement that an employee or a volunteer make such a
 143 report. (NRS 392.317, 392.337)

144 **Section 34** of this bill requires the Statewide Central Registry for the Collection of
 145 Information Concerning the Abuse or Neglect of a Child to contain the information in any
 146 substantiated report of a violation of **section 2**. (NRS 432.100) **Section 36** of this bill requires
 147 certain employers to screen employees through the Central Registry to determine whether the
 148 person has been the subject of a substantiated report of a violation of **section 2**. (NRS
 149 433.639) **Section 35** of this bill makes a conforming change relating to the inclusion in the
 150 Central Registry of information relating to a violation of **section 2**.

151 **Section 37** of this bill makes the amendatory provisions of **sections ~~1-34~~ 1-36** apply to
 152 offenses committed on and after October 1, 2023.

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

- 1 **Section 1.** NRS 200.366 is hereby amended to read as follows:
 2 200.366 1. A person is guilty of sexual assault if the person:
 3 (a) Subjects another person to sexual penetration, or forces another person to
 4 make a sexual penetration on themselves or another, or on a beast, against the will
 5 of the victim or under conditions in which the perpetrator knows or should know
 6 that the victim is mentally or physically incapable of resisting or understanding the
 7 nature of the perpetrator's conduct; or
 8 (b) Commits a sexual penetration upon a child under the age of 14 years or
 9 causes a child under the age of 14 years to make a sexual penetration on themselves
 10 or another, or on a beast.
 11 2. Except as otherwise provided in subsections 3 and 4, a person who
 12 commits a sexual assault is guilty of a category A felony and shall be punished:
 13 (a) If substantial bodily harm to the victim results from the actions of the
 14 defendant committed in connection with or as a part of the sexual assault, by
 15 imprisonment in the state prison:
 16 (1) For life without the possibility of parole; or
 17 (2) For life with the possibility of parole, with eligibility for parole
 18 beginning when a minimum of 15 years has been served.
 19 (b) If no substantial bodily harm to the victim results, by imprisonment in the
 20 state prison for life with the possibility of parole, with eligibility for parole
 21 beginning when a minimum of 10 years has been served.
 22 3. Except as otherwise provided in subsection 4, a person who commits a
 23 sexual assault against a child under the age of 16 years is guilty of a category A
 24 felony and shall be punished:
 25 (a) If the crime results in substantial bodily harm to the child, by imprisonment
 26 in the state prison for life without the possibility of parole.
 27 (b) Except as otherwise provided in paragraph (c), if the crime does not result
 28 in substantial bodily harm to the child, by imprisonment in the state prison for life

1 with the possibility of parole, with eligibility for parole beginning when a minimum
2 of 25 years has been served.

3 (c) If the crime is committed against a child under the age of 14 years and does
4 not result in substantial bodily harm to the child, by imprisonment in the state
5 prison for life with the possibility of parole, with eligibility for parole beginning
6 when a minimum of 35 years has been served.

7 4. A person who commits a sexual assault against a child under the age of 16
8 years and who has been previously convicted of:

9 (a) A sexual assault pursuant to this section or any other sexual offense against
10 a child; or

11 (b) An offense committed in another jurisdiction that, if committed in this
12 State, would constitute a sexual assault pursuant to this section or any other sexual
13 offense against a child,

14 ~~is~~ is guilty of a category A felony and shall be punished by imprisonment in the
15 state prison for life without the possibility of parole.

16 5. The provisions of this section do not apply to a person who is less than 18
17 years of age and who commits any of the acts described in paragraph (b) of
18 subsection 1 if the person is not more than 2 years older than the person upon
19 whom the act was committed unless:

20 (a) The person committing the act uses force or threatens the use of force; or

21 (b) The person committing the act knows or should know that the victim is
22 mentally or physically incapable of resisting or understanding the nature of the
23 perpetrator's conduct.

24 6. For the purpose of this section, "other sexual offense against a child"
25 means any act committed by an adult upon a child constituting:

26 (a) Incest pursuant to NRS 201.180;

27 (b) Lewdness with a child pursuant to NRS 201.230;

28 (c) Sado-masochistic abuse pursuant to NRS 201.262; ~~or~~

29 (d) Luring a child using a computer, system or network pursuant to NRS
30 201.560, if punished as a felony ~~or~~ **or**;

31 ~~(e) A violation of [subsection 1 or 2 of] section 2 of this act, if punished as~~
32 ~~a felony.]~~

33 **Sec. 2.** Chapter 201 of NRS is hereby amended by adding thereto a new
34 section to read as follows:

35 **1.** *Except as otherwise provided in subsection ~~4~~ 3 and unless a greater*
36 *penalty is provided by specific statute, a person in a position of authority who*
37 *knowingly contacts or communicates with or attempts to contact or communicate*
38 *with a pupil who is less than 18 years of age with the intent to persuade, lure or*
39 *transport the pupil away from the pupil's home or from any location known to*
40 *the pupil's parent or guardian or other person legally responsible for the pupil to*
41 *a place other than where the pupil is located [for any purpose without the express*
42 *consent of the parent or guardian of or other person legally responsible for the*
43 *pupil] and with the intent to [avoid such consent].:*

44 (a) Engage in the commission of a crime punishable as a felony or gross
45 misdemeanor; or

46 (b) Cause or encourage the pupil to:

47 (1) Engage in an unlawful act that, if committed by an adult, would be a
48 felony or gross misdemeanor; or

49 (2) Facilitate the commission by the person in a position of authority of a
50 crime punishable as a felony or gross misdemeanor,

51 ~~is~~ **is** guilty of a category C felony and shall be punished as provided in NRS
52 193.130.

1 2. Except as otherwise provided in subsection ~~4~~ 3 and unless a greater
2 penalty is provided by specific statute, a person in a position of authority who
3 knowingly contacts or communicates with or attempts to contact or communicate
4 with a pupil with the intent to ~~cause~~ :

5 (a) Engage in the commission of a crime punishable as a felony or gross
6 misdemeanor; or

7 (b) Cause or encourage the pupil to:

8 ~~(a)~~ (1) Engage in sexual conduct, either in person or through the use of an
9 electronic communication device;

10 ~~(b)~~ (2) Use an electronic communication device to transmit or distribute a
11 sexual image of himself or herself to the person; ~~or~~

12 ~~(c)~~ (3) Engage in an unlawful act that, if committed by an adult, would be
13 a felony or gross misdemeanor; or ~~facilitate~~

14 (4) Facilitate the commission by the person in a position of authority of a
15 crime ~~is~~ punishable as a felony or gross misdemeanor.

16 ↪ is guilty of a category C felony and shall be punished as provided in NRS
17 193.130

18 3. ~~Except as otherwise provided in subsection 4 and unless a greater~~
19 ~~penalty is provided by specific statute, a person in a position of authority who~~
20 ~~knowingly contacts or communicates with or attempts to contact or communicate~~
21 ~~with a pupil who is less than 18 years of age with the intent to cause or encourage~~
22 ~~the pupil to engage in conduct that would cause the pupil to become a child in~~
23 ~~need of supervision or a delinquent child is guilty of a gross misdemeanor.~~

24 ~~4. The provisions of this section do not apply if the person in a position of~~
25 ~~authority:~~

26 (a) Is married to the pupil at the time an act prohibited by this section is
27 committed; ~~or~~

28 (b) Does not have or did not have contact with the pupil in the course of
29 performing any of his or her duties ~~is~~; or

30 (c) Receives from a pupil, by electronic communication device, an
31 unsolicited sexual image or communication of a sexual nature and reports the
32 image or communication to the principal, administrator or other person in
33 charge of the school at which the person is employed or volunteers as soon as
34 reasonably practicable after receipt of the image or communication.

35 ~~5.~~ 4. As used in this section:

36 (a) ~~“Child in need of supervision” has the meaning ascribed to it in NRS~~
37 ~~201.090.~~

38 ~~(b) “Delinquent child” has the meaning ascribed to it in NRS 201.090.~~

39 ~~(c) “Electronic communication device” has the meaning ascribed to it in~~
40 ~~NRS 200.737.~~

41 ~~(d)~~ (b) “Person in a position of authority” means a person who is 18 years
42 of age or older and who:

43 (1) Is or was an employee at or volunteer for a public school or private
44 school; and

45 (2) ~~By reason of his or her position, is able to exercise significant or~~
46 ~~undue influence over a pupil.~~

47 ~~(e)~~ Has had contact with a pupil in the course of performing his or her
48 duties as an employee or volunteer.

49 (c) “Pupil” means a person who is or was enrolled in or attending a public
50 school or private school.

51 ~~(f)~~ (d) “Sexual conduct” includes sexual conduct between two persons who
52 are in different physical locations but who are communicating with each other
53 through the use of an electronic communication device.

1 ~~(e)~~ (e) “Sexual image” means any visual depiction, including, without
2 limitation, any photograph or video of a pupil simulating or engaging in sexual
3 conduct or of the pupil as the subject of a sexual portrayal.

4 ~~(f)~~ (f) “Sexual portrayal” has the meaning ascribed to it in NRS 200.700.

5 **Sec. 3.** NRS 201.265 is hereby amended to read as follows:

6 201.265 Except as otherwise provided in NRS 200.720 and 201.2655, and
7 unless a greater penalty is provided pursuant to NRS 201.560 ~~or~~ or section 2 of this
8 act, a person is guilty of a misdemeanor if the person knowingly:

9 1. Distributes or causes to be distributed to a minor material that is harmful to
10 minors, unless the person is the parent, guardian or spouse of the minor.

11 2. Exhibits for distribution to an adult in such a manner or location as to allow
12 a minor to view or to have access to examine material that is harmful to minors,
13 unless the person is the parent, guardian or spouse of the minor.

14 3. Sells to a minor an admission ticket or pass for or otherwise admits a minor
15 for monetary consideration to any presentation of material that is harmful to
16 minors, unless the minor is accompanied by his or her parent, guardian or spouse.

17 4. Misrepresents that he or she is the parent, guardian or spouse of a minor for
18 the purpose of:

19 (a) Distributing to the minor material that is harmful to minors; or

20 (b) Obtaining admission of the minor to any presentation of material that is
21 harmful to minors.

22 5. Misrepresents his or her age as 18 or over for the purpose of obtaining:

23 (a) Material that is harmful to minors; or

24 (b) Admission to any presentation of material that is harmful to minors.

25 6. Sells or rents motion pictures which contain material that is harmful to
26 minors on the premises of a business establishment open to minors, unless the
27 person creates an area within the establishment for the placement of the motion
28 pictures and any material that advertises the sale or rental of the motion pictures
29 which:

30 (a) Prevents minors from observing the motion pictures or any material that
31 advertises the sale or rental of the motion pictures; and

32 (b) Is labeled, in a prominent and conspicuous location, “Adults Only.”

33 **Sec. 4.** NRS 201.470 is hereby amended to read as follows:

34 201.470 As used in NRS 201.470 to 201.550, inclusive, *and section 2 of this*
35 *act*, unless the context otherwise requires, the words and terms defined in NRS
36 201.480 to 201.530, inclusive, have the meanings ascribed to them in those
37 sections.

38 **Sec. 5.** NRS 50.700 is hereby amended to read as follows:

39 50.700 1. In any criminal or juvenile delinquency action relating to the
40 commission of a sexual offense, a court may not order the victim of or a witness to
41 the sexual offense to take or submit to a psychological or psychiatric examination.

42 2. The court may exclude the testimony of a licensed psychologist,
43 psychiatrist or clinical social worker who performed a psychological or psychiatric
44 examination on the victim or witness if:

45 (a) There is a prima facie showing of a compelling need for an additional
46 psychological or psychiatric examination of the victim or witness by a licensed
47 psychologist, psychiatrist or clinical social worker; and

48 (b) The victim or witness refuses to submit to an additional psychological or
49 psychiatric examination by a licensed psychologist, psychiatrist or clinical social
50 worker.

51 3. In determining whether there is a prima facie showing of a compelling need
52 for an additional psychological or psychiatric examination of the victim or witness
53 pursuant to subsection 2, the court must consider whether:

1 (a) There is a reasonable basis for believing that the mental or emotional state
 2 of the victim or witness may have affected his or her ability to perceive and relate
 3 events relevant to the criminal prosecution; and

4 (b) Any corroboration of the offense exists beyond the testimony of the victim
 5 or witness.

6 4. If the court determines there is a prima facie showing of a compelling need
 7 for an additional psychological or psychiatric examination of the victim or witness,
 8 the court shall issue a factual finding that details with particularity the reasons why
 9 an additional psychological or psychiatric examination of the victim or witness is
 10 warranted.

11 5. If the court issues a factual finding pursuant to subsection 4 and the victim
 12 or witness consents to an additional psychological or psychiatric examination, the
 13 court shall set the parameters for the examination consistent with the purpose of
 14 determining the ability of the victim or witness to perceive and relate events
 15 relevant to the criminal prosecution.

16 6. As used in this section, "sexual offense" includes, without limitation:

17 (a) Sexual assault pursuant to NRS 200.366;

18 (b) Statutory sexual seduction pursuant to NRS 200.368;

19 (c) Battery with intent to commit sexual assault pursuant to NRS 200.400;

20 (d) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual
 21 abuse or sexual exploitation;

22 (e) An offense involving pornography and a minor pursuant to NRS 200.710 to
 23 200.730, inclusive;

24 (f) Incest pursuant to NRS 201.180;

25 (g) Open or gross lewdness pursuant to NRS 201.210;

26 (h) Indecent or obscene exposure pursuant to NRS 201.220;

27 (i) Lewdness with a child pursuant to NRS 201.230;

28 (j) Sexual penetration of a dead human body pursuant to NRS 201.450;

29 (k) An offense involving the administration of a drug to another person with
 30 the intent to enable or assist the commission of a felony pursuant to NRS 200.405,
 31 if the felony is an offense listed in this section;

32 (l) An offense involving the administration of a controlled substance to another
 33 person with the intent to enable or assist the commission of a crime of violence
 34 pursuant to NRS 200.408, if the crime of violence is an offense listed in this
 35 section;

36 (m) Luring a child or a person with mental illness pursuant to NRS 201.560;

37 (n) An offense that is found to be sexually motivated pursuant to NRS 175.547
 38 or 207.193;

39 (o) Pandering of a child pursuant to NRS 201.300;

40 (p) *A violation of section 2 of this act ; [, if punished as a felony;]*

41 (q) Any other offense that has an element involving a sexual act or sexual
 42 conduct with another person; or

43 ~~(q)~~ (r) Any attempt or conspiracy to commit an offense listed in this
 44 subsection.

