

**Amendment No. 591**

Assembly Amendment to Senate Bill No. 38 First Reprint (BDR 15-425)

**Proposed by:** Assembly Committee on Judiciary

**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

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

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

KMD/BAW



Date: 5/21/2023

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~~ **prohibiting a court from ordering a victim or witness of such conduct ~~are~~ to be subject to ~~various statutory provisions relating to sex offenders;~~ a psychological or psychiatric examination; providing that certain persons who are convicted of engaging in such conduct are subject to various statutory provisions relating to electronic communications devices;** 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) has had contact with a pupil~~  
7 ~~in the course of performing his or her duties as an employee or volunteer. Unless a greater~~

8 ~~penalty is provided by statute, section 2 provides that a person in a position of authority is~~  
9 ~~guilty of a category C felony if he or she knowingly contacts or communicates with or~~  
10 ~~attempts to contact or communicate with a pupil who is less than 18 years of age with the~~  
11 ~~intent to persuade, lure or transport the pupil away from certain locations and with the intent~~  
12 ~~to: (1) engage in the commission of a crime punishable as a felony or gross misdemeanor; or~~  
13 ~~(2) cause or encourage the pupil to engage in an unlawful act that, if committed by an adult,~~  
14 ~~would be a felony or gross misdemeanor or facilitate the commission by the person in a~~  
15 ~~position of authority of such an act.]~~

16 Existing law prohibits certain employees of or volunteers at a school from engaging in  
17 sexual conduct with certain pupils. (NRS 201.540) Existing law also prohibits: (1) a person  
18 from possessing a visual representation depicting a sexual portrayal or sexual conduct of  
19 certain minors; and (2) a minor from using an electronic communication device to transmit or  
20 distribute a sexual image of himself or herself to another person. (NRS 200.730, 200.737)  
21 Unless a greater penalty is provided by specific statute, **section 2 of this bill** provides that a  
22 person in a position of authority is guilty of a category C felony if he or she knowingly  
23 contacts or communicates with or attempts to contact or communicate with a pupil with the  
24 intent to: (1) engage in the commission of a crime punishable as a felony or gross  
25 misdemeanor; or (2) cause or encourage the pupil to engage in sexual conduct, use an  
26 electronic communication device to transmit or distribute a sexual image of himself or herself  
27 to the person or facilitate the commission of an unlawful act that, if committed by an adult,  
28 would be a felony or gross misdemeanor. **Section 2** creates an exemption from the crime  
29 prescribed in **section 2** if the person in a position of authority: (1) is married to the pupil at the  
30 time an act prohibited by **section 2** is committed; (2) does not have or did not have contact  
31 with the pupil in the course of performing any of his or her duties; or (3) takes certain action  
32 upon receipt of an unsolicited sexual image or communication of a sexual nature from a pupil.  
33 **Section 4** of this bill makes a conforming change to indicate the proper placement of **section 2**  
34 in the Nevada Revised Statutes.

35 ~~[Section 1 of this bill makes certain penalties which are applicable to a person who~~  
36 ~~commits sexual assault against certain minors and who has previously been convicted of~~  
37 ~~another sexual assault or other sexual offense against a child applicable to a person who~~  
38 ~~commits sexual assault against the same such minors and who has been previously convicted~~  
39 ~~of a violation of section 2.]~~

40 Existing law makes certain conduct relating to the exhibition or sale to minors of obscene  
41 material a misdemeanor offense, unless a greater penalty is provided by specific statute. (NRS  
42 201.265) **Section 3** of this bill adds a violation of **section 2** to the list of specific statutes in  
43 which a greater penalty is provided.

44 Existing law prohibits a court from ordering the victim of or a witness to certain sexual  
45 offenses to take or submit to a psychological or psychiatric examination. (NRS 50.700)  
46 **Section 5** of this bill adds a violation of **section 2** to the list of sexual offenses to which that  
47 prohibition applies.

48 ~~[Existing law: (1) requires a court to include a special sentence of lifetime supervision for~~  
49 ~~any person convicted of certain sexual offenses; and (2) provides certain conditions of lifetime~~  
50 ~~supervision. (NRS 176.0931, 213.1243) Sections 6 and 16 of this bill add a violation of~~  
51 ~~section 2 to the list of sexual offenses that require a special sentence of lifetime supervision~~  
52 ~~and for which conditions of lifetime supervision apply.~~

53 ~~— Existing law: (1) requires that a person convicted of certain sexual offenses undergo a~~  
54 ~~psychosexual evaluation as part of the presentence investigation report prepared by the~~  
55 ~~Division of Parole and Probation of the Department of Public Safety; and (2) prohibits a court~~  
56 ~~from granting probation to or suspending the sentence of a person convicted of certain sexual~~  
57 ~~offenses, unless the person who conducts the evaluation certifies that the person convicted of~~  
58 ~~the sexual offense does not represent a high risk to reoffend. (NRS 176.135, 176A.110)~~  
59 ~~Sections 7 and 8 of this bill add a violation of section 2 to the list of sexual offenses that~~  
60 ~~require a special sentence of lifetime supervision and for which certain conditions of lifetime~~  
61 ~~supervision apply. Existing law similarly requires the Department of Corrections to assess~~  
62 ~~each prisoner who has been convicted of a sexual offense before a scheduled parole hearing to~~  
63 ~~determine the prisoner's risk to reoffend. (NRS 213.1214) Section 17 of this bill adds a~~  
64 ~~violation of section 2 to the list of offenses which require such an assessment.]~~

65 Existing law requires a court that grants probation to or suspends the sentence of certain  
66 persons convicted of an offense that involved the use of a computer, system or network to

67 order, as a condition of probation or suspension, that the person not own or use a computer.  
68 (NRS 176A.413) **Section 9** of this bill: (1) adds certain violations of **section 2** to the list of  
69 offenses for which a court is required to issue such an order; and (2) provides that the  
70 prohibition on owning or using a computer includes any electronic communication device.  
71 Existing law similarly requires the State Board of Parole Commissioners to require that  
72 certain persons convicted of an offense that involved the use of a computer, system or network  
73 not own or use a computer. (NRS 213.1258) **Section 18** of this bill: (1) adds certain violations  
74 of **section 2** to the list of offenses for which the Board is required to impose this condition of  
75 parole; and (2) provides that the prohibition on owning or using a computer includes any  
76 electronic communication device.

77 ~~Existing law requires a court to provide certain documentation to each victim and witness  
78 and certain other persons if an offender is convicted of certain sexual offenses. (NRS  
79 178.5698) Section 10 of this bill requires that such documentation be provided to such persons  
80 if an offender is convicted of a violation of section 2.~~

81 ~~Section 11 of this bill makes the provisions of law which prohibit a person convicted of a  
82 sexual offense from petitioning a court to seal the records relating to such a conviction  
83 applicable to a person convicted of a violation of section 2. (NRS 179.245)~~

84 Existing law allows a judge to grant an order authorizing the interception of certain  
85 communications when the interception may provide evidence of the commission of ~~a sexual  
86 offense against a child.~~ **certain offenses.** (NRS 179.460) **Section 12** of this bill adds a  
87 violation of **section 2** to the list of ~~sexual~~ offenses ~~against a child~~ for which a judge may  
88 grant such an order.

89 ~~Existing law defines the term "sexual offense" for the purpose of requiring persons  
90 convicted of certain sexual offenses to be prohibited from certain employment, to register as a  
91 sex offender, to comply with certain mandatory conditions of probation or parole and to fulfill  
92 certain other requirements. (NRS 118A.335, 176A.410, 179D.095, 179D.097, 179D.441,  
93 213.1099, 213.1245) Section 13 of this bill revises the list of sexual offenses to which these  
94 statutory provisions apply to include a violation of section 2.~~

95 ~~Section 14 of this bill adds a violation of section 2 to the list of offenses used to classify a  
96 sex offender as a Tier II offender for the purposes of meeting certain requirements for  
97 registration of sex offenders. (NRS 179D.115) Section 15 of this bill makes conforming  
98 changes related to numbering changes made in sections 13 and 14.]~~

99 **Sections 19-25 and 33** of this bill authorize the board of trustees of a school district, the  
100 governing body of a public or private school and the administrator of a private school to use a  
101 substantiated report of a violation of **section 2** for purposes of making certain employment  
102 decisions and certain other purposes. (NRS 288.150, 388A.515, 388A.5342, 388C.200,  
103 391.033, 391.104, 391.281, 394.155)

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

109 Existing law authorizes the State Board of Education to suspend or revoke a license  
110 issued by the Superintendent if the licensee is convicted of certain ~~sex~~ offenses or a  
111 substantiated report of certain prohibited conduct is made against the licensee. (NRS 391.330)  
112 **Section 26** of this bill: (1) adds a violation of **section 2** to the list of ~~sex~~ offenses for which  
113 the State Board may suspend or revoke a license; and (2) authorizes the State Board to  
114 suspend or revoke the license of a person against whom a substantiated report of a violation of  
115 **section 2** is made. **Existing law authorizes the State Board to bill an employee for certain  
116 expenses related to a disciplinary hearing if the hearing results from a recommendation  
117 to revoke or suspend a license based upon certain convictions described in section 26.  
118 (NRS 391.355) Section 26.5 of this bill adds a conviction of a violation of section 2 to the  
119 list of hearings for which the State Board may bill an employee.**

120 Existing law authorizes the board of trustees of a school district or the governing body of  
121 a public school to suspend, dismiss, demote or refuse to employ a teacher or administrator for  
122 immorality. (NRS 391.650, 391.750) Existing law also authorizes the superintendent of a  
123 school district to suspend a licensed employee who has been charged but not yet convicted of  
124 a crime involving immorality. (NRS 391.760) **Sections 27 and 28** of this bill add a violation  
125 of **section 2** to the list of immoral acts for which such action may be taken. **Section 28** also

126 provides that a licensed employee who is convicted of a violation of **section 2** forfeits all  
 127 rights of employment after the date of his or her arrest.

128 Existing law requires an employee of or a volunteer for a school to report certain conduct  
 129 to a agency which provides child welfare services and to a law enforcement agency. (NRS  
 130 392.303) **Section 29** of this bill additionally requires an employee of or a volunteer for a  
 131 school to make such a report for a violation of **section 2**. **Sections 29-32** of this bill make  
 132 conforming changes relating to the requirement that an employee or a volunteer make such a  
 133 report. (NRS 392.317, 392.337)

134 **Section 34** of this bill requires the Statewide Central Registry for the Collection of  
 135 Information Concerning the Abuse or Neglect of a Child to contain the information in any  
 136 substantiated report of a violation of **section 2**. (NRS 432.100) **Section 36** of this bill requires  
 137 certain employers to screen employees through the Central Registry to determine whether the  
 138 person has been the subject of a substantiated report of a violation of **section 2**. (NRS  
 139 433.639) **Section 35** of this bill makes a conforming change relating to the inclusion in the  
 140 Central Registry of information relating to a violation of **section 2**.