45 **Sec. 6.** NRS 176.0931 is hereby amended to read as follows:

46 176.0931 1. If a defendant is convicted of a sexual offense, the court shall
 47 include in sentencing, in addition to any other penalties provided by law, a special
 48 sentence of lifetime supervision.

49 2. The special sentence of lifetime supervision commences after any period of
 50 probation or any term of imprisonment and any period of release on parole.

51 3. A person sentenced to lifetime supervision may petition the sentencing
 52 court or the State Board of Parole Commissioners for release from lifetime

1 supervision. The sentencing court or the Board shall grant a petition for release
2 from a special sentence of lifetime supervision if:

3 (a) The person has complied with the requirements of the provisions of NRS
4 179D.010 to 179D.550, inclusive;

5 (b) The person has not been convicted of an offense that poses a threat to the
6 safety or well-being of others for an interval of at least 10 consecutive years after
7 the person's last conviction or release from incarceration, whichever occurs later;
8 and

9 (c) The person is not likely to pose a threat to the safety of others, as
10 determined by a licensed, clinical professional who has received training in the
11 treatment of sexual offenders, if released from lifetime supervision.

12 4. A person who is released from lifetime supervision pursuant to the
13 provisions of subsection 3 remains subject to the provisions for registration as a sex
14 offender and to the provisions for community notification, unless the person is
15 otherwise relieved from the operation of those provisions pursuant to the provisions
16 of NRS 179D.010 to 179D.550, inclusive.

17 5. As used in this section:

18 (a) "Offense that poses a threat to the safety or well-being of others" includes,
19 without limitation:

20 (1) An offense that involves:

21 (I) A victim less than 18 years of age;

22 (II) A crime against a child as defined in NRS 179D.0357;

23 (III) A sexual offense as defined in NRS 179D.097;

24 (IV) A deadly weapon, explosives or a firearm;

25 (V) The use or threatened use of force or violence;

26 (VI) Physical or mental abuse;

27 (VII) Death or bodily injury;

28 (VIII) An act of domestic violence;

29 (IX) Harassment, stalking, threats of any kind or other similar acts;

30 (X) The forcible or unlawful entry of a home, building, structure,
31 vehicle or other real or personal property; or

32 (XI) The infliction or threatened infliction of damage or injury, in
33 whole or in part, to real or personal property.

34 (2) Any offense listed in subparagraph (1) that is committed in this State or
35 another jurisdiction, including, without limitation, an offense prosecuted in:

36 (I) A tribal court.

37 (II) A court of the United States or the Armed Forces of the United
38 States.

39 (b) "Sexual offense" means:

40 (1) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS
41 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230, 201.450,
42 201.540 or 201.550 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of
43 subsection 5 of NRS 201.560 ~~or~~ ~~or [subsection 1 or 2 of]~~ **section 2 of this act;**

44 (2) An attempt to commit an offense listed in subparagraph (1); or

45 (3) An act of murder in the first or second degree, kidnapping in the first or
46 second degree, false imprisonment, burglary or invasion of the home if the act is
47 determined to be sexually motivated at a hearing conducted pursuant to NRS
48 175.547.

49 **Sec. 7.** NRS 176.133 is hereby amended to read as follows:

50 176.133 As used in NRS 176.133 to 176.161, inclusive, unless the context
51 otherwise requires:

1 1. "Person professionally qualified to conduct psychosexual evaluations"
 2 means a person who has received training in conducting psychosexual evaluations
 3 and is:

4 (a) A psychiatrist licensed to practice medicine in this State and certified by the
 5 American Board of Psychiatry and Neurology, Inc.;

6 (b) A psychologist licensed to practice in this State;

7 (c) A social worker holding a master's degree in social work and licensed in
 8 this State as a clinical social worker;

9 (d) A registered nurse holding a master's degree in the field of psychiatric
 10 nursing and licensed to practice professional nursing in this State;

11 (e) A marriage and family therapist licensed in this State pursuant to chapter
 12 641A of NRS; or

13 (f) A clinical professional counselor licensed in this State pursuant to chapter
 14 641A of NRS.

15 2. "Psychosexual evaluation" means an evaluation conducted pursuant to
 16 NRS 176.139.

17 3. "Sexual offense" means:

18 (a) Sexual assault pursuant to NRS 200.366;

19 (b) Statutory sexual seduction pursuant to NRS 200.368, if punished as a
 20 felony;

21 (c) Battery with intent to commit sexual assault pursuant to NRS 200.400;

22 (d) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual
 23 abuse or sexual exploitation and is punished as a felony;

24 (e) An offense involving pornography and a minor pursuant to NRS 200.710 to
 25 200.730, inclusive;

26 (f) Incest pursuant to NRS 201.180;

27 (g) Open or gross lewdness pursuant to NRS 201.210, if punished as a felony;

28 (h) Indecent or obscene exposure pursuant to NRS 201.220, if punished as a
 29 felony;

30 (i) Lewdness with a child pursuant to NRS 201.230;

31 (j) Sexual penetration of a dead human body pursuant to NRS 201.450;

32 (k) Sexual conduct between certain employees of a school or volunteers at a
 33 school and a pupil pursuant to NRS 201.540;

34 (l) Sexual conduct between certain employees of a college or university and a
 35 student pursuant to NRS 201.550;

36 (m) Luring a child or a person with mental illness pursuant to NRS 201.560, if
 37 punished as a felony;

38 (n) *A violation of section 2 of this act ; [, if punished as a felony.]*

39 (o) An attempt to commit an offense listed in paragraphs (a) to ~~[(m)]~~ (n),
 40 inclusive, if punished as a felony; or

41 ~~[(p)]~~ (p) An offense that is determined to be sexually motivated pursuant to
 42 NRS 175.547 or 207.193.

43 **Sec. 8.** NRS 176A.110 is hereby amended to read as follows:

44 176A.110 1. The court shall not grant probation to or suspend the sentence
 45 of a person convicted of an offense listed in subsection 3 unless:

46 (a) If a psychosexual evaluation of the person is required pursuant to NRS
 47 176.139, the person who conducts the psychosexual evaluation certifies in the
 48 report prepared pursuant to NRS 176.139 that the person convicted of the offense
 49 does not represent a high risk to reoffend based upon a currently accepted standard
 50 of assessment; or

51 (b) If a psychosexual evaluation of the person is not required pursuant to NRS
 52 176.139, a psychologist licensed to practice in this State who is trained to conduct
 53 psychosexual evaluations or a psychiatrist licensed to practice medicine in this

1 State who is certified by the American Board of Psychiatry and Neurology, Inc.,
 2 and is trained to conduct psychosexual evaluations certifies in a written report to
 3 the court that the person convicted of the offense does not represent a high risk to
 4 reoffend based upon a currently accepted standard of assessment.

5 2. This section does not create a right in any person to be certified or to
 6 continue to be certified. No person may bring a cause of action against the State, its
 7 political subdivisions, or the agencies, boards, commissions, departments, officers
 8 or employees of the State or its political subdivisions for not certifying a person
 9 pursuant to this section or for refusing to consider a person for certification
 10 pursuant to this section.

11 3. The provisions of this section apply to a person convicted of any of the
 12 following offenses:

13 (a) Attempted sexual assault of a person who is 16 years of age or older
 14 pursuant to NRS 200.366.

15 (b) Statutory sexual seduction pursuant to NRS 200.368.

16 (c) Battery with intent to commit sexual assault pursuant to NRS 200.400.

17 (d) Abuse or neglect of a child pursuant to NRS 200.508.

18 (e) An offense involving pornography and a minor pursuant to NRS 200.710 to
 19 200.730, inclusive.

20 (f) Incest pursuant to NRS 201.180.

21 (g) Open or gross lewdness pursuant to NRS 201.210.

22 (h) Indecent or obscene exposure pursuant to NRS 201.220.

23 (i) Sexual penetration of a dead human body pursuant to NRS 201.450.

24 (j) Sexual conduct between certain employees of a school or volunteers at a
 25 school and a pupil pursuant to NRS 201.540.

26 (k) Sexual conduct between certain employees of a college or university and a
 27 student pursuant to NRS 201.550.

28 (l) Luring a child or a person with mental illness pursuant to NRS 201.560, if
 29 punished as a felony.

30 (m) *A violation of section 2 of this act, [if punished as a felony.]*

31 (n) A violation of NRS 207.180.

32 ~~(o)~~ (o) An attempt to commit an offense listed in paragraphs (b) to ~~(m)~~ (n),
 33 inclusive.

34 ~~(p)~~ (p) Coercion or attempted coercion that is determined to be sexually
 35 motivated pursuant to NRS 207.193.

36 **Sec. 9.** NRS 176A.413 is hereby amended to read as follows:

37 176A.413 1. Except as otherwise provided in subsection 2, if a defendant is
 38 convicted of stalking with the use of an Internet or network site, electronic mail,
 39 text messaging or any other similar means of communication pursuant to subsection
 40 4 of NRS 200.575, an offense involving pornography and a minor pursuant to NRS
 41 200.710 to 200.730, inclusive, ~~(o)~~ luring a child or a person with mental illness
 42 through the use of a computer, system or network pursuant to paragraph (a) or (b)
 43 of subsection 4 of NRS 201.560 *or a violation of [subsection 1 or 2 of] section 2 of*
 44 *this act which involved the use of an electronic communication device* and the
 45 court grants probation or suspends the sentence, the court shall, in addition to any
 46 other condition ordered pursuant to NRS 176A.400, order as a condition of
 47 probation or suspension that the defendant not own or use a computer, including,
 48 without limitation, use electronic mail, a chat room or the Internet.

49 2. The court is not required to impose a condition of probation or suspension of
 50 sentence set forth in subsection 1 if the court finds that:

51 (a) The use of a computer by the defendant will assist a law enforcement
 52 agency or officer in a criminal investigation;

1 (b) The defendant will use the computer to provide technological training
2 concerning technology of which the defendant has a unique knowledge; or

3 (c) The use of the computer by the defendant will assist companies that require
4 the use of the specific technological knowledge of the defendant that is unique and
5 is otherwise unavailable to the company.

6 3. Except as otherwise provided in subsection 1, if a defendant is convicted of
7 an offense that involved the use of a computer, system or network and the court
8 grants probation or suspends the sentence, the court may, in addition to any other
9 condition ordered pursuant to NRS 176A.400, order as a condition of probation or
10 suspension that the defendant not own or use a computer, including, without
11 limitation, use electronic mail, a chat room or the Internet.

12 4. As used in this section:

13 (a) "Computer" has the meaning ascribed to it in NRS 205.4735 ~~(c)~~ **and**
14 **includes, without limitation, an electronic communication device.**

15 (b) **"Electronic communication device" has the meaning ascribed to it in**
16 **NRS 200.737.**

17 (c) "Network" has the meaning ascribed to it in NRS 205.4745.

18 ~~(c)~~ (d) "System" has the meaning ascribed to it in NRS 205.476.

19 ~~(d)~~ (e) "Text messaging" has the meaning ascribed to it in NRS 200.575.

20 **Sec. 10.** NRS 178.5698 is hereby amended to read as follows:

21 178.5698 1. The prosecuting attorney, sheriff or chief of police shall, upon
22 the request of a victim or witness, inform the victim or witness:

23 (a) When the defendant is released from custody at any time before or during
24 the trial, including, without limitation, when the defendant is released pending trial
25 or subject to electronic supervision;

26 (b) If the defendant is so released, the amount of bail required, if any; and

27 (c) Of the final disposition of the criminal case in which the victim or witness
28 was directly involved.

29 2. A request for information pursuant to subsection 1 must be made:

30 (a) In writing; or

31 (b) By telephone through an automated or computerized system of notification,
32 if such a system is available.

33 3. If an offender is convicted of a sexual offense or an offense involving the
34 use or threatened use of force or violence against the victim, the court shall provide:

35 (a) To each witness, documentation that includes:

36 (1) A form advising the witness of the right to be notified pursuant to
37 subsection 5;

38 (2) The form that the witness must use to request notification in writing;
39 and

40 (3) The form or procedure that the witness must use to provide a change of
41 address after a request for notification has been submitted.

42 (b) To each person listed in subsection 4, documentation that includes:

43 (1) A form advising the person of the right to be notified pursuant to
44 subsection 5 or 6 and NRS 176.015, 176A.630, 178.4715, 209.392, 209.3923,
45 209.3925, 209.429, 209.521, 213.010, 213.040, 213.095 and 213.131 or NRS
46 213.10915;

47 (2) The forms that the person must use to request notification; and

48 (3) The forms or procedures that the person must use to provide a change
49 of address after a request for notification has been submitted.

50 4. The following persons are entitled to receive documentation pursuant to
51 paragraph (b) of subsection 3:

52 (a) A person against whom the offense is committed.

53 (b) A person who is injured as a direct result of the commission of the offense.

1 (c) If a person listed in paragraph (a) or (b) is under the age of 18 years, each
2 parent or guardian who is not the offender.

3 (d) Each surviving spouse, parent and child of a person who is killed as a direct
4 result of the commission of the offense.

5 (e) A relative of a person listed in paragraphs (a) to (d), inclusive, if the
6 relative requests in writing to be provided with the documentation.

7 5. Except as otherwise provided in subsection 6, if the offense was a felony
8 and the offender is imprisoned, the warden of the prison shall, if the victim or
9 witness so requests in writing and provides a current address, notify the victim or
10 witness at that address when the offender is released from the prison.

11 6. If the offender was convicted of a violation of subsection 3 of NRS
12 200.366 or a violation of subsection 1, paragraph (a) of subsection 2 or
13 subparagraph (2) of paragraph (b) of subsection 2 of NRS 200.508, the warden of
14 the prison shall notify:

15 (a) The immediate family of the victim if the immediate family provides their
16 current address;

17 (b) Any member of the victim's family related within the third degree of
18 consanguinity, if the member of the victim's family so requests in writing and
19 provides a current address; and

20 (c) The victim, if the victim will be 18 years of age or older at the time of the
21 release and has provided a current address,

22 **↳** before the offender is released from prison.

23 7. The warden must not be held responsible for any injury proximately caused
24 by the failure to give any notice required pursuant to this section if no address was
25 provided to the warden or if the address provided is inaccurate or not current.

26 8. As used in this section:

27 (a) "Immediate family" means any adult relative of the victim living in the
28 victim's household.