141 **Section 37** of this bill makes the amendatory provisions of **sections 1-36** apply to  
 142 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~~  
 29 ~~with the possibility of parole, with eligibility for parole beginning when a minimum~~  
 30 ~~of 25 years has been served.~~  
 31 ~~(c) If the crime is committed against a child under the age of 14 years and does~~  
 32 ~~not result in substantial bodily harm to the child, by imprisonment in the state~~

~~prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 35 years has been served.~~

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

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

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

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

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

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

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

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

~~(a) Incest pursuant to NRS 201.180;~~

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

~~(c) Sado masochistic abuse pursuant to NRS 201.262; [or]~~

~~(d) Luring a child using a computer, system or network pursuant to NRS 201.560, if punished as a felony [.] ; or~~

~~(e) A violation of section 2 of this act. **(Deleted by amendment.)**~~

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

**1. ~~[Except as otherwise provided in subsection 3 and unless a greater penalty is provided by specific statute, a person in a position of authority who knowingly contacts or communicates with or attempts to contact or communicate with a pupil who is less than 18 years of age with the intent to persuade, lure or transport the pupil away from the pupil's home or from any location known to the pupil's parent or guardian or other person legally responsible for the pupil to a place other than where the pupil is located and with the intent to:~~**

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

**~~(b) Cause or encourage the pupil to:~~**

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

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

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

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

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

**~~(b) Cause or encourage the pupil to:~~**

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

3           (2) Use an electronic communication device to transmit or distribute a  
4 sexual image of himself or herself to the person;

5           (3) Engage in an unlawful act that, if committed by an adult, would be a  
6 felony or gross misdemeanor; or

7           (4) Facilitate the commission by the person in a position of authority of a  
8 crime punishable as a felony or gross misdemeanor,

9           ↳ is guilty of a category C felony and shall be punished as provided in NRS  
10 193.130.

11           ~~2.~~ 2. The provisions of this section do not apply if the person in a position  
12 of authority:

13           (a) Is married to the pupil at the time an act prohibited by this section is  
14 committed;

15           (b) Does not have or did not have contact with the pupil in the course of  
16 performing any of his or her duties; or

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

22           ~~4.~~ 3. As used in this section:

23           (a) "Electronic communication device" has the meaning ascribed to it in  
24 NRS 200.737.

25           (b) "Person in a position of authority" means a person who is 18 years of age  
26 or older and who:

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

29           (2) Has had contact with a pupil in the course of performing his or her  
30 duties as an employee or volunteer.

31           (c) "Pupil" means a person who is or was enrolled in or attending a public  
32 school or private school.

33           (d) "Sexual conduct" has the meaning ascribed to it in NRS 201.520 and  
34 also includes sexual conduct between two persons who are in different physical  
35 locations but who are communicating with each other through the use of an  
36 electronic communication device.

37           (e) "Sexual image" means any visual depiction, including, without  
38 limitation, any photograph or video of a pupil simulating or engaging in sexual  
39 conduct or of the pupil as the subject of a sexual portrayal.

40           (f) "Sexual portrayal" has the meaning ascribed to it in NRS 200.700.

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

42           201.265 Except as otherwise provided in NRS 200.720 and 201.2655, and  
43 unless a greater penalty is provided pursuant to NRS 201.560 ~~4.~~ or section 2 of this  
44 act, a person is guilty of a misdemeanor if the person knowingly:

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

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

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



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

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

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

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

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

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

9           6. Sells or rents motion pictures which contain material that is harmful to  
10 minors on the premises of a business establishment open to minors, unless the  
11 person creates an area within the establishment for the placement of the motion  
12 pictures and any material that advertises the sale or rental of the motion pictures  
13 which:

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

16           (b) Is labeled, in a prominent and conspicuous location, "Adults Only."

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

18           201.470 As used in NRS 201.470 to 201.550, inclusive, *and section 2 of this*  
19 *act*, unless the context otherwise requires, the words and terms defined in NRS  
20 201.480 to 201.530, inclusive, have the meanings ascribed to them in those  
21 sections.

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

23           50.700 1. In any criminal or juvenile delinquency action relating to the  
24 commission of a sexual offense, a court may not order the victim of or a witness to  
25 the sexual offense to take or submit to a psychological or psychiatric examination.

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

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

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

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

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

41           (b) Any corroboration of the offense exists beyond the testimony of the victim  
42 or witness.

43           4. If the court determines there is a prima facie showing of a compelling need  
44 for an additional psychological or psychiatric examination of the victim or witness,  
45 the court shall issue a factual finding that details with particularity the reasons why  
46 an additional psychological or psychiatric examination of the victim or witness is  
47 warranted.

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

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

- 1 (a) Sexual assault pursuant to NRS 200.366;  
2 (b) Statutory sexual seduction pursuant to NRS 200.368;  
3 (c) Battery with intent to commit sexual assault pursuant to NRS 200.400;  
4 (d) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual  
5 abuse or sexual exploitation;  
6 (e) An offense involving pornography and a minor pursuant to NRS 200.710 to  
7 200.730, inclusive;  
8 (f) Incest pursuant to NRS 201.180;  
9 (g) Open or gross lewdness pursuant to NRS 201.210;  
10 (h) Indecent or obscene exposure pursuant to NRS 201.220;  
11 (i) Lewdness with a child pursuant to NRS 201.230;  
12 (j) Sexual penetration of a dead human body pursuant to NRS 201.450;  
13 (k) An offense involving the administration of a drug to another person with  
14 the intent to enable or assist the commission of a felony pursuant to NRS 200.405,  
15 if the felony is an offense listed in this section;  
16 (l) An offense involving the administration of a controlled substance to another  
17 person with the intent to enable or assist the commission of a crime of violence  
18 pursuant to NRS 200.408, if the crime of violence is an offense listed in this  
19 section;  
20 (m) Luring a child or a person with mental illness pursuant to NRS 201.560;  
21 (n) An offense that is found to be sexually motivated pursuant to NRS 175.547  
22 or 207.193;  
23 (o) Pandering of a child pursuant to NRS 201.300;  
24 (p) ***A violation of section 2 of this act;***  
25 (q) Any other offense that has an element involving a sexual act or sexual  
26 conduct with another person; or  
27 ~~(q)~~ (r) Any attempt or conspiracy to commit an offense listed in this  
28 subsection.

29 **Sec. 6.** ~~[NRS 176.0931 is hereby amended to read as follows:~~

- 30 ~~176.0931 1. If a defendant is convicted of a sexual offense, the court shall~~  
31 ~~include in sentencing, in addition to any other penalties provided by law, a special~~  
32 ~~sentence of lifetime supervision.~~  
33 ~~2. The special sentence of lifetime supervision commences after any period of~~  
34 ~~probation or any term of imprisonment and any period of release on parole.~~  
35 ~~3. A person sentenced to lifetime supervision may petition the sentencing~~  
36 ~~court or the State Board of Parole Commissioners for release from lifetime~~  
37 ~~supervision. The sentencing court or the Board shall grant a petition for release~~  
38 ~~from a special sentence of lifetime supervision if:~~  
39 ~~(a) The person has complied with the requirements of the provisions of NRS~~  
40 ~~179D.010 to 179D.550, inclusive;~~  
41 ~~(b) The person has not been convicted of an offense that poses a threat to the~~  
42 ~~safety or well being of others for an interval of at least 10 consecutive years after~~  
43 ~~the person's last conviction or release from incarceration, whichever occurs later;~~  
44 ~~and~~  
45 ~~(c) The person is not likely to pose a threat to the safety of others, as~~  
46 ~~determined by a licensed, clinical professional who has received training in the~~  
47 ~~treatment of sexual offenders, if released from lifetime supervision.~~  
48 ~~4. A person who is released from lifetime supervision pursuant to the~~  
49 ~~provisions of subsection 3 remains subject to the provisions for registration as a sex~~  
50 ~~offender and to the provisions for community notification, unless the person is~~  
51 ~~otherwise relieved from the operation of those provisions pursuant to the provisions~~  
52 ~~of NRS 179D.010 to 179D.550, inclusive.~~  
53 ~~5. As used in this section:~~

~~1 (a) "Offense that poses a threat to the safety or well-being of others" includes, without limitation;~~

~~2 (1) An offense that involves;~~

~~3 (I) A victim less than 18 years of age;~~

~~4 (II) A crime against a child as defined in NRS 179D.0257;~~

~~5 (III) A sexual offense as defined in NRS 179D.097;~~

~~6 (IV) A deadly weapon, explosives or a firearm;~~

~~7 (V) The use or threatened use of force or violence;~~

~~8 (VI) Physical or mental abuse;~~

~~9 (VII) Death or bodily injury;~~

~~10 (VIII) An act of domestic violence;~~

~~11 (IX) Harassment, stalking, threats of any kind or other similar acts;~~

~~12 (X) The forcible or unlawful entry of a home, building, structure, vehicle or other real or personal property; or~~

~~13 (XI) The infliction or threatened infliction of damage or injury, in whole or in part, to real or personal property.~~

~~14 (2) Any offense listed in subparagraph (1) that is committed in this State or another jurisdiction, including, without limitation, an offense prosecuted in:~~

~~15 (I) A tribal court;~~

~~16 (II) A court of the United States or the Armed Forces of the United States.~~

~~17 (b) "Sexual offense" means:~~

~~18 (1) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560 [;] or section 2 of this act;~~

~~19 (2) An attempt to commit an offense listed in subparagraph (1); or~~

~~20 (3) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.] (Deleted by amendment.)~~

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

~~21 176.133 As used in NRS 176.133 to 176.161, inclusive, unless the context otherwise requires:~~

~~22 1. "Person professionally qualified to conduct psychosexual evaluations" means a person who has received training in conducting psychosexual evaluations and is:~~

~~23 (a) A psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology, Inc.;~~

~~24 (b) A psychologist licensed to practice in this State;~~

~~25 (c) A social worker holding a master's degree in social work and licensed in this State as a clinical social worker;~~

~~26 (d) A registered nurse holding a master's degree in the field of psychiatric nursing and licensed to practice professional nursing in this State;~~

~~27 (e) A marriage and family therapist licensed in this State pursuant to chapter 641A of NRS; or~~

~~28 (f) A clinical professional counselor licensed in this State pursuant to chapter 641A of NRS.~~

~~29 2. "Psychosexual evaluation" means an evaluation conducted pursuant to NRS 176.130.~~