29 (b) "Sexual offense" means:

30 (1) Sexual assault pursuant to NRS 200.366;

31 (2) Statutory sexual seduction pursuant to NRS 200.368;

32 (3) Battery with intent to commit sexual assault pursuant to NRS 200.400;

33 (4) An offense involving pornography and a minor pursuant to NRS
34 200.710 to 200.730, inclusive;

35 (5) Incest pursuant to NRS 201.180;

36 (6) Open or gross lewdness pursuant to NRS 201.210;

37 (7) Indecent or obscene exposure pursuant to NRS 201.220;

38 (8) Lewdness with a child pursuant to NRS 201.230;

39 (9) Sexual penetration of a dead human body pursuant to NRS 201.450;

40 (10) Sexual conduct between certain employees of a school or volunteers
41 at a school and a pupil pursuant to NRS 201.540;

42 (11) Sexual conduct between certain employees of a college or university
43 and a student pursuant to NRS 201.550;

44 (12) *A violation of section 2 of this act ; [, if punished as a felony];*

45 (13) Luring a child or a person with mental illness pursuant to NRS
46 201.560, if punished as a felony;

47 ~~[(13)]~~ (14) An offense that, pursuant to a specific statute, is determined to
48 be sexually motivated; or

49 ~~[(14)]~~ (15) An attempt to commit an offense listed in this paragraph.

50 **Sec. 11.** NRS 179.245 is hereby amended to read as follows:

51 179.245 1. Except as otherwise provided in subsection 6 and NRS 176.211,
52 176A.245, 176A.265, 176A.295, 179.247, 179.259, 201.354 and 453.3365, a

1 person may petition the court in which the person was convicted for the sealing of
2 all records relating to a conviction of:

3 (a) A category A felony, a crime of violence or residential burglary pursuant to
4 NRS 205.060 after 10 years from the date of release from actual custody or
5 discharge from parole or probation, whichever occurs later;

6 (b) Except as otherwise provided in paragraphs (a) and (e), a category B, C or
7 D felony after 5 years from the date of release from actual custody or discharge
8 from parole or probation, whichever occurs later;

9 (c) A category E felony after 2 years from the date of release from actual
10 custody or discharge from parole or probation, whichever occurs later;

11 (d) Except as otherwise provided in paragraph (e), any gross misdemeanor
12 after 2 years from the date of release from actual custody or discharge from
13 probation, whichever occurs later;

14 (e) A violation of NRS 422.540 to 422.570, inclusive, a violation of NRS
15 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic
16 violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of
17 release from actual custody or from the date when the person is no longer under a
18 suspended sentence, whichever occurs later;

19 (f) Except as otherwise provided in paragraph (e), if the offense is punished as
20 a misdemeanor, a battery pursuant to NRS 200.481, harassment pursuant to NRS
21 200.571, stalking pursuant to NRS 200.575 or a violation of a temporary or
22 extended order for protection, after 2 years from the date of release from actual
23 custody or from the date when the person is no longer under a suspended sentence,
24 whichever occurs later; or

25 (g) Any other misdemeanor after 1 year from the date of release from actual
26 custody or from the date when the person is no longer under a suspended sentence,
27 whichever occurs later.

28 2. A petition filed pursuant to subsection 1 must:

29 (a) Be accompanied by the petitioner's current, verified records received from
30 the Central Repository for Nevada Records of Criminal History;

31 (b) If the petition references NRS 453.3365, include a certificate of
32 acknowledgment or the disposition of the proceedings for the records to be sealed
33 from all agencies of criminal justice which maintain such records;

34 (c) Include a list of any other public or private agency, company, official or
35 other custodian of records that is reasonably known to the petitioner to have
36 possession of records of the conviction and to whom the order to seal records, if
37 issued, will be directed; and

38 (d) Include information that, to the best knowledge and belief of the petitioner,
39 accurately and completely identifies the records to be sealed, including, without
40 limitation, the:

41 (1) Date of birth of the petitioner;

42 (2) Specific conviction to which the records to be sealed pertain; and

43 (3) Date of arrest relating to the specific conviction to which the records to
44 be sealed pertain.

45 3. Upon receiving a petition pursuant to this section, the court shall notify the
46 law enforcement agency that arrested the petitioner for the crime and the
47 prosecuting attorney, including, without limitation, the Attorney General, who
48 prosecuted the petitioner for the crime. The prosecuting attorney and any person
49 having relevant evidence may testify and present evidence at any hearing on the
50 petition.

51 4. If the prosecuting agency that prosecuted the petitioner for the crime
52 stipulates to the sealing of the records, the court shall apply the presumption set
53 forth in NRS 179.2445 and seal the records. If the prosecuting agency does not

1 stipulate to the sealing of the records or does not file a written objection within 30
2 days after receiving notification pursuant to subsection 3 and the court makes the
3 findings set forth in subsection 5, the court may order the sealing of the records in
4 accordance with subsection 5 without a hearing. If the court does not order the
5 sealing of the records or the prosecuting agency files a written objection, a hearing
6 on the petition must be conducted. At the hearing, unless an objecting party
7 presents evidence sufficient to rebut the presumption set forth in NRS 179.2445, the
8 court shall apply the presumption and seal the records.

9 5. If the court finds that, in the period prescribed in subsection 1, the
10 petitioner has not been charged with any offense for which the charges are pending
11 or convicted of any offense, except for minor moving or standing traffic violations,
12 the court may order sealed all records of the conviction which are in the custody of
13 any agency of criminal justice or any public or private agency, company, official or
14 other custodian of records in the State of Nevada, and may also order all such
15 records of the petitioner returned to the file of the court where the proceeding was
16 commenced from, including, without limitation, the Federal Bureau of Investigation
17 and all other agencies of criminal justice which maintain such records and which
18 are reasonably known by either the petitioner or the court to have possession of
19 such records.

20 6. A person may not petition the court to seal records relating to a conviction
21 of:

- 22 (a) A crime against a child;
- 23 (b) A sexual offense;
- 24 (c) Invasion of the home with a deadly weapon pursuant to NRS 205.067;
- 25 (d) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony
26 pursuant to paragraph (c) of subsection 1 of NRS 484C.400;
- 27 (e) A violation of NRS 484C.430;
- 28 (f) A homicide resulting from driving or being in actual physical control of a
29 vehicle while under the influence of intoxicating liquor or a controlled substance or
30 resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or
31 484C.430;
- 32 (g) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS
33 488.427; or
- 34 (h) A violation of NRS 488.420 or 488.425.

35 7. The provisions of paragraph (e) of subsection 1 and paragraph (d) of
36 subsection 6 must not be construed to preclude a person from being able to petition
37 the court to seal records relating to a conviction for a violation of NRS 484C.110 or
38 484C.120 pursuant to this section if the person was found guilty of a violation of
39 NRS 484C.110 or 484C.120 that is punishable pursuant to:

- 40 (a) Paragraph (b) of subsection 1 of NRS 484C.400; or
- 41 (b) Paragraph (c) of subsection 1 of NRS 484C.400 but had a judgment of
42 conviction entered against him or her for a violation of paragraph (b) of subsection
43 1 of NRS 484C.400 because the person participated in the statewide sobriety and
44 drug monitoring program established pursuant to NRS 484C.392.

45 8. If the court grants a petition for the sealing of records pursuant to this
46 section, upon the request of the person whose records are sealed, the court may
47 order sealed all records of the civil proceeding in which the records were sealed.

48 9. As used in this section:

- 49 (a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.
- 50 (b) "Sexual offense" means:

51 (1) Murder of the first degree committed in the perpetration or attempted
52 perpetration of sexual assault or of sexual abuse or sexual molestation of a child
53 less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

- 1 (2) Sexual assault pursuant to NRS 200.366.
2 (3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a
3 felony.
4 (4) Battery with intent to commit sexual assault pursuant to NRS 200.400.
5 (5) An offense involving the administration of a drug to another person
6 with the intent to enable or assist the commission of a felony pursuant to NRS
7 200.405, if the felony is an offense listed in this paragraph.
8 (6) An offense involving the administration of a controlled substance to
9 another person with the intent to enable or assist the commission of a crime of
10 violence, if the crime of violence is an offense listed in this paragraph.
11 (7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual
12 abuse or sexual exploitation.
13 (8) An offense involving pornography and a minor pursuant to NRS
14 200.710 to 200.730, inclusive.
15 (9) Incest pursuant to NRS 201.180.
16 (10) Open or gross lewdness pursuant to NRS 201.210, if punishable as a
17 felony.
18 (11) Indecent or obscene exposure pursuant to NRS 201.220, if punishable
19 as a felony.
20 (12) Lewdness with a child pursuant to NRS 201.230.
21 (13) Sexual penetration of a dead human body pursuant to NRS 201.450.
22 (14) Sexual conduct between certain employees of a school or volunteers
23 at a school and a pupil pursuant to NRS 201.540.
24 (15) Sexual conduct between certain employees of a college or university
25 and a student pursuant to NRS 201.550.
26 (16) *A violation of section 2 of this act, [if punishable as a felony.]*
27 (17) Luring a child or a person with mental illness pursuant to NRS
28 201.560, if punishable as a felony.

29 ~~(17)~~ (18) An attempt to commit an offense listed in this paragraph.

30 **Sec. 12.** NRS 179.460 is hereby amended to read as follows:

31 179.460 1. The Attorney General or the district attorney of any county may
32 apply to a Supreme Court justice or to a district judge in the county where the
33 interception is to take place for an order authorizing the interception of wire,
34 electronic or oral communications, and the judge may, in accordance with NRS
35 179.470 to 179.515, inclusive, grant an order authorizing the interception of wire,
36 electronic or oral communications by investigative or law enforcement officers
37 having responsibility for the investigation of the offense as to which the application
38 is made, when the interception may provide evidence of the commission of murder,
39 kidnapping, robbery, extortion, bribery, escape of an offender in the custody of the
40 Department of Corrections, destruction of public property by explosives, a sexual
41 offense against a child, sex trafficking, a violation of NRS 200.463, 200.464 or
42 200.465, trafficking in persons in violation of NRS 200.467 or 200.468, the
43 commission of any offense which is made a felony by the provisions of chapter 453
44 or 454 of NRS or a violation of NRS 463.160 or 465.086.

45 2. A provider of electronic communication service or a public utility, an
46 officer, employee or agent thereof or another person associated with the provider of
47 electronic communication service or public utility who, pursuant to an order issued
48 pursuant to subsection 1, provides information or otherwise assists an investigative
49 or law enforcement officer in the interception of a wire, electronic or oral
50 communication is immune from any liability relating to any interception made
51 pursuant to the order.

52 3. As used in this section, "sexual offense against a child" includes any act
53 upon a child constituting:

- 1 (a) Incest pursuant to NRS 201.180;
 2 (b) Lewdness with a child pursuant to NRS 201.230;
 3 (c) Sado-masochistic abuse pursuant to NRS 201.262;
 4 (d) Sexual assault pursuant to NRS 200.366;
 5 (e) Statutory sexual seduction pursuant to NRS 200.368;
 6 (f) Open or gross lewdness pursuant to NRS 201.210; ~~(e)~~
 7 (g) Luring a child or a person with mental illness pursuant to NRS 201.560, if
 8 punished as a felony ~~(f)~~ ; or

9 *(h) A violation of section 2 of this act. ~~(f)~~ if punished as a felony.*

10 **Sec. 13.** NRS 179D.097 is hereby amended to read as follows:

11 179D.097 1. "Sexual offense" means any of the following offenses:

12 (a) Murder of the first degree committed in the perpetration or attempted
 13 perpetration of sexual assault or of sexual abuse or sexual molestation of a child
 14 less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

15 (b) Sexual assault pursuant to NRS 200.366.

16 (c) Statutory sexual seduction pursuant to NRS 200.368.

17 (d) Battery with intent to commit sexual assault pursuant to subsection 4 of
 18 NRS 200.400.

19 (e) An offense involving the administration of a drug to another person with
 20 the intent to enable or assist the commission of a felony pursuant to NRS 200.405,
 21 if the felony is an offense listed in this subsection.

22 (f) An offense involving the administration of a controlled substance to another
 23 person with the intent to enable or assist the commission of a crime of violence, if
 24 the crime of violence is an offense listed in this section.

25 (g) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual
 26 abuse or sexual exploitation.

27 (h) An offense involving pornography and a minor pursuant to NRS 200.710 to
 28 200.730, inclusive.

29 (i) Incest pursuant to NRS 201.180.

30 (j) Open or gross lewdness pursuant to NRS 201.210.

31 (k) Indecent or obscene exposure pursuant to NRS 201.220.

32 (l) Lewdness with a child pursuant to NRS 201.230.

33 (m) Sexual penetration of a dead human body pursuant to NRS 201.450.

34 (n) Sexual conduct between certain employees of a school or volunteers at a
 35 school and a pupil pursuant to NRS 201.540.

36 (o) Sexual conduct between certain employees of a college or university and a
 37 student pursuant to NRS 201.550.

38 (p) Luring a child or a person with mental illness pursuant to NRS 201.560, if
 39 punished as a felony.

40 (q) Sex trafficking pursuant to NRS 201.300.

41 *(r) A violation of section 2 of this act. ~~(f)~~ if punished as a felony.*

42 (s) Any other offense that has an element involving a sexual act or sexual
 43 conduct with another.

44 ~~(s)~~ (t) An attempt or conspiracy to commit an offense listed in paragraphs (a)
 45 to ~~(e)~~ (s), inclusive.

46 ~~(t)~~ (u) An offense that is determined to be sexually motivated pursuant to
 47 NRS 175.547 or 207.193.

48 ~~(u)~~ (v) An offense committed in another jurisdiction that, if committed in this
 49 State, would be an offense listed in this subsection. This paragraph includes,
 50 without limitation, an offense prosecuted in:

51 (1) A tribal court.

52 (2) A court of the United States or the Armed Forces of the United States.

1 ~~[(w)]~~ (w) An offense of a sexual nature committed in another jurisdiction,
 2 whether or not the offense would be an offense listed in this section, if the person
 3 who committed the offense resides or has resided or is or has been a student or
 4 worker in any jurisdiction in which the person is or has been required by the laws of
 5 that jurisdiction to register as a sex offender because of the offense. This paragraph
 6 includes, without limitation, an offense prosecuted in:

- 7 (1) A tribal court.
- 8 (2) A court of the United States or the Armed Forces of the United States.
- 9 (3) A court having jurisdiction over juveniles.

10 2. Except for the offenses described in paragraphs (n) , ~~and~~ (o) *and* (r) of
 11 subsection 1, the term does not include an offense involving consensual sexual
 12 conduct if the victim was:

13 (a) An adult, unless the adult was under the custodial authority of the offender
 14 at the time of the offense; or

15 (b) At least 13 years of age and the offender was not more than 4 years older
 16 than the victim at the time of the commission of the offense.

17 **Sec. 14.** NRS 179D.115 is hereby amended to read as follows:

18 179D.115 “Tier II offender” means an offender convicted of a crime against a
 19 child or a sex offender, other than a Tier III offender, whose crime against a child is
 20 punishable by imprisonment for more than 1 year or whose sexual offense:

21 1. If committed against ~~§~~:

22 (a) A child, constitutes:

23 ~~[(1)]~~ (1) Luring a child pursuant to NRS 201.560, if punishable as a felony;

24 ~~[(2)]~~ (2) Abuse of a child pursuant to NRS 200.508, if the abuse involved
 25 sexual abuse or sexual exploitation;

26 ~~[(3)]~~ (3) An offense involving sex trafficking pursuant to NRS 201.300 or
 27 prostitution pursuant to NRS 201.320 or 201.395;

28 ~~[(4)]~~ (4) An offense involving pornography and a minor pursuant to NRS
 29 200.710 to 200.730, inclusive; or

30 ~~[(5)]~~ (5) Any other offense that is comparable to or more severe than the
 31 offenses described in 34 U.S.C. § 20911(3) . ~~§~~

32 (b) *A pupil, constitutes a violation of section 2 of this act . ~~§, if punishable as~~*
 33 *a felony.*

34 2. Involves an attempt or conspiracy to commit any offense described in
 35 subsection 1 . ~~§~~

36 3. If committed in another jurisdiction, is an offense that, if committed in this
 37 State, would be an offense listed in this section. This subsection includes, without
 38 limitation, an offense prosecuted in:

39 (a) A tribal court; or

40 (b) A court of the United States or the Armed Forces of the United States . ~~§~~

41 ~~§~~
 42 4. Is committed after the person becomes a Tier I offender if any of the
 43 person’s sexual offenses constitute an offense punishable by imprisonment for more
 44 than 1 year.

45 **Sec. 15.** NRS 179D.495 is hereby amended to read as follows:

46 179D.495 If a person who is required to register pursuant to NRS 179D.010
 47 to 179D.550, inclusive, has been convicted of an offense described in paragraph
 48 ~~[(s)]~~ (s) of subsection 1 of NRS 179D.097, *subparagraph (5) of* paragraph ~~[(a)]~~ (a)
 49 of subsection 1 or subsection 3 of NRS 179D.115 or subsection 7 or 9 of NRS
 50 179D.117, the Central Repository shall determine whether the person is required to
 51 register as a Tier I offender, Tier II offender or Tier III offender.

1 **Sec. 16.** NRS 213.107 is hereby amended to read as follows:

2 213.107 As used in NRS 213.107 to 213.157, inclusive, unless the context
3 otherwise requires:

4 1. “Board” means the State Board of Parole Commissioners.

5 2. “Chief” means the Chief Parole and Probation Officer.

6 3. “Division” means the Division of Parole and Probation of the Department
7 of Public Safety.

8 4. “Residential confinement” means the confinement of a person convicted of
9 a crime to his or her place of residence under the terms and conditions established
10 by the Board.

11 5. “Responsivity factors” means characteristics of a person that affect his or
12 her ability to respond favorably or unfavorably to any treatment goals.

13 6. “Risk and needs assessment” means a validated, standardized actuarial tool
14 that identifies risk factors that increase the likelihood of a person reoffending and
15 factors that, when properly addressed, can reduce the likelihood of a person
16 reoffending.

17 7. “Sex offender” means any person who has been or is convicted of a sexual
18 offense.

19 8. “Sexual offense” means:

20 (a) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710,
21 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230, 201.450, 201.540
22 or 201.550 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of
23 subsection 5 of NRS 201.560 ~~;~~ or ~~[subsection 1 or 2 of] section 2 of this act ;~~ ~~if~~
24 ~~punished as a felony;~~

25 (b) An attempt to commit any offense listed in paragraph (a); or

26 (c) An act of murder in the first or second degree, kidnapping in the first or
27 second degree, false imprisonment, burglary or invasion of the home if the act is
28 determined to be sexually motivated at a hearing conducted pursuant to NRS
29 175.547.

30 9. “Standards” means the objective standards for granting or revoking parole
31 or probation which are adopted by the Board or the Chief.

32 **Sec. 17.** NRS 213.1214 is hereby amended to read as follows:

33 213.1214 1. The Department of Corrections shall assess each prisoner who
34 has been convicted of a sexual offense to determine the prisoner’s risk to reoffend
35 in a sexual manner using a currently accepted standard of assessment. The
36 completed assessment must include, without limitation, a determination of the
37 prisoner’s level of risk to reoffend in a sexual manner, including, without
38 limitation, whether the prisoner is a high risk to reoffend in a sexual manner for the
39 purposes of subsection 3 of NRS 213.1215. The Director shall ensure a completed
40 assessment is provided to the Board before, but not sooner than 120 days before, a
41 scheduled parole hearing.

42 2. The Director shall:

43 (a) Ensure that any employee of the Department who completes an assessment
44 pursuant to subsection 1 is properly trained to assess the risk of an offender to
45 reoffend in a sexual manner.

46 (b) Establish a procedure to:

47 (1) Ensure the accuracy of each completed assessment provided to the
48 Board; and

49 (2) Correct any error occurring in a completed assessment provided to the
50 Board.

51 3. This section does not create a right in any prisoner to be assessed or
52 reassessed more frequently than the prisoner’s regularly scheduled parole hearings
53 or under a current or previous standard of assessment and does not restrict the

1 Department from conducting additional assessments of a prisoner if such
2 assessments may assist the Board in determining whether parole should be granted
3 or continued. No cause of action may be brought against the State, its political
4 subdivisions, or the agencies, boards, commissions, departments, officers or
5 employees of the State or its political subdivisions for assessing, not assessing or
6 considering or relying on an assessment of a prisoner, if such decisions or actions
7 are made or conducted in compliance with the procedures set forth in this section.

8 4. The Board shall consider an assessment prepared pursuant to this section
9 before determining whether to grant or revoke the parole of a person convicted of a
10 sexual offense.

11 5. The Board may adopt by regulation the manner in which the Board will
12 consider an assessment prepared pursuant to this section in conjunction with the
13 standards adopted by the Board pursuant to NRS 213.10885.

14 6. As used in this section:

15 (a) "Director" means the Director of the Department of Corrections.

16 (b) "Reoffend in a sexual manner" means to commit a sexual offense.

17 (c) "Sex offender" means a person who, after July 1, 1956, is or has been:

18 (1) Convicted of a sexual offense; or

19 (2) Adjudicated delinquent or found guilty by a court having jurisdiction
20 over juveniles of a sexual offense listed in subparagraph ~~(20)~~ (21) of paragraph
21 (d).

22 ↪ The term includes, but is not limited to, a sexually violent predator or a
23 nonresident sex offender who is a student or worker within this State.

24 (d) "Sexual offense" means any of the following offenses:

25 (1) Murder of the first degree committed in the perpetration or attempted
26 perpetration of sexual assault or of sexual abuse or sexual molestation of a child
27 less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

28 (2) Sexual assault pursuant to NRS 200.366.

29 (3) Statutory sexual seduction pursuant to NRS 200.368.

30 (4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

31 (5) An offense involving the administration of a drug to another person
32 with the intent to enable or assist the commission of a felony pursuant to NRS
33 200.405, if the felony is an offense listed in this paragraph.

34 (6) An offense involving the administration of a controlled substance to
35 another person with the intent to enable or assist the commission of a crime of
36 violence pursuant to NRS 200.408, if the crime of violence is an offense listed in
37 this paragraph.

38 (7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual
39 abuse or sexual exploitation.

40 (8) An offense involving pornography and a minor pursuant to NRS
41 200.710 to 200.730, inclusive.

42 (9) Incest pursuant to NRS 201.180.

43 (10) Open or gross lewdness pursuant to NRS 201.210.

44 (11) Indecent or obscene exposure pursuant to NRS 201.220.

45 (12) Lewdness with a child pursuant to NRS 201.230.

46 (13) Sexual penetration of a dead human body pursuant to NRS 201.450.

47 (14) Sexual conduct between certain employees of a school or volunteers
48 at a school and a pupil pursuant to NRS 201.540.

49 (15) Sexual conduct between certain employees of a college or university
50 and a student pursuant to NRS 201.550.

51 (16) Luring a child or a person with mental illness pursuant to NRS
52 201.560, if punished as a felony.

53 (17) *A violation of section 2 of this act, [if punished as a felony.]*

1 (18) An attempt or conspiracy to commit an offense listed in
2 subparagraphs (1) to ~~[(16)]~~ (17), inclusive.

3 ~~[(18)]~~ (19) An offense that is determined to be sexually motivated
4 pursuant to NRS 175.547 or 207.193.

5 ~~[(19)]~~ (20) An offense committed in another jurisdiction that, if committed
6 in this State, would be an offense listed in this paragraph. This subparagraph
7 includes, but is not limited to, an offense prosecuted in:

8 (I) A tribal court.

9 (II) A court of the United States or the Armed Forces of the United
10 States.

11 ~~[(20)]~~ (21) An offense of a sexual nature committed in another
12 jurisdiction, whether or not the offense would be an offense listed in this paragraph,
13 if the person who committed the offense resides or has resided or is or has been a
14 student or worker in any jurisdiction in which the person is or has been required by
15 the laws of that jurisdiction to register as a sex offender because of the offense. This
16 subparagraph includes, but is not limited to, an offense prosecuted in:

17 (I) A tribal court.

18 (II) A court of the United States or the Armed Forces of the United
19 States.

20 (III) A court having jurisdiction over juveniles.

21 ➤ Except for the offenses described in subparagraphs 14 , ~~and~~ 15 ~~and~~ 17, the
22 term does not include an offense involving consensual sexual conduct if the victim
23 was an adult, unless the adult was under the custodial authority of the offender at
24 the time of the offense, or if the victim was at least 13 years of age and the offender
25 was not more than 4 years older than the victim at the time of the commission of
26 the offense.

27 **Sec. 18.** NRS 213.1258 is hereby amended to read as follows:

28 213.1258 1. Except as otherwise provided in subsection 2, if the Board
29 releases on parole a prisoner convicted of stalking with the use of an Internet or
30 network site, electronic mail, text messaging or any other similar means of
31 communication pursuant to subsection 4 of NRS 200.575, an offense involving
32 pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive, ~~for~~
33 luring a child or a person with mental illness through the use of a computer, system
34 or network pursuant to paragraph (a) or (b) of subsection 4 of NRS 201.560 ~~or~~ *or a*
35 *violation of section 2 of this act which involved the use of an electronic*
36 *communication device*, the Board shall, in addition to any other condition of
37 parole, require as a condition of parole that the parolee not own or use a computer,
38 including, without limitation, use electronic mail, a chat room or the Internet.

39 2. The Board is not required to impose a condition of parole set forth in
40 subsection 1 if the Board finds that:

41 (a) The use of a computer by the parolee will assist a law enforcement agency
42 or officer in a criminal investigation;

43 (b) The parolee will use the computer to provide technological training
44 concerning technology of which the defendant has a unique knowledge; or

45 (c) The use of the computer by the parolee will assist companies that require
46 the use of the specific technological knowledge of the parolee that is unique and is
47 otherwise unavailable to the company.

48 3. Except as otherwise provided in subsection 1, if the Board releases on
49 parole a prisoner convicted of an offense that involved the use of a computer,
50 system or network, the Board may, in addition to any other condition of parole,
51 require as a condition of parole that the parolee not own or use a computer,
52 including, without limitation, use electronic mail, a chat room or the Internet.

53 4. As used in this section:

1 (a) "Computer" has the meaning ascribed to it in NRS 205.4735 ~~H~~ *and*
2 *includes, without limitation, an electronic communication device.*

3 (b) *"Electronic communication device" has the meaning ascribed to it in*
4 *NRS 200.737.*

5 (c) "Network" has the meaning ascribed to it in NRS 205.4745.

6 ~~(c)~~ (d) "System" has the meaning ascribed to it in NRS 205.476.

7 ~~(d)~~ (e) "Text messaging" has the meaning ascribed to it in NRS 200.575.

8 **Sec. 19.** NRS 288.150 is hereby amended to read as follows:

9 288.150 1. Except as otherwise provided in subsection 6 and NRS
10 354.6241, every local government employer shall negotiate in good faith through
11 one or more representatives of its own choosing concerning the mandatory subjects
12 of bargaining set forth in subsection 2 with the designated representatives of the
13 recognized employee organization, if any, for each appropriate bargaining unit
14 among its employees. If either party so requests, agreements reached must be
15 reduced to writing.

16 2. The scope of mandatory bargaining is limited to:

17 (a) Salary or wage rates or other forms of direct monetary compensation.

18 (b) Sick leave.

19 (c) Vacation leave.

20 (d) Holidays.

21 (e) Other paid or nonpaid leaves of absence.

22 (f) Insurance benefits.

23 (g) Total hours of work required of an employee on each workday or
24 workweek.

25 (h) Total number of days' work required of an employee in a work year.

26 (i) Except as otherwise provided in subsections 8 and 11, discharge and
27 disciplinary procedures.

28 (j) Recognition clause.

29 (k) The method used to classify employees in the bargaining unit.

30 (l) Deduction of dues for the recognized employee organization.

31 (m) Protection of employees in the bargaining unit from discrimination
32 because of participation in recognized employee organizations consistent with the
33 provisions of this chapter.

34 (n) No-strike provisions consistent with the provisions of this chapter.

35 (o) Grievance and arbitration procedures for resolution of disputes relating to
36 interpretation or application of collective bargaining agreements.

37 (p) General savings clauses.

38 (q) Duration of collective bargaining agreements.

39 (r) Safety of the employee.

40 (s) Teacher preparation time.

41 (t) Materials and supplies for classrooms.

42 (u) Except as otherwise provided in subsections 9 and 11, the policies for the
43 transfer and reassignment of teachers.

44 (v) Procedures for reduction in workforce consistent with the provisions of this
45 chapter.

46 (w) Procedures consistent with the provisions of subsection 6 for the reopening
47 of collective bargaining agreements for additional, further, new or supplementary
48 negotiations during periods of fiscal emergency.

49 3. Those subject matters which are not within the scope of mandatory
50 bargaining and which are reserved to the local government employer without
51 negotiation include:

1 (a) Except as otherwise provided in paragraph (u) of subsection 2, the right to
2 hire, direct, assign or transfer an employee, but excluding the right to assign or
3 transfer an employee as a form of discipline.

4 (b) The right to reduce in force or lay off any employee because of lack of
5 work or lack of money, subject to paragraph (v) of subsection 2.