~~30 3. "Sexual offense" means:~~

~~31 (a) Sexual assault pursuant to NRS 200.366;~~

- ~~1 (b) Statutory sexual seduction pursuant to NRS 200.368, if punished as a~~
- ~~2 felony;~~
- ~~3 (c) Battery with intent to commit sexual assault pursuant to NRS 200.400;~~
- ~~4 (d) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual~~
- ~~5 abuse or sexual exploitation and is punished as a felony;~~
- ~~6 (e) An offense involving pornography and a minor pursuant to NRS 200.710 to~~
- ~~7 200.720, inclusive;~~
- ~~8 (f) Incest pursuant to NRS 201.180;~~
- ~~9 (g) Open or gross lewdness pursuant to NRS 201.210, if punished as a felony;~~
- ~~10 (h) Indecent or obscene exposure pursuant to NRS 201.220, if punished as a~~
- ~~11 felony;~~
- ~~12 (i) Lewdness with a child pursuant to NRS 201.230;~~
- ~~13 (j) Sexual penetration of a dead human body pursuant to NRS 201.450;~~
- ~~14 (k) Sexual conduct between certain employees of a school or volunteers at a~~
- ~~15 school and a pupil pursuant to NRS 201.540;~~
- ~~16 (l) Sexual conduct between certain employees of a college or university and a~~
- ~~17 student pursuant to NRS 201.550;~~
- ~~18 (m) Luring a child or a person with mental illness pursuant to NRS 201.560, if~~
- ~~19 punished as a felony;~~
- ~~20 (n) A violation of section 2 of this act;~~
- ~~21 (o) An attempt to commit an offense listed in paragraphs (a) to [(m),] (n),~~
- ~~22 inclusive, if punished as a felony; or~~
- ~~23 [(o)] (p) An offense that is determined to be sexually motivated pursuant to~~
- ~~24 NRS 175.547 or 207.193.] **(Deleted by amendment.)**~~

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

~~25 176A.110 1. The court shall not grant probation to or suspend the sentence~~

~~26 of a person convicted of an offense listed in subsection 3 unless:~~

~~27 (a) If a psychosexual evaluation of the person is required pursuant to NRS~~

~~28 176.139, the person who conducts the psychosexual evaluation certifies in the~~

~~29 report prepared pursuant to NRS 176.139 that the person convicted of the offense~~

~~30 does not represent a high risk to reoffend based upon a currently accepted standard~~

~~31 of assessment; or~~

~~32 (b) If a psychosexual evaluation of the person is not required pursuant to NRS~~

~~33 176.139, a psychologist licensed to practice in this State who is trained to conduct~~

~~34 psychosexual evaluations or a psychiatrist licensed to practice medicine in this~~

~~35 State who is certified by the American Board of Psychiatry and Neurology, Inc.,~~

~~36 and is trained to conduct psychosexual evaluations certifies in a written report to~~

~~37 the court that the person convicted of the offense does not represent a high risk to~~

~~38 reoffend based upon a currently accepted standard of assessment.~~

~~39 2. This section does not create a right in any person to be certified or to~~

~~40 continue to be certified. No person may bring a cause of action against the State, its~~

~~41 political subdivisions, or the agencies, boards, commissions, departments, officers~~

~~42 or employees of the State or its political subdivisions for not certifying a person~~

~~43 pursuant to this section or for refusing to consider a person for certification~~

~~44 pursuant to this section.~~

~~45 3. The provisions of this section apply to a person convicted of any of the~~

~~46 following offenses:~~

~~47 (a) Attempted sexual assault of a person who is 16 years of age or older~~

~~48 pursuant to NRS 200.366;~~

~~49 (b) Statutory sexual seduction pursuant to NRS 200.368;~~

~~50 (c) Battery with intent to commit sexual assault pursuant to NRS 200.400;~~

~~51 (d) Abuse or neglect of a child pursuant to NRS 200.508.~~

~~52~~

- ~~1 (c) An offense involving pornography and a minor pursuant to NRS 200.710 to~~
- ~~2 200.730, inclusive.~~
- ~~3 (f) Incest pursuant to NRS 201.180.~~
- ~~4 (g) Open or gross lewdness pursuant to NRS 201.210.~~
- ~~5 (h) Indecent or obscene exposure pursuant to NRS 201.220.~~
- ~~6 (i) Sexual penetration of a dead human body pursuant to NRS 201.450.~~
- ~~7 (j) Sexual conduct between certain employees of a school or volunteers at a~~
- ~~8 school and a pupil pursuant to NRS 201.540.~~
- ~~9 (k) Sexual conduct between certain employees of a college or university and a~~
- ~~10 student pursuant to NRS 201.550.~~
- ~~11 (l) Luring a child or a person with mental illness pursuant to NRS 201.560, if~~
- ~~12 punished as a felony.~~
- ~~13 (m) A violation of section 2 of this act.~~
- ~~14 (n) A violation of NRS 207.180.~~
- ~~15 [(n)] (o) An attempt to commit an offense listed in paragraphs (b) to [(m)],(n),~~
- ~~16 inclusive.~~
- ~~17 [(o)] (p) Coercion or attempted coercion that is determined to be sexually~~
- ~~18 motivated pursuant to NRS 207.193. (Deleted by amendment.)~~

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

20 176A.413 1. Except as otherwise provided in subsection 2, if a defendant is  
 21 convicted of stalking with the use of an Internet or network site, electronic mail,  
 22 text messaging or any other similar means of communication pursuant to subsection  
 23 4 of NRS 200.575, an offense involving pornography and a minor pursuant to NRS  
 24 200.710 to 200.730, inclusive, ~~for~~ luring a child or a person with mental illness  
 25 through the use of a computer, system or network pursuant to paragraph (a) or (b)  
 26 of subsection 4 of NRS 201.560 *or a violation of section 2 of this act which*  
 27 *involved the use of an electronic communication device* and the court grants  
 28 probation or suspends the sentence, the court shall, in addition to any other  
 29 condition ordered pursuant to NRS 176A.400, order as a condition of probation or  
 30 suspension that the defendant not own or use a computer, including, without  
 31 limitation, use electronic mail, a chat room or the Internet.

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

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

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

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

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

47 4. As used in this section:

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

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

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

53 ~~[(e)]~~ (d) "System" has the meaning ascribed to it in NRS 205.476.

1 ~~[(d)]~~ (e) “Text messaging” has the meaning ascribed to it in NRS 200.575.