6 (c) The right to determine:

7 (1) Appropriate staffing levels and work performance standards, except for
8 safety considerations;

9 (2) The content of the workday, including without limitation workload
10 factors, except for safety considerations;

11 (3) The quality and quantity of services to be offered to the public; and

12 (4) The means and methods of offering those services.

13 (d) Safety of the public.

14 4. The provisions of NRS 245.063, 268.4069 and 391.1605 are not subject to
15 negotiations with an employee organization. Any provision of a collective
16 bargaining agreement negotiated pursuant to this chapter which differs from or
17 conflicts in any way with the provisions of NRS 245.063, 268.4069 or 391.1605 is
18 unenforceable and void.

19 5. If the local government employer is a school district, any money
20 appropriated by the State to carry out increases in salaries or benefits for the
21 employees of the school district is subject to negotiations with an employee
22 organization.

23 6. Notwithstanding the provisions of any collective bargaining agreement
24 negotiated pursuant to this chapter, a local government employer is entitled to:

25 (a) Reopen a collective bargaining agreement for additional, further, new or
26 supplementary negotiations relating to compensation or monetary benefits during a
27 period of fiscal emergency. Negotiations must begin not later than 21 days after the
28 local government employer notifies the employee organization that a fiscal
29 emergency exists. For the purposes of this section, a fiscal emergency shall be
30 deemed to exist:

31 (1) If the amount of revenue received by the general fund of the local
32 government employer during the last preceding fiscal year from all sources, except
33 any nonrecurring source, declined by 5 percent or more from the amount of revenue
34 received by the general fund from all sources, except any nonrecurring source,
35 during the next preceding fiscal year, as reflected in the reports of the annual audits
36 conducted for those fiscal years for the local government employer pursuant to
37 NRS 354.624; or

38 (2) If the local government employer has budgeted an unreserved ending
39 fund balance in its general fund for the current fiscal year in an amount equal to 4
40 percent or less of the actual expenditures from the general fund for the last
41 preceding fiscal year, and the local government employer has provided a written
42 explanation of the budgeted ending fund balance to the Department of Taxation that
43 includes the reason for the ending fund balance and the manner in which the local
44 government employer plans to increase the ending fund balance.

45 (b) Take whatever actions may be necessary to carry out its responsibilities in
46 situations of emergency such as a riot, military action, natural disaster or civil
47 disorder. Those actions may include the suspension of any collective bargaining
48 agreement for the duration of the emergency.

49 (c) Any action taken under the provisions of this subsection must not be construed
50 as a failure to negotiate in good faith.

51 7. The provisions of this chapter, including without limitation the provisions
52 of this section, recognize and declare the ultimate right and responsibility of the

1 local government employer to manage its operation in the most efficient manner
2 consistent with the best interests of all its citizens, its taxpayers and its employees.

3 8. If the sponsor of a charter school reconstitutes the governing body of a
4 charter school pursuant to NRS 388A.330, the new governing body may terminate
5 the employment of any teachers or other employees of the charter school, and any
6 provision of any agreement negotiated pursuant to this chapter that provides
7 otherwise is unenforceable and void.

8 9. The board of trustees of a school district in which a school is designated as
9 a turnaround school pursuant to NRS 388G.400 or the principal of such a school, as
10 applicable, may take any action authorized pursuant to NRS 388G.400, including,
11 without limitation:

12 (a) Reassigning any member of the staff of such a school; or

13 (b) If the staff member of another public school consents, reassigning that
14 member of the staff of the other public school to such a school.

15 10. Any provision of an agreement negotiated pursuant to this chapter which
16 differs from or conflicts in any way with the provisions of subsection 9 or imposes
17 consequences on the board of trustees of a school district or the principal of a
18 school for taking any action authorized pursuant to subsection 9 is unenforceable
19 and void.

20 11. The board of trustees of a school district or the governing body of a
21 charter school or university school for profoundly gifted pupils may use a
22 substantiated report of the abuse or neglect of a child or a violation of NRS
23 201.540, 201.560, 392.4633 or 394.366 *or section 2 of this act* obtained from the
24 Statewide Central Registry for the Collection of Information Concerning the Abuse
25 or Neglect of a Child established by NRS 432.100 or an equivalent registry
26 maintained by a governmental agency in another jurisdiction for the purposes
27 authorized by NRS 388A.515, 388C.200, 391.033, 391.104 or 391.281, as
28 applicable. Such purposes may include, without limitation, making a determination
29 concerning the assignment, discipline or termination of an employee. Any provision
30 of any agreement negotiated pursuant to this chapter which conflicts with the
31 provisions of this subsection is unenforceable and void.

32 12. This section does not preclude, but this chapter does not require, the local
33 government employer to negotiate subject matters enumerated in subsection 3
34 which are outside the scope of mandatory bargaining. The local government
35 employer shall discuss subject matters outside the scope of mandatory bargaining
36 but it is not required to negotiate those matters.

37 13. Contract provisions presently existing in signed and ratified agreements as
38 of May 15, 1975, at 12 p.m. remain negotiable.

39 14. As used in this section, "abuse or neglect of a child" has the meaning
40 ascribed to it in NRS 392.281.

41 **Sec. 20.** NRS 388A.515 is hereby amended to read as follows:

42 388A.515 1. Each applicant for employment with and employee at a charter
43 school, except a licensed teacher or other person licensed by the Superintendent of
44 Public Instruction, and, except as otherwise provided in NRS 388A.516, each
45 volunteer at a charter school who is likely to have unsupervised contact with pupils,
46 must, before beginning his or her employment or service as a volunteer and at least
47 once every 5 years thereafter, submit to the governing body of the charter school:

48 (a) A complete set of the applicant's, employee's or volunteer's fingerprints
49 and written permission authorizing the governing body to forward the fingerprints
50 to the Central Repository for Nevada Records of Criminal History for its report on
51 the criminal history of the applicant, or employee or volunteer and for submission
52 to the Federal Bureau of Investigation for its report on the criminal history of the
53 applicant, employee or volunteer; and

1 (b) Written authorization for the governing body to obtain any information
2 concerning the applicant, employee or volunteer that may be available from the
3 Statewide Central Registry for the Collection of Information Concerning the Abuse
4 or Neglect of a Child established by NRS 432.100 and any equivalent registry
5 maintained by a governmental entity in a jurisdiction in which the applicant,
6 employee or volunteer has resided within the immediately preceding 5 years.

7 2. In conducting an investigation into the background of an applicant,
8 employee or volunteer, the governing body of a charter school may cooperate with
9 any appropriate law enforcement agency to obtain information relating to the
10 background of the applicant, employee or volunteer, including, without limitation,
11 any record of warrants for the arrest of or applications for protective orders against
12 the applicant, employee or volunteer.

13 3. If the information obtained by the governing body pursuant to subsection 1
14 or 2 or subsection 5 of NRS 388A.516 indicates that the applicant, employee or
15 volunteer has not been convicted of a crime listed in NRS 388A.5342, the
16 governing body of the charter school may employ the applicant or employee or
17 accept the volunteer, as applicable.

18 4. If the information obtained by the governing body pursuant to subsection 1
19 or 2 or subsection 5 of NRS 388A.516 indicates that the applicant, employee or
20 volunteer has been convicted of a crime listed in NRS 388A.5342, and the
21 governing body of the charter school does not disqualify the applicant or employee
22 from employment or the volunteer from serving as a volunteer on the basis of that
23 information, the governing body shall, upon the written authorization of the
24 applicant, employee or volunteer, forward a copy of the information to the
25 Superintendent of Public Instruction. If the applicant, employee or volunteer refuses
26 to provide his or her written authorization to forward a copy of the information
27 pursuant to this subsection, the charter school shall not employ the applicant or
28 employee or accept the volunteer, as applicable.

29 5. Not later than 15 days after receiving the information obtained by the
30 governing body pursuant to subsection 1 or 2 or subsection 5 of NRS 388A.516, the
31 Superintendent of Public Instruction or the Superintendent's designee shall review
32 the information to determine whether the conviction of the applicant, employee or
33 volunteer is related or unrelated to the position with the charter school for which the
34 applicant has applied or in which the employee is employed or the volunteer wishes
35 to serve. The applicant, employee or volunteer shall, upon the request of the
36 Superintendent of Public Instruction or the Superintendent's designee, provide any
37 further information that the Superintendent or the designee determines is necessary
38 to make the determination. If the governing body of the charter school desires to
39 employ the applicant or employee or accept the volunteer, the governing body shall,
40 upon the request of the Superintendent of Public Instruction or the Superintendent's
41 designee, provide any further information that the Superintendent or the designee
42 determines is necessary to make the determination. The Superintendent of Public
43 Instruction or the Superintendent's designee shall provide written notice of the
44 determination to the applicant, employee or volunteer and to the governing body of
45 the charter school.

46 6. If the Superintendent of Public Instruction or the Superintendent's designee
47 determines that the conviction of the applicant, employee or volunteer is related to
48 the position with the charter school for which the applicant has applied or in which
49 the employee is employed or the volunteer wishes to serve, the governing body of
50 the charter school shall not employ the applicant or employee or accept the
51 volunteer, as applicable. If the Superintendent of Public Instruction or the
52 Superintendent's designee determines that the conviction of the applicant,
53 employee or volunteer is unrelated to the position with the charter school for which

1 the applicant has applied or in which the employee is employed or the volunteer
2 wishes to serve, the governing body of the charter school may employ the applicant
3 or employee for that position or accept the volunteer, as applicable.

4 7. The governing body of a charter school may use a substantiated report of
5 the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS
6 201.540, 201.560, 392.4633 or 394.366 *or section 2 of this act* obtained from the
7 Statewide Central Registry or an equivalent registry maintained by a governmental
8 agency in another jurisdiction:

9 (a) In making determinations concerning assignments, requiring retraining,
10 imposing discipline, hiring, accepting a volunteer or termination; and

11 (b) In any proceedings to which the report is relevant, including, without
12 limitation, an action for trespass or a restraining order.

13 8. The governing body of a charter school:

14 (a) May accept gifts, grants and donations to carry out the provisions of this
15 section and NRS 388A.516.

16 (b) May not be held liable for damages resulting from any action of the
17 governing body authorized by subsection 2 or 7 or NRS 388A.516.

18 **Sec. 21.** NRS 388A.5342 is hereby amended to read as follows:

19 388A.5342 The governing body of a charter school shall terminate the
20 employment of any teacher or administrator who is employed by the charter school
21 but is not licensed pursuant to chapter 391 of NRS upon his or her conviction of a:

22 1. Felony or crime involving moral turpitude; or

23 2. Sex offense pursuant to NRS 200.366, 200.368, 201.190, 201.220,
24 201.230, 201.540 or 201.560 *or section 2 of this act*.

25 **Sec. 22.** NRS 388C.200 is hereby amended to read as follows:

26 388C.200 1. Except as otherwise provided in NRS 388C.205, each
27 applicant for employment with and employee at a university school for profoundly
28 gifted pupils, except a licensed teacher or other person licensed by the
29 Superintendent of Public Instruction, and each volunteer at a university school for
30 profoundly gifted pupils who is likely to have unsupervised contact with pupils,
31 must, before beginning his or her employment or service as a volunteer and at least
32 once every 5 years thereafter, submit to the governing body of the university
33 school:

34 (a) A complete set of his or her fingerprints and written permission authorizing
35 the governing body to forward the fingerprints to the Central Repository for Nevada
36 Records of Criminal History for its report on the criminal history of the applicant,
37 employee or volunteer and for submission to the Federal Bureau of Investigation
38 for its report on the criminal history of the applicant, employee or volunteer; and

39 (b) Written authorization for the governing body to obtain any information
40 concerning the applicant, employee or volunteer that may be available from the
41 Statewide Central Registry for the Collection of Information Concerning the Abuse
42 or Neglect of a Child established by NRS 432.100 and any equivalent registry
43 maintained by a governmental entity in a jurisdiction in which the applicant,
44 employee or volunteer has resided within the immediately preceding 5 years.

45 2. In conducting an investigation into the background of an applicant,
46 employee or volunteer, the governing body of a university school for profoundly
47 gifted pupils may cooperate with any appropriate law enforcement agency to obtain
48 information relating to the background of the applicant, employee or volunteer,
49 including, without limitation, any record of warrants for the arrest of or applications
50 for protective orders against the applicant, employee or volunteer.

51 3. If the information obtained by the governing body pursuant to subsection 1
52 or 2 or subsection 5 of NRS 388C.205 indicates that the applicant, employee or
53 volunteer has not been convicted of a felony or an offense involving moral

1 turpitude, the governing body of the university school for profoundly gifted pupils
2 may employ the applicant or employee or accept the volunteer, as applicable.

3 4. If the information obtained by the governing body pursuant to subsection 1
4 or 2 or subsection 5 of NRS 388C.205 indicates that the applicant, employee or
5 volunteer has been convicted of a felony or an offense involving moral turpitude
6 and the governing body of the university school for profoundly gifted pupils does
7 not disqualify the applicant or employee from employment or the volunteer from
8 serving as a volunteer on the basis of that report, the governing body shall, upon the
9 written authorization of the applicant, employee or volunteer forward a copy of the
10 information to the Superintendent of Public Instruction. If the applicant, employee
11 or volunteer refuses to provide his or her written authorization to forward a copy of
12 the report pursuant to this subsection, the university school shall not employ the
13 applicant or employee or accept the volunteer, as applicable.

14 5. The Superintendent of Public Instruction or the Superintendent's designee
15 shall promptly review the information to determine whether the conviction of the
16 applicant, employee or volunteer is related or unrelated to the position with the
17 university school for profoundly gifted pupils for which the applicant has applied or
18 in which the employee is employed or the volunteer wishes to serve. The applicant,
19 employee or volunteer shall, upon the request of the Superintendent of Public
20 Instruction or the Superintendent's designee, provide any further information that
21 the Superintendent or the designee determines is necessary to make the
22 determination. If the governing body of the university school desires to employ the
23 applicant or employee or accept the volunteer, the governing body shall, upon the
24 request of the Superintendent of Public Instruction or the Superintendent's
25 designee, provide any further information that the Superintendent or the designee
26 determines is necessary to make the determination. The Superintendent of Public
27 Instruction or the Superintendent's designee shall provide written notice of the
28 determination to the applicant, employee or volunteer and to the governing body of
29 the university school.

30 6. If the Superintendent of Public Instruction or the Superintendent's designee
31 determines that the conviction of the applicant, employee or volunteer is related to
32 the position with the university school for profoundly gifted pupils for which the
33 applicant has applied or in which the employee is employed or the volunteer wishes
34 to serve, the governing body of the university school shall not employ the applicant
35 or employee or accept the volunteer, as applicable. If the Superintendent of Public
36 Instruction or the Superintendent's designee determines that the conviction of the
37 applicant, employee or volunteer is unrelated to the position with the university
38 school for which the applicant has applied or in which the employee is employed or
39 the volunteer wishes to serve, the governing body of the university school may
40 employ the applicant or employee for that position or accept the volunteer, as
41 applicable.

42 7. The governing body of a university school for profoundly gifted pupils
43 may use a substantiated report of the abuse or neglect of a child, as defined in NRS
44 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 *or section 2*
45 *of this act* obtained from the Statewide Central Registry or an equivalent registry
46 maintained by a governmental agency in another jurisdiction:

47 (a) In making determinations concerning assignments, requiring retraining,
48 imposing discipline, hiring, accepting a volunteer or termination; and

49 (b) In any proceedings to which the report is relevant, including, without
50 limitation, an action for trespass or a restraining order.

51 8. The governing body of a university school for profoundly gifted pupils:

52 (a) May accept any gifts, grants and donations to carry out the provisions of
53 this section and NRS 388C.205.

1 (b) May not be held liable for damages resulting from any action of the
2 governing body authorized by subsection 2 or 7 or NRS 388C.205.

3 **Sec. 23.** NRS 391.033 is hereby amended to read as follows:

4 391.033 1. All licenses for teachers and other educational personnel are
5 granted by the Superintendent of Public Instruction pursuant to regulations adopted
6 by the Commission and as otherwise provided by law.

7 2. An application for the issuance of a license must include the social security
8 number of the applicant.

9 3. Every applicant for a license must submit with his or her application:

10 (a) A complete set of his or her fingerprints and written permission authorizing
11 the Superintendent to forward the fingerprints to the Central Repository for Nevada
12 Records of Criminal History for its initial report on the criminal history of the
13 applicant and for reports thereafter upon renewal of the license pursuant to
14 subsection 8 of NRS 179A.075, and for submission to the Federal Bureau of
15 Investigation for its report on the criminal history of the applicant; and

16 (b) Written authorization for the Superintendent to obtain any information
17 concerning the applicant that may be available from the Statewide Central Registry
18 and any equivalent registry maintained by a governmental entity in a jurisdiction in
19 which the applicant has resided within the immediately preceding 5 years.

20 4. In conducting an investigation into the background of an applicant for a
21 license, the Superintendent may cooperate with any appropriate law enforcement
22 agency to obtain information relating to the criminal history of the applicant,
23 including, without limitation, any record of warrants for the arrest of or applications
24 for protective orders against the applicant.

25 5. The Superintendent may issue a provisional license pending receipt of the
26 reports of the Federal Bureau of Investigation and the Central Repository for
27 Nevada Records of Criminal History if the Superintendent determines that the
28 applicant is otherwise qualified.

29 6. Except as otherwise provided in subsection 8, a license must be issued to,
30 or renewed for, as applicable, an applicant if:

31 (a) The Superintendent determines that the applicant is qualified;

32 (b) The information obtained by the Superintendent pursuant to subsections 3
33 and 4:

34 (1) Does not indicate that the applicant has been convicted of a felony or
35 any offense involving moral turpitude or indicates that the applicant has been
36 convicted of a felony or an offense involving moral turpitude but the
37 Superintendent determines that the conviction is unrelated to the position within the
38 county school district or charter school for which the applicant applied or for which
39 he or she is currently employed, as applicable;

40 (2) Does not indicate that there has been a substantiated report of abuse or
41 neglect of a child, as defined in NRS 432B.020, or a violation of NRS 201.540,
42 201.560, 392.4633 or 394.366 *or section 2 of this act* made against the applicant in
43 any state; and

44 (3) Does not indicate that the applicant has a warrant for his or her arrest;
45 and

46 (c) For initial licensure, the applicant submits the statement required pursuant
47 to NRS 391.034.

48 7. If, pursuant to subparagraph (2) of paragraph (b) of subsection 6, the
49 information indicates that a substantiated report has been made against the
50 applicant in any state, the Superintendent shall:

51 (a) Suspend the application process;

52 (b) Notify the applicant of the substantiated report; and

53 (c) Provide the applicant an opportunity to rebut the substantiated report.

1 8. The Superintendent may deny an application for a license pursuant to this
2 section if:

3 (a) A report on the criminal history of the applicant from the Federal Bureau of
4 Investigation or the Central Repository for Nevada Records of Criminal History
5 indicates that the applicant has been arrested for or charged with a sexual offense
6 involving a minor or pupil, including, without limitation, any attempt, solicitation
7 or conspiracy to commit such an offense; and

8 (b) The Superintendent provides to the applicant:

9 (1) Written notice of his or her intent to deny the application; and

10 (2) An opportunity for the applicant to have a hearing.

11 9. To request a hearing pursuant to subsection 8, an applicant must submit a
12 written request to the Superintendent within 15 days after receipt of the notice by
13 the applicant. Such a hearing must be conducted in accordance with regulations
14 adopted by the State Board. If no request for a hearing is filed within that time, the
15 Superintendent may deny the license.

16 10. If the Superintendent denies an application for a license pursuant to this
17 section, the Superintendent must, within 15 days after the date on which the
18 application is denied, provide notice of the denial to the school district or charter
19 school that employs the applicant if the applicant is employed by a school district or
20 charter school. Such a notice must not state the reasons for denial.

21 11. The Department shall:

22 (a) Maintain a list of the names of persons whose applications for a license are
23 denied due to conviction of a sexual offense involving a minor;

24 (b) Update the list maintained pursuant to paragraph (a) monthly; and

25 (c) Provide this list to the board of trustees of a school district or the governing
26 body of a charter school upon request.

27 12. The Superintendent shall forward all information obtained from an
28 investigation of an applicant pursuant to subsections 3 and 4 to the board of trustees
29 of a school district, the governing body of a charter school or university school for
30 profoundly gifted pupils or the administrator of a private school where the applicant
31 is employed or seeking employment. Except as otherwise provided in this section,
32 any information shared with the board of trustees of a school district, the governing
33 body of a charter school or university school for profoundly gifted pupils or the
34 administrator of a private school is confidential and must not be disclosed to any
35 person other than the applicant. The board of trustees, governing body or
36 administrator, as applicable, may use a substantiated report of the abuse or neglect
37 of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560,
38 392.4633 or 394.366 *or section 2 of this act* obtained from the Statewide Central
39 Registry or an equivalent registry maintained by a governmental agency in another
40 jurisdiction:

41 (a) In making determinations concerning assignments, requiring retraining,
42 imposing discipline, hiring or termination; and

43 (b) In any proceedings to which the report is relevant, including, without
44 limitation, an action for trespass or a restraining order.

45 13. The Superintendent, the board of trustees of a school district, the
46 governing body of a charter school or university school for profoundly gifted pupils
47 or the administrator of a private school may not be held liable for damages resulting
48 from any action of the Superintendent, board of trustees, governing body or
49 administrator, as applicable, authorized by subsection 4 or 12.

50 14. The Superintendent may enter into reciprocal agreements with appropriate
51 officials of other countries concerning the licensing of teachers.

52 15. As used in this section, "sexual offense" has the meaning ascribed to it in
53 NRS 179D.097.

1 **Sec. 24.** NRS 391.104 is hereby amended to read as follows:

2 391.104 1. Except as otherwise provided in NRS 391.105, each applicant
3 for employment pursuant to NRS 391.100 or employee, except a teacher or other
4 person licensed by the Superintendent of Public Instruction, or volunteer who is
5 likely to have unsupervised contact with pupils, must, before beginning his or her
6 employment or service as a volunteer and at least once every 5 years thereafter,
7 submit to the school district:

8 (a) A full set of the applicant's, employee's or volunteer's fingerprints and
9 written permission authorizing the school district to forward the fingerprints to the
10 Central Repository for Nevada Records of Criminal History for its report on the
11 criminal history of the applicant, employee or volunteer and for submission to the
12 Federal Bureau of Investigation for its report on the criminal history of the
13 applicant, employee or volunteer; and

14 (b) Written authorization for the board of trustees of the school district to
15 obtain any information concerning the applicant, employee or volunteer that may be
16 available from the Statewide Central Registry and any equivalent registry
17 maintained by a governmental entity in a jurisdiction in which the applicant,
18 employee or volunteer has resided within the immediately preceding 5 years.

19 2. In conducting an investigation into the background of an applicant,
20 employee or volunteer, a school district may cooperate with any appropriate law
21 enforcement agency to obtain information relating to the criminal history of the
22 applicant, employee or volunteer, including, without limitation, any record of
23 warrants for the arrest of or applications for protective orders against the applicant,
24 employee or volunteer.

25 3. The board of trustees of a school district may use a substantiated report of
26 the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS
27 201.540, 201.560, 392.4633 or 394.366 *or section 2 of this act* obtained from the
28 Statewide Central Registry or an equivalent registry maintained by a governmental
29 agency in another jurisdiction:

30 (a) When making determinations concerning assignments, requiring retraining,
31 imposing discipline, hiring, accepting a volunteer or termination; and

32 (b) In any proceedings to which the report is relevant, including, without
33 limitation, an action for trespass or a restraining order.

34 4. Except as otherwise provided in subsection 5, the board of trustees of a
35 school district shall not require a licensed teacher or other person licensed by the
36 Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a
37 leave of absence from employment authorized by the school district, including,
38 without limitation:

39 (a) Sick leave;

40 (b) Sabbatical leave;

41 (c) Personal leave;

42 (d) Leave for attendance at a regular or special session of the Legislature of
43 this State if the employee is a member thereof;

44 (e) Maternity leave; and

45 (f) Leave permitted by the Family and Medical Leave Act of 1993, 29 U.S.C.
46 §§ 2601 et seq.,

47 ↳ to submit a set of his or her fingerprints as a condition of return to or continued
48 employment with the school district if the employee is in good standing when the
49 employee began the leave.

50 5. A board of trustees of a school district may ask the Superintendent of
51 Public Instruction to require a person licensed by the Superintendent of Public
52 Instruction pursuant to NRS 391.033 who has taken a leave of absence from
53 employment authorized by the school district to submit a set of his or her

1 fingerprints as a condition of return to or continued employment with the school
2 district if the board of trustees has probable cause to believe that the person has
3 committed a felony or an offense involving moral turpitude during the period of his
4 or her leave of absence.

5 6. The board of trustees of a school district:

6 (a) May accept any gifts, grants and donations to carry out the provisions of
7 subsections 1 and 2 and NRS 391.105.

8 (b) May not be held liable for damages resulting from any action of the board
9 of trustees authorized by subsection 2 or 3 or NRS 391.105.

10 **Sec. 25.** NRS 391.281 is hereby amended to read as follows:

11 391.281 1. Each applicant for employment or appointment pursuant to this
12 section or employee, except a teacher or other person licensed by the
13 Superintendent of Public Instruction, must, before beginning his or her employment
14 or appointment and at least once every 5 years thereafter, submit to the school
15 district:

16 (a) A full set of the applicant's or employee's fingerprints and written
17 permission authorizing the school district to forward the fingerprints to the Central
18 Repository for Nevada Records of Criminal History for its report on the criminal
19 history of the applicant or employee and for submission to the Federal Bureau of
20 Investigation for its report on the criminal history of the applicant or employee.

21 (b) Written authorization for the board of trustees of the school district to
22 obtain any information concerning the applicant or employee that may be available
23 from the Statewide Central Registry and any equivalent registry maintained by a
24 governmental entity in a jurisdiction in which the applicant or employee has resided
25 within the immediately preceding 5 years.

26 2. In conducting an investigation into the background of an applicant or
27 employee, a school district may cooperate with any appropriate law enforcement
28 agency to obtain information relating to the criminal history of the applicant or
29 employee, including, without limitation, any record of warrants for the arrest of or
30 applications for protective orders against the applicant or employee.

31 3. The board of trustees of a school district may use a substantiated report of
32 the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS
33 201.540, 201.560, 392.4633 or 394.366 *or section 2 of this act* obtained from the
34 Statewide Central Registry or an equivalent registry maintained by a governmental
35 agency in another jurisdiction:

36 (a) In making determinations concerning assignments, requiring retraining,
37 imposing discipline, hiring or termination; and

38 (b) In any proceedings to which the report is relevant, including, without
39 limitation, an action for trespass or a restraining order.

40 4. The board of trustees of a school district:

41 (a) May accept any gifts, grants and donations to carry out the provisions of
42 subsections 1 and 2.

43 (b) May not be held liable for damages resulting from any action of the board
44 of trustees authorized by subsection 2 or 3.

45 5. The board of trustees of a school district may employ or appoint persons to
46 serve as school police officers. If the board of trustees of a school district employs
47 or appoints persons to serve as school police officers, the board of trustees shall
48 employ a law enforcement officer to serve as the chief of school police who is
49 supervised by the superintendent of schools of the school district. The chief of
50 school police shall supervise each person appointed or employed by the board of
51 trustees as a school police officer, including any school police officer that provides
52 services to a charter school pursuant to a contract entered into with the board of

1 trustees pursuant to NRS 388A.384. In addition, persons who provide police
2 services pursuant to subsection 6 or 7 shall be deemed school police officers.

3 6. The board of trustees of a school district in a county that has a metropolitan
4 police department created pursuant to chapter 280 of NRS may contract with the
5 metropolitan police department for the provision and supervision of police services
6 in the public schools within the jurisdiction of the metropolitan police department
7 and on property therein that is owned by the school district and on property therein
8 that is owned or occupied by a charter school if the board of trustees has entered
9 into a contract with the charter school for the provision of school police officers
10 pursuant to NRS 388A.384. If a contract is entered into pursuant to this subsection,
11 the contract must make provision for the transfer of each school police officer
12 employed by the board of trustees to the metropolitan police department. If the
13 board of trustees of a school district contracts with a metropolitan police
14 department pursuant to this subsection, the board of trustees shall, if applicable,
15 cooperate with appropriate local law enforcement agencies within the school
16 district for the provision and supervision of police services in the public schools
17 within the school district, including, without limitation, any charter school with
18 which the school district has entered into a contract for the provision of school
19 police officers pursuant to NRS 388A.384, and on property owned by the school
20 district and, if applicable, the property owned or occupied by the charter school, but
21 outside the jurisdiction of the metropolitan police department.