2 **Sec. 10.** ~~[NRS 178.5698 is hereby amended to read as follows:~~

3 ~~178.5698 1. The prosecuting attorney, sheriff or chief of police shall, upon~~

4 ~~the request of a victim or witness, inform the victim or witness;~~

5 ~~(a) When the defendant is released from custody at any time before or during~~

6 ~~the trial, including, without limitation, when the defendant is released pending trial~~

7 ~~or subject to electronic supervision;~~

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

9 ~~(c) Of the final disposition of the criminal case in which the victim or witness~~

10 ~~was directly involved;~~

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

12 ~~(a) In writing; or~~

13 ~~(b) By telephone through an automated or computerized system of notification,~~

14 ~~if such a system is available;~~

15 ~~3. If an offender is convicted of a sexual offense or an offense involving the~~

16 ~~use or threatened use of force or violence against the victim, the court shall provide:~~

17 ~~(a) To each witness, documentation that includes:~~

18 ~~(1) A form advising the witness of the right to be notified pursuant to~~

19 ~~subsection 5;~~

20 ~~(2) The form that the witness must use to request notification in writing;~~

21 ~~and~~

22 ~~(3) The form or procedure that the witness must use to provide a change of~~

23 ~~address after a request for notification has been submitted;~~

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

25 ~~(1) A form advising the person of the right to be notified pursuant to~~

26 ~~subsection 5 or 6 and NRS 176.015, 176A.630, 178.4715, 200.392, 200.3923,~~

27 ~~200.3925, 200.429, 200.521, 213.010, 213.040, 213.095 and 213.131 or NRS~~

28 ~~213.10915;~~

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

30 ~~(3) The forms or procedures that the person must use to provide a change~~

31 ~~of address after a request for notification has been submitted;~~

32 ~~4. The following persons are entitled to receive documentation pursuant to~~

33 ~~paragraph (b) of subsection 3:~~

34 ~~(a) A person against whom the offense is committed;~~

35 ~~(b) A person who is injured as a direct result of the commission of the offense;~~

36 ~~(c) If a person listed in paragraph (a) or (b) is under the age of 18 years, each~~

37 ~~parent or guardian who is not the offender;~~

38 ~~(d) Each surviving spouse, parent and child of a person who is killed as a direct~~

39 ~~result of the commission of the offense;~~

40 ~~(e) A relative of a person listed in paragraphs (a) to (d), inclusive, if the~~

41 ~~relative requests in writing to be provided with the documentation;~~

42 ~~5. Except as otherwise provided in subsection 6, if the offense was a felony~~

43 ~~and the offender is imprisoned, the warden of the prison shall, if the victim or~~

44 ~~witness so requests in writing and provides a current address, notify the victim or~~

45 ~~witness at that address when the offender is released from the prison;~~

46 ~~6. If the offender was convicted of a violation of subsection 3 of NRS~~

47 ~~200.366 or a violation of subsection 1, paragraph (a) of subsection 2 or~~

48 ~~subparagraph (2) of paragraph (b) of subsection 2 of NRS 200.508, the warden of~~

49 ~~the prison shall notify:~~

50 ~~(a) The immediate family of the victim if the immediate family provides their~~

51 ~~current address;~~

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

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

~~before the offender is released from prison;~~

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

~~8. As used in this section:~~

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

~~(b) "Sexual offense" means:~~

~~(1) Sexual assault pursuant to NRS 200.366;~~

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

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

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

~~(5) Incest pursuant to NRS 201.180;~~

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

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

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

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

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

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

~~(12) A violation of section 2 of this act;~~

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

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

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

**(Deleted by amendment.)**

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

~~179.245 1. Except as otherwise provided in subsection 6 and NRS 176.211, 176A.245, 176A.265, 176A.295, 179.247, 179.259, 201.354 and 453.3365, a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:~~

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

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

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

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

~~(e) A violation of NRS 422.540 to 422.570, inclusive, a violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of~~

1 ~~release from actual custody or from the date when the person is no longer under a~~  
2 ~~suspended sentence, whichever occurs later;~~

3 ~~— (f) Except as otherwise provided in paragraph (e), if the offense is punished as~~  
4 ~~a misdemeanor, a battery pursuant to NRS 200.481, harassment pursuant to NRS~~  
5 ~~200.571, stalking pursuant to NRS 200.575 or a violation of a temporary or~~  
6 ~~extended order for protection, after 2 years from the date of release from actual~~  
7 ~~custody or from the date when the person is no longer under a suspended sentence,~~  
8 ~~whichever occurs later; or~~

9 ~~— (g) Any other misdemeanor after 1 year from the date of release from actual~~  
10 ~~custody or from the date when the person is no longer under a suspended sentence,~~  
11 ~~whichever occurs later.~~

12 ~~— 2. A petition filed pursuant to subsection 1 must:~~

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

15 ~~— (b) If the petition references NRS 453.2365, include a certificate of~~  
16 ~~acknowledgment or the disposition of the proceedings for the records to be sealed~~  
17 ~~from all agencies of criminal justice which maintain such records;~~

18 ~~— (c) Include a list of any other public or private agency, company, official or~~  
19 ~~other custodian of records that is reasonably known to the petitioner to have~~  
20 ~~possession of records of the conviction and to whom the order to seal records, if~~  
21 ~~issued, will be directed; and~~

22 ~~— (d) Include information that, to the best knowledge and belief of the petitioner,~~  
23 ~~accurately and completely identifies the records to be sealed, including, without~~  
24 ~~limitation, the:~~

25 ~~— (1) Date of birth of the petitioner;~~

26 ~~— (2) Specific conviction to which the records to be sealed pertain; and~~

27 ~~— (3) Date of arrest relating to the specific conviction to which the records to~~  
28 ~~be sealed pertain.~~