22 7. The board of trustees of a school district in a county that does not have a
23 metropolitan police department created pursuant to chapter 280 of NRS may
24 contract with the sheriff of that county for the provision of police services in the
25 public schools within the school district, including, without limitation, in any
26 charter school with which the board of trustees has entered into a contract for the
27 provision of school police officers pursuant to NRS 388A.384, and on property
28 therein that is owned by the school district and, if applicable, the property owned or
29 occupied by the charter school.

30 8. The board of trustees of a school district shall ensure that each school
31 police officer receives training in the prevention of suicide before beginning his or
32 her service as a school police officer.

33 **Sec. 26.** NRS 391.330 is hereby amended to read as follows:

34 391.330 1. The State Board may suspend or revoke the license of any
35 teacher, administrator or other licensed employee, or may issue a letter of
36 reprimand to any teacher, administrator or other licensed employee, after notice and
37 an opportunity for hearing have been provided pursuant to NRS 391.322 and
38 391.323, for:

39 (a) Unprofessional conduct.

40 (b) Immorality, as defined in NRS 391.650.

41 (c) Evident unfitness for service.

42 (d) Physical or mental incapacity which renders the teacher, administrator or
43 other licensed employee unfit for service.

44 (e) Conviction of a felony or crime involving moral turpitude.

45 (f) Conviction of a sex offense under NRS 200.366, 200.368, 201.190,
46 201.220, 201.230, 201.540 or 201.560 *or section 2 of this act* in which a pupil
47 enrolled in a school of a county school district was the victim.

48 (g) Knowingly advocating the overthrow of the Federal Government or of the
49 State of Nevada by force, violence or unlawful means.

50 (h) Persistent defiance of or refusal to obey the regulations of the State Board,
51 the Commission or the Superintendent of Public Instruction, defining and
52 governing the duties of teachers, administrators and other licensed employees.

1 (i) Breaches in the security or confidentiality of the questions and answers of
2 the examinations that are administered pursuant to NRS 390.105 and the college
3 and career readiness assessment administered pursuant to NRS 390.610.

4 (j) Intentional failure to observe and carry out the requirements of a plan to
5 ensure the security of examinations and assessments adopted pursuant to NRS
6 390.270 or 390.275.

7 (k) An intentional violation of NRS 388.497 or 388.499.

8 (l) Knowingly and willfully failing to comply with the provisions of NRS
9 388.1351.

10 (m) A substantiated report of abuse or neglect of a child, as defined in NRS
11 432B.020, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 **or section**
12 **2 of this act** made against the applicant in any state.

13 2. The State Board shall adopt regulations governing the process by which a
14 letter of reprimand may be issued to a teacher, administrator or other licensed
15 employee pursuant to this section, including, without limitation, regulations
16 concerning the time period during which a letter of reprimand will remain on the
17 record of the teacher, administrator or other licensed employee.

18 3. A teacher, administrator or other licensed employee whose license is
19 suspended pursuant to this section:

20 (a) May apply to reinstate his or her license after the period of suspension, as
21 determined by the State Board, is completed; and

22 (b) If he or she applies to reinstate his or her license pursuant to paragraph (a),
23 shall:

24 (1) Submit a new application for licensure to the Department; and

25 (2) Pay the appropriate fee for licensure.

26 4. A teacher, administrator or other licensed employee whose license is
27 revoked may not apply to reinstate his or her license and the Department shall not
28 grant a new license to such a person.

29 **Sec. 27.** NRS 391.650 is hereby amended to read as follows:

30 391.650 As used in NRS 391.650 to 391.826, inclusive, unless the context
31 otherwise requires:

32 1. "Administrator" means any employee who holds a license as an
33 administrator and who is employed in that capacity by a school district.

34 2. "Board" means the board of trustees of the school district in which a
35 licensed employee affected by NRS 391.650 to 391.826, inclusive, is employed.

36 3. "Demotion" means demotion of an administrator to a position of lesser
37 rank, responsibility or pay and does not include transfer or reassignment for
38 purposes of an administrative reorganization.

39 4. "Immorality" means:

40 (a) An act forbidden by NRS 200.366, 200.368, 200.400, 200.508, 201.180,
41 201.190, 201.210, 201.220, 201.230, 201.265, 201.540, 201.560, 207.260, 453.316
42 to 453.336, inclusive, except an act forbidden by NRS 453.337, 453.338, 453.3385
43 to 453.3405, inclusive, 453.560 or 453.562; or

44 (b) An act forbidden by NRS 201.540 **or section 2 of this act** or any other
45 sexual conduct or attempted sexual conduct with a pupil enrolled in an elementary
46 or secondary school. As used in this paragraph, "sexual conduct" has the meaning
47 ascribed to it in NRS 201.520.

48 5. "Postprobationary employee" means an administrator or a teacher who has
49 completed the probationary period as provided in NRS 391.820 and has been given
50 notice of reemployment. The term does not include a person who is deemed to be a
51 probationary employee pursuant to NRS 391.730.

52 6. "Probationary employee" means:

1 (a) An administrator or a teacher who is employed for the period set forth in
2 NRS 391.820; and

3 (b) A person who is deemed to be a probationary employee pursuant to NRS
4 391.730.

5 7. "Superintendent" means the superintendent of a school district or a person
6 designated by the board or superintendent to act as superintendent during the
7 absence of the superintendent.

8 8. "Teacher" means a licensed employee the majority of whose working time
9 is devoted to the rendering of direct educational service to pupils of a school
10 district.

11 **Sec. 28.** NRS 391.760 is hereby amended to read as follows:

12 391.760 1. If a superintendent has reason to believe that cause exists for the
13 dismissal of a licensed employee and the superintendent is of the opinion that the
14 immediate suspension of the employee is necessary in the best interests of the
15 pupils in the district, the superintendent may suspend the employee without notice
16 and without a hearing. Within 10 days after the suspension becomes effective, the
17 superintendent shall begin proceedings pursuant to NRS 391.680 to 391.800,
18 inclusive, to carry out the employee's dismissal. The employee is entitled to
19 continue to receive his or her salary and other benefits after the suspension becomes
20 effective until the date on which the dismissal proceedings are commenced.

21 2. Notwithstanding the provisions of NRS 391.750, a superintendent may
22 suspend a licensed employee who has been officially charged but not yet convicted
23 of a felony or a crime involving moral turpitude or immorality. If the charge is
24 dismissed or if the employee is found not guilty, the employee must be reinstated
25 with back pay, plus interest, and normal seniority. The superintendent shall notify
26 the employee in writing of the suspension. Within 10 days after the date on which
27 the employee receives such notice, the superintendent shall provide the employee
28 with the opportunity for an informal hearing to address the circumstances relating
29 to the charges and any other circumstances relating to the suspension. The
30 superintendent shall issue a written decision concerning the continuation of the
31 suspension based on the information presented at the hearing. The employee is
32 entitled to continue to receive his or her salary and other benefits after the
33 suspension becomes effective until the date on which the superintendent issues the
34 written decision. The superintendent may recommend that an employee who has
35 been charged with a felony or a crime involving immorality be dismissed for
36 another ground set forth in NRS 391.750.

37 3. If sufficient grounds for dismissal are not found to exist at the conclusion
38 of the proceedings conducted pursuant to subsection 1 or 2, the employee must be
39 reinstated with full compensation, plus interest.

40 4. A licensed employee who furnishes to the school district a bond or other
41 form of security which is acceptable to the board as a guarantee that the employee
42 will repay any amounts paid to him or her pursuant to this subsection as salary
43 during a period of suspension is entitled to continue to receive his or her salary
44 from the date on which the dismissal proceedings are commenced until the decision
45 of the board or the report of the hearing officer, if the report is final and binding.
46 The board shall not unreasonably refuse to accept a form of security other than a
47 bond. An employee who receives a salary pursuant to this subsection shall repay it
48 if the employee is dismissed or not reemployed as a result of a decision of the board
49 or a report of a hearing officer.

50 5. A licensed employee who is convicted of a crime which requires
51 registration pursuant to NRS 179D.010 to 179D.550, inclusive, or is convicted of
52 an act forbidden by NRS 200.508, 201.190, 201.265, 201.540, 201.560 or 207.260

1 *or section 2 of this act* forfeits all rights of employment from the date of his or her
2 arrest.

3 6. A licensed employee who is convicted of any crime and who is sentenced
4 to and serves any sentence of imprisonment forfeits all rights of employment from
5 the date of his or her arrest or the date on which his or her employment terminated,
6 whichever is later.

7 7. A licensed employee who is charged with a felony or a crime involving
8 immorality or moral turpitude and who waives his or her right to a speedy trial
9 while suspended may receive no more than 12 months of back pay and seniority
10 upon reinstatement if the employee is found not guilty or the charges are dismissed,
11 unless proceedings have been begun to dismiss the employee upon one of the other
12 grounds set forth in NRS 391.750.

13 8. A superintendent may discipline a licensed employee by suspending the
14 employee with loss of pay at any time after a hearing has been held which affords
15 the due process provided for in this chapter. The grounds for suspension are the
16 same as the grounds contained in NRS 391.750. An employee may be suspended
17 more than once during the employee's contract year, but the total number of days of
18 suspension may not exceed 20 in 1 contract year. Unless circumstances require
19 otherwise, the suspensions must be progressively longer.

20 9. A licensed employee may be suspended pursuant to this section and
21 admonished pursuant to NRS 391.755 for the same conduct.

22 **Sec. 29.** NRS 392.303 is hereby amended to read as follows:

23 392.303 1. In addition to the reporting required by NRS 432B.220, if, in his
24 or her capacity as an employee of or volunteer for a public school or private school,
25 such an employee or volunteer knows or has reasonable cause to believe that a child
26 has been subjected to:

27 (a) Abuse or neglect, sexual conduct in violation of NRS 201.540 , ~~for~~ luring
28 in violation of NRS 201.560 by another employee of or volunteer for a public
29 school or private school ~~or~~ *or a violation of section 2 of this act by another*
30 *employee of or volunteer for a public or private school*, the employee or volunteer
31 who has such knowledge or reasonable cause to believe shall report the abuse or
32 neglect, sexual conduct , ~~for~~ luring *or other violation* to the agency which provides
33 child welfare services in the county in which the school is located and a law
34 enforcement agency.

35 (b) Corporal punishment in violation of NRS 392.4633 or 394.366 by another
36 employee of or volunteer for a public school or private school, the employee or
37 volunteer who has such knowledge or reasonable cause to believe shall report the
38 corporal punishment to the agency which provides child welfare services in the
39 county in which the school is located.

40 2. A report pursuant to subsection 1 must be made as soon as reasonably
41 practicable but not later than 24 hours after the person knows or has reasonable
42 cause to believe that the child has been subjected to abuse or neglect or a violation
43 of NRS 201.540, 201.560, 392.4633 or 394.366 ~~or~~ *or section 2 of this act*.

44 3. If a law enforcement agency that receives a report pursuant to paragraph (a)
45 of subsection 1 concludes that there is not probable cause to believe that the person
46 allegedly responsible for the abuse or neglect or who allegedly violated NRS
47 201.540 or 201.560 *or section 2 of this act* committed the act of which he or she is
48 accused, the law enforcement agency shall notify the agency which provides child
49 welfare services of that determination.

50 4. If a school police officer receives a report pursuant to this section of an
51 offense that is punishable as a category A felony, the school police officer shall
52 notify the local law enforcement agency that has jurisdiction over the school.

1 5. A law enforcement agency, other than a school police officer, shall notify a
2 school police officer, if such an officer is employed in the school district, if the law
3 enforcement agency receives a report pursuant to this section of an offense that is
4 punishable as a felony and:

5 (a) Allegedly occurred:

6 (1) On the property of a public school for which the board of trustees of the
7 school district has employed or appointed school police officers;

8 (2) At an activity sponsored by such a school; or

9 (3) On a school bus while the school bus was being used by such a school
10 for an official school-related purpose; or

11 (b) Was allegedly committed by a person who the law enforcement agency has
12 reasonable cause to believe is an employee or volunteer of such a school.

13 6. An agency which provides child welfare services shall assess all allegations
14 contained in any report made pursuant to this section and, if the agency deems
15 appropriate, assign the matter for investigation.

16 7. Nothing in NRS 392.275 to 392.365, inclusive, shall be construed to
17 prohibit an agency which provides child welfare services and a law enforcement
18 agency from undertaking simultaneous investigations of the abuse or neglect of a
19 child or a violation of NRS 201.540 or 201.560 **§** *or section 2 of this act.*

20 **Sec. 30.** NRS 392.317 is hereby amended to read as follows:

21 392.317 Except as otherwise provided in NRS 392.317 to 392.337, inclusive,
22 and in addition to information provided pursuant to NRS 392.337, information
23 maintained by an agency which provides child welfare services pursuant to NRS
24 392.275 to 392.365, inclusive, may, at the discretion of the agency which provides
25 child welfare services, be made available only to:

26 1. The child who is the subject of the report, the parent or guardian of the
27 child and an attorney for the child or the parent or guardian of the child, if the
28 identity of the person responsible for reporting the abuse or neglect of the child or
29 the violation of NRS 201.540, 201.560, 392.4633 or 394.366 *or section 2 of this*
30 *act* to a public agency and the identity of any child witness are kept confidential
31 and the information is reasonably necessary to promote the safety, permanency and
32 well-being of the child who is the subject of the report;

33 2. A physician, if the physician has before him or her a child who the
34 physician has reasonable cause to believe has been abused or neglected or subject
35 to a violation of NRS 201.540, 201.560, 392.4633 or 394.366 **§** *or section 2 of*
36 *this act;*

37 3. An agency, including, without limitation, an agency in another jurisdiction,
38 responsible for or authorized to undertake the care or treatment or supervision of
39 the child or investigate the allegations in the report;

40 4. A district attorney or other law enforcement officer who requires the
41 information in connection with an investigation or prosecution of the conduct
42 alleged in the report;

43 5. A court, other than a juvenile court, for in camera inspection only, unless
44 the court determines that public disclosure of the information is necessary for the
45 determination of an issue before it;

46 6. A person engaged in bona fide research or an audit, but information
47 identifying the subjects of a report must not be made available to the person;

48 7. A grand jury upon its determination that access to these records and the
49 information is necessary in the conduct of its official business;

50 8. A federal, state or local governmental entity, or an agency of such an
51 entity, or a juvenile court, that needs access to the information to carry out its legal
52 responsibilities to protect children from abuse and neglect and violations of NRS

1 201.540, 201.560, 392.4633 or 394.366 *or section 2 of this act* or similar statutes in
2 another jurisdiction;

3 9. A person or an organization that has entered into a written agreement with
4 an agency which provides child welfare services to provide assessments or services
5 and that has been trained to make such assessments or provide such services;

6 10. A team organized pursuant to NRS 432B.405 to review the death of a
7 child;

8 11. Upon written consent of the parent, any officer of this State or a city or
9 county thereof or Legislator authorized by the agency or department having
10 jurisdiction or by the Legislature, acting within its jurisdiction, to investigate the
11 activities or programs of an agency which provides child welfare services if:

12 (a) The identity of the person making the report is kept confidential; and

13 (b) The officer, Legislator or a member of the family of the officer or
14 Legislator is not the person alleged to have engaged in the conduct described in the
15 report;

16 12. The Division of Parole and Probation of the Department of Public Safety
17 for use pursuant to NRS 176.135 in making a presentence investigation and report
18 to the district court or pursuant to NRS 176.151 in making a general investigation
19 and report;

20 13. A public school, private school, school district or governing body of a
21 charter school or private school in this State or any other jurisdiction that employs a
22 person named in the report, allows such a person to serve as a volunteer or is
23 considering employing such a person or accepting such a person as a volunteer;

24 14. The school attended by the child who is the subject of the report and the
25 board of trustees of the school district in which the school is located or the
26 governing body of the school, as applicable;

27 15. An employer in accordance with subsection 3 of NRS 432.100; and

28 16. The Committee to Review Suicide Fatalities created by NRS 439.5104.

29 **Sec. 31.** NRS 392.325 is hereby amended to read as follows:

30 392.325 1. An agency which provides child welfare services investigating a
31 report made pursuant to NRS 392.303 shall, upon request, provide to a person
32 named in the report as allegedly causing the abuse or neglect of a child or violating
33 the provisions of NRS 201.540, 201.560, 392.4633 or 394.366 ~~+~~ *or section 2 of*
34 *this act*;

35 (a) A copy of:

36 (1) Any statement made in writing to an investigator for the agency by the
37 person; or

38 (2) Any recording made by the agency of any statement made orally to an
39 investigator for the agency by the person; or

40 (b) A written summary of the allegations made against the person. The
41 summary must not identify the person who made the report, any child witnesses to
42 the allegations contained in the report or any collateral sources and reporting
43 parties.

44 2. A person may authorize the release of information maintained by an
45 agency which provides child welfare services pursuant to NRS 392.275 to 392.365,
46 inclusive, about himself or herself, but may not waive the confidentiality of such
47 information concerning any other person.

48 3. An agency which provides child welfare services may provide a summary
49 of the outcome of an investigation of the allegations in a report made pursuant to
50 NRS 392.303 to the person who made the report.

51 **Sec. 32.** NRS 392.337 is hereby amended to read as follows:

52 392.337 1. An agency which provides child welfare services investigating a
53 report made pursuant to NRS 392.303 shall, upon completing the investigation,

1 notify the parent or guardian of the child who is the subject of the report of the
2 disposition assigned to the report pursuant to NRS 392.339.

3 2. If the report is substantiated, the agency shall:

4 (a) Forward the report to the Department of Education, the board of trustees of
5 the school district in which the school is located or the governing body of the
6 charter school or private school, as applicable, the appropriate local law
7 enforcement agency within the county and the district attorney's office within the
8 county for further investigation.

9 (b) Provide written notification to the person who is named in the report as
10 allegedly causing the abuse or neglect of the child or violating NRS 201.540,
11 201.560, 392.4633 or 394.366 *or section 2 of this act* which includes statements
12 indicating that:

13 (1) The report made against the person has been substantiated and the
14 agency which provides child welfare services intends to place the person's name in
15 the Central Registry pursuant to paragraph (a); and

16 (2) The person may request an administrative appeal of the substantiation
17 of the report and the agency's intention to place the person's name in the Central
18 Registry by submitting a written request to the agency which provides child welfare
19 services within the time required by NRS 392.345.

20 (c) After the conclusion of any administrative appeal pursuant to NRS 392.345
21 or the expiration of the time period prescribed by that section for requesting an
22 administrative appeal, whichever is later, report to the Central Registry:

23 (1) Identifying and demographic information on the child who is the
24 subject of the report, the parents of the child, any other person responsible for the
25 welfare of the child and the person allegedly responsible for the conduct alleged in
26 the report;

27 (2) The facts of the alleged conduct, including the date and type of alleged
28 conduct, a description of the alleged conduct, the severity of any injuries and, if
29 applicable, any information concerning the death of the child; and

30 (3) The disposition of the case.

31 (d) Provide to the parent or guardian of the child who is the subject of the
32 report:

33 (1) A written summary of the outcome of the investigation of the
34 allegations in the report which must not identify the person who made the report,
35 any child witnesses to the allegations in the report or any collateral sources and
36 reporting parties; and

37 (2) A summary of any disciplinary action taken against the person who is
38 named in the report as allegedly causing the abuse or neglect of the child or
39 violating NRS 201.540, 201.560, 392.4633 or 394.366 *or section 2 of this act*
40 which is known by the agency, including, without limitation, whether the name of
41 such person will be placed in the Central Registry.

42 3. A parent or guardian who receives information pursuant to paragraph (d) of
43 subsection 2 may disclose the information to an attorney for the child who is the
44 subject of the report or the parent or guardian of the child.

45 **Sec. 33.** NRS 394.155 is hereby amended to read as follows:

46 394.155 1. Except as otherwise provided in NRS 394.157, each applicant
47 for employment with or employee at a private school, except a licensed teacher or
48 other person licensed by the Superintendent of Public Instruction, or volunteer at a
49 private school who is likely to have unsupervised contact with pupils, must, before
50 beginning his or her employment or service as a volunteer and at least once every 5
51 years thereafter, submit to the administrator of the private school:

52 (a) A complete set of the applicant's, employee's or volunteer's fingerprints
53 and written permission authorizing the administrator to forward the fingerprints to

1 the Central Repository for Nevada Records of Criminal History for its report on the
2 criminal history of the applicant, employee or volunteer and for submission to the
3 Federal Bureau of Investigation for its report on the criminal history of the
4 applicant, employee or volunteer; and

5 (b) Written authorization for the administrator to obtain any information
6 concerning the applicant, employee or volunteer that may be available from the
7 Statewide Central Registry for the Collection of Information Concerning the Abuse
8 or Neglect of a Child established by NRS 432.100 and any equivalent registry
9 maintained by a governmental entity in a jurisdiction in which the applicant,
10 employee or volunteer has resided within the immediately preceding 5 years.

11 2. The administrator of the private school shall:

12 (a) Submit the fingerprints of the applicant to the Central Repository for
13 submission to the Federal Bureau of Investigation and to such other law
14 enforcement agencies as the administrator deems necessary; and

15 (b) Request any information that may be available from the Statewide Central
16 Registry for the Collection of Information Concerning the Abuse or Neglect of a
17 Child established by NRS 432.100 and any equivalent registry maintained by a
18 governmental entity in a jurisdiction in which the applicant, employee or volunteer
19 has resided within the immediately preceding 5 years.

20 3. In conducting an investigation into the criminal history of an applicant,
21 employee or volunteer, the administrator of a private school may cooperate with
22 any appropriate law enforcement agency to obtain information relating to the
23 criminal history of the applicant, employee or volunteer, including, without
24 limitation, any record of warrants or applications for protective orders.

25 4. The administrator or governing body of a private school may use a
26 substantiated report of the abuse or neglect of a child, as defined in NRS 392.281,
27 or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 *or section 2 of this*
28 *act* obtained from the Statewide Central Registry or an equivalent registry
29 maintained by a governmental agency in another jurisdiction:

30 (a) In making determinations concerning assignments, requiring retraining,
31 imposing discipline, hiring, accepting a volunteer or termination; and

32 (b) In any proceedings to which the report is relevant, including, without
33 limitation, an action for trespass or a restraining order.

34 5. The administrator or governing body of a private school may not be held
35 liable for damages resulting from taking any action authorized by subsection 3 or 4
36 or NRS 394.157.

37 **Sec. 34.** NRS 432.100 is hereby amended to read as follows:

38 432.100 1. There is hereby established a Statewide Central Registry for the
39 Collection of Information Concerning the Abuse or Neglect of a Child. This Central
40 Registry must be maintained by the Division.

41 2. The Central Registry must contain:

42 (a) The information in any substantiated report of child abuse or neglect made
43 pursuant to NRS 392.303 or 432B.220;

44 (b) The information in any substantiated report of a violation of NRS 201.540,
45 201.560, 392.4633 or 394.366 *or section 2 of this act* made pursuant to NRS
46 392.303;

47 (c) Statistical information on the protective services provided in this State; and

48 (d) Any other information which the Division determines to be in furtherance
49 of NRS 392.275 to 392.365, inclusive, 432.097 to 432.130, inclusive, and 432B.010
50 to 432B.400, inclusive.

51 3. The Division may release information contained in the Central Registry to
52 an employer:

1 (a) If the person who is the subject of a background investigation by the
2 employer provides written authorization for the release of the information; and

3 (b) Either:

4 (1) The employer is required by law to conduct the background
5 investigation of the person for employment purposes; or

6 (2) The person who is the subject of the background investigation could, in
7 the course of his or her employment, have regular and substantial contact with
8 children or regular and substantial contact with elderly persons who require
9 assistance or care from other persons,

10 ➤ but only to the extent necessary to inform the employer whether the person who
11 is the subject of the background investigation has been found to have abused or
12 neglected a child.

13 4. Except as otherwise provided in this section or by specific statute,
14 information in the Central Registry may be accessed only by:

15 (a) An employee of the Division;

16 (b) An agency which provides child welfare services;

17 (c) An employee of the Division of Public and Behavioral Health of the
18 Department who is obtaining information in accordance with NRS 432A.170; and

19 (d) With the approval of the Administrator, an employee or contractor of any
20 other state or local governmental agency responsible for the welfare of children
21 who requests access to the information and who demonstrates to the satisfaction of
22 the Administrator a bona fide need to access the information. Any approval or
23 denial of a request submitted in accordance with this paragraph is at the sole
24 discretion of the Administrator.

25 **Sec. 35.** NRS 432.120 is hereby amended to read as follows:

26 432.120 1. Information contained in the Central Registry must not be
27 released unless the right of the applicant to the information is confirmed, the
28 information concerning the report of abuse or neglect of the child or a violation of
29 NRS 201.540, 201.560, 392.4633 or 394.366 *or section 2 of this act* has been
30 reported pursuant to NRS 392.337 or 432B.310, as applicable, the released
31 information discloses the disposition of the case and, if the information is being
32 provided pursuant to subsection 3 of NRS 432.100, the person who is the subject of
33 the background investigation provides written authorization for the release of the
34 information.

35 2. The information contained in the Central Registry concerning cases in
36 which a report of abuse or neglect of a child has been substantiated by an agency
37 which provides child welfare services must be deleted from the Central Registry not
38 later than 10 years after the child who is the subject of the report reaches the age of
39 18 years.

40 3. The Division shall not release information from the Central Registry
41 regarding a report of child abuse or neglect made pursuant to NRS 392.303 or
42 432B.220 that received a disposition other than substantiated to any person or entity
43 except for an agency which provides child welfare services.

44 4. The Division shall adopt regulations to carry out the provisions of this
45 section.

46 **Sec. 36.** NRS 433.639 is hereby amended to read as follows:

47 433.639 1. Not later than 3 days after employing a person to provide or
48 supervise the provision of peer recovery support services in a position where the
49 person has regular and substantial contact with minors or retaining a person as an
50 independent contractor to provide or supervise the provision of peer recovery
51 support services in such a position and every 5 years thereafter, an employer, or
52 person or entity who retained the independent contractor, shall:

1 (a) Obtain from the employee or independent contractor written authorization
2 for the release of any information that may be available from the Statewide Central
3 Registry for the Collection of Information Concerning the Abuse or Neglect of a
4 Child established pursuant to NRS 432.100; and

5 (b) Complete a child abuse and neglect screening through the Central Registry
6 to determine whether there has been a substantiated report of child abuse or neglect
7 or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 *or section 2 of this*
8 *act* made against the person.

9 2. Except as otherwise provided in any regulations adopted pursuant to
10 subsection 4, upon receiving information pursuant to subsection 1 from the Central
11 Registry or from any other source that an employee or independent contractor
12 described in subsection 1 has, within the immediately preceding 5 years, had a
13 substantiated report of child abuse or neglect or a violation of NRS 201.540,
14 201.560, 392.4633 or 394.366 *or section 2 of this act* made against him or her, the
15 employer or person or entity who retained the independent contractor shall
16 terminate the employment or contract of the employee or independent contractor, as
17 applicable, after allowing the employee or independent contractor time to correct
18 the information as required pursuant to subsection 3.

19 3. If an employee or independent contractor described in subsection 1
20 believes that the information provided to the employer or person or entity who
21 retained the independent contractor pursuant to subsection 2 is incorrect, the
22 employee or independent contractor must inform the employer, person or entity
23 immediately. The employer, person or entity shall give any such employee or
24 independent contractor 30 days to correct the information.

25 4. The Division, in consultation with each agency which provides child
26 welfare services, may establish by regulation a process by which it may review
27 evidence upon request to determine whether an employee or independent contractor
28 described in subsection 1 who has, within the immediately preceding 5 years, had a
29 substantiated report of child abuse or neglect or a violation of NRS 201.540,
30 201.560, 392.4633 or 394.366 *or section 2 of this act* made against him or her may
31 continue to provide or supervise the provision of peer recovery support services and
32 have regular and substantial contact with minors despite the report. Any such
33 review must be conducted in a manner which does not discriminate against a person
34 in violation of 42 U.S.C. §§ 2000e et seq.

35 5. If a process for review is established pursuant to subsection 4, an employee
36 or independent contractor described in subsection 1 may request such a review in
37 the manner established by the Division. Any determination made by the Division is
38 final for purposes of judicial review.

39 6. During any period in which an employee or independent contractor seeks
40 to correct information pursuant to subsection 3 or requests a review of information
41 pursuant to subsection 5, it is within the discretion of the employer or person or
42 entity who retained the independent contractor whether to allow the employee or
43 independent contractor to continue to work for the employer, person or entity, as
44 applicable, except that the employee or independent contractor shall not have
45 regular and substantial contact with minors without supervision during such a
46 period.

47 7. The Division shall adopt regulations to establish civil penalties to be
48 imposed against any person or entity that fails to comply with the requirements of
49 this section.

50 8. As used in this section, "agency which provides child welfare services" has
51 the meaning ascribed to it in NRS 424.011.

52 **Sec. 37.** The amendatory provisions of sections 1 to 36, inclusive, of this act
53 apply to offenses committed on or after October 1, 2023.