29 ~~— 3. Upon receiving a petition pursuant to this section, the court shall notify the~~  
30 ~~law enforcement agency that arrested the petitioner for the crime and the~~  
31 ~~prosecuting attorney, including, without limitation, the Attorney General, who~~  
32 ~~prosecuted the petitioner for the crime. The prosecuting attorney and any person~~  
33 ~~having relevant evidence may testify and present evidence at any hearing on the~~  
34 ~~petition.~~

35 ~~— 4. If the prosecuting agency that prosecuted the petitioner for the crime~~  
36 ~~stipulates to the sealing of the records, the court shall apply the presumption set~~  
37 ~~forth in NRS 179.2445 and seal the records. If the prosecuting agency does not~~  
38 ~~stipulate to the sealing of the records or does not file a written objection within 30~~  
39 ~~days after receiving notification pursuant to subsection 3 and the court makes the~~  
40 ~~findings set forth in subsection 5, the court may order the sealing of the records in~~  
41 ~~accordance with subsection 5 without a hearing. If the court does not order the~~  
42 ~~sealing of the records or the prosecuting agency files a written objection, a hearing~~  
43 ~~on the petition must be conducted. At the hearing, unless an objecting party~~  
44 ~~presents evidence sufficient to rebut the presumption set forth in NRS 179.2445, the~~  
45 ~~court shall apply the presumption and seal the records.~~

46 ~~— 5. If the court finds that, in the period prescribed in subsection 1, the~~  
47 ~~petitioner has not been charged with any offense for which the charges are pending~~  
48 ~~or convicted of any offense, except for minor moving or standing traffic violations,~~  
49 ~~the court may order sealed all records of the conviction which are in the custody of~~  
50 ~~any agency of criminal justice or any public or private agency, company, official or~~  
51 ~~other custodian of records in the State of Nevada, and may also order all such~~  
52 ~~records of the petitioner returned to the file of the court where the proceeding was~~  
53 ~~commenced from, including, without limitation, the Federal Bureau of Investigation~~



1 ~~and all other agencies of criminal justice which maintain such records and which~~  
2 ~~are reasonably known by either the petitioner or the court to have possession of~~  
3 ~~such records.~~

4 ~~6. A person may not petition the court to seal records relating to a conviction~~  
5 ~~of:~~

6 ~~(a) A crime against a child;~~

7 ~~(b) A sexual offense;~~

8 ~~(c) Invasion of the home with a deadly weapon pursuant to NRS 205.067;~~

9 ~~(d) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony~~  
10 ~~pursuant to paragraph (c) of subsection 1 of NRS 484C.400;~~

11 ~~(e) A violation of NRS 484C.430;~~

12 ~~(f) A homicide resulting from driving or being in actual physical control of a~~  
13 ~~vehicle while under the influence of intoxicating liquor or a controlled substance or~~  
14 ~~resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or~~  
15 ~~484C.430;~~

16 ~~(g) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS~~  
17 ~~488.427; or~~

18 ~~(h) A violation of NRS 488.420 or 488.425.~~

19 ~~7. The provisions of paragraph (c) of subsection 1 and paragraph (d) of~~  
20 ~~subsection 6 must not be construed to preclude a person from being able to petition~~  
21 ~~the court to seal records relating to a conviction for a violation of NRS 484C.110 or~~  
22 ~~484C.120 pursuant to this section if the person was found guilty of a violation of~~  
23 ~~NRS 484C.110 or 484C.120 that is punishable pursuant to:~~

24 ~~(a) Paragraph (b) of subsection 1 of NRS 484C.400;~~

25 ~~(b) Paragraph (c) of subsection 1 of NRS 484C.400 but had a judgment of~~  
26 ~~conviction entered against him or her for a violation of paragraph (b) of subsection~~  
27 ~~1 of NRS 484C.400 because the person participated in the statewide sobriety and~~  
28 ~~drug monitoring program established pursuant to NRS 484C.392.~~

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

32 ~~9. As used in this section:~~

33 ~~(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357;~~

34 ~~(b) "Sexual offense" means:~~

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

38 ~~(2) Sexual assault pursuant to NRS 200.366.~~

39 ~~(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a~~  
40 ~~felony.~~

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

42 ~~(5) An offense involving the administration of a drug to another person~~  
43 ~~with the intent to enable or assist the commission of a felony pursuant to NRS~~  
44 ~~200.405, if the felony is an offense listed in this paragraph.~~

45 ~~(6) An offense involving the administration of a controlled substance to~~  
46 ~~another person with the intent to enable or assist the commission of a crime of~~  
47 ~~violence, if the crime of violence is an offense listed in this paragraph.~~

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

50 ~~(8) An offense involving pornography and a minor pursuant to NRS~~  
51 ~~200.710 to 200.730, inclusive.~~

52 ~~(9) Incest pursuant to NRS 201.180.~~

~~(10) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.~~

~~(11) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.~~

~~(12) Lewdness with a child pursuant to NRS 201.220.~~

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

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

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

~~(16) A violation of section 2 of this act.~~

~~(17) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.~~

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

**(Deleted by amendment.)**

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

179.460 1. The Attorney General or the district attorney of any county may apply to a Supreme Court justice or to a district judge in the county where the interception is to take place for an order authorizing the interception of wire, electronic or oral communications, and the judge may, in accordance with NRS 179.470 to 179.515, inclusive, grant an order authorizing the interception of wire, electronic or oral communications by investigative or law enforcement officers having responsibility for the investigation of the offense as to which the application is made, when the interception may provide evidence of the commission of murder, kidnapping, robbery, extortion, bribery, escape of an offender in the custody of the Department of Corrections, destruction of public property by explosives, a sexual offense against a child, sex trafficking, a violation of NRS 200.463, 200.464 or 200.465, trafficking in persons in violation of NRS 200.467 or 200.468, the commission of any offense which is made a felony by the provisions of chapter 453 or 454 of NRS or a violation of NRS 463.160 or 465.086 **or a violation of section 2 of this act.**

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

3. As used in this section, “sexual offense against a child” includes any act upon a child constituting:

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

~~(h) A violation of section 2 of this act.]~~

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

~~179D.097 1. “Sexual offense” means any of the following offenses:~~

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

~~4 (b) Sexual assault pursuant to NRS 200.366.~~

~~5 (c) Statutory sexual seduction pursuant to NRS 200.268.~~

~~6 (d) Battery with intent to commit sexual assault pursuant to subsection 4 of  
7 NRS 200.400.~~

~~8 (e) An offense involving the administration of a drug to another person with  
9 the intent to enable or assist the commission of a felony pursuant to NRS 200.405,  
10 if the felony is an offense listed in this subsection.~~

~~11 (f) An offense involving the administration of a controlled substance to another  
12 person with the intent to enable or assist the commission of a crime of violence, if  
13 the crime of violence is an offense listed in this section.~~

~~14 (g) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual  
15 abuse or sexual exploitation.~~

~~16 (h) An offense involving pornography and a minor pursuant to NRS 200.710 to  
17 200.730, inclusive.~~

~~18 (i) Incest pursuant to NRS 201.180.~~

~~19 (j) Open or gross lewdness pursuant to NRS 201.210.~~

~~20 (k) Indecent or obscene exposure pursuant to NRS 201.220.~~

~~21 (l) Lewdness with a child pursuant to NRS 201.230.~~

~~22 (m) Sexual penetration of a dead human body pursuant to NRS 201.450.~~

~~23 (n) Sexual conduct between certain employees of a school or volunteers at a  
24 school and a pupil pursuant to NRS 201.540.~~

~~25 (o) Sexual conduct between certain employees of a college or university and a  
26 student pursuant to NRS 201.550.~~

~~27 (p) Luring a child or a person with mental illness pursuant to NRS 201.560, if  
28 punished as a felony.~~

~~29 (q) Sex trafficking pursuant to NRS 201.300.~~

~~30 (r) A violation of section 2 of this act.~~

~~31 (s) Any other offense that has an element involving a sexual act or sexual  
32 conduct with another.~~

~~33 [(e)] (t) An attempt or conspiracy to commit an offense listed in paragraphs (a)  
34 to [(e)] (s), inclusive.~~

~~35 [(t)] (u) An offense that is determined to be sexually motivated pursuant to  
36 NRS 175.547 or 207.193.~~

~~37 [(u)] (v) An offense committed in another jurisdiction that, if committed in this  
38 State, would be an offense listed in this subsection. This paragraph includes,  
39 without limitation, an offense prosecuted in:~~

~~40 (1) A tribal court.~~

~~41 (2) A court of the United States or the Armed Forces of the United States.~~

~~42 [(v)] (w) An offense of a sexual nature committed in another jurisdiction,  
43 whether or not the offense would be an offense listed in this section, if the person  
44 who committed the offense resides or has resided or is or has been a student or  
45 worker in any jurisdiction in which the person is or has been required by the laws of  
46 that jurisdiction to register as a sex offender because of the offense. This paragraph  
47 includes, without limitation, an offense prosecuted in:~~

~~48 (1) A tribal court.~~

~~49 (2) A court of the United States or the Armed Forces of the United States.~~

~~50 (3) A court having jurisdiction over juveniles.~~

~~51 2. Except for the offenses described in paragraphs (n) , [and] (o) and (r) of  
52 subsection 1, the term does not include an offense involving consensual sexual  
53 conduct if the victim was:~~

1 ~~— (a) An adult, unless the adult was under the custodial authority of the offender~~  
2 ~~at the time of the offense; or~~

3 ~~— (b) At least 13 years of age and the offender was not more than 4 years older~~  
4 ~~than the victim at the time of the commission of the offense.] **(Deleted by**~~  
5 ~~**amendment.)**~~

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

7 ~~179D.115 “Tier II offender” means an offender convicted of a crime against a~~  
8 ~~child or a sex offender, other than a Tier III offender, whose crime against a child is~~  
9 ~~punishable by imprisonment for more than 1 year or whose sexual offense:~~

10 ~~— 1. If committed against [a]~~

11 ~~— (a) A child, constitutes:~~

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

13 ~~— [(b)] (2) Abuse of a child pursuant to NRS 200.508, if the abuse involved~~  
14 ~~sexual abuse or sexual exploitation;~~

15 ~~— [(c)] (3) An offense involving sex trafficking pursuant to NRS 201.300 or~~  
16 ~~prostitution pursuant to NRS 201.320 or 201.395;~~

17 ~~— [(d)] (4) An offense involving pornography and a minor pursuant to NRS~~  
18 ~~200.710 to 200.730, inclusive; or~~

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

21 ~~— (b) A pupil, constitutes a violation of section 2 of this act.~~

22 ~~— 2. Involves an attempt or conspiracy to commit any offense described in~~  
23 ~~subsection 1. [;]~~

24 ~~— 3. If committed in another jurisdiction, is an offense that, if committed in this~~  
25 ~~State, would be an offense listed in this section. This subsection includes, without~~  
26 ~~limitation, an offense prosecuted in:~~

27 ~~— (a) A tribal court; or~~

28 ~~— (b) A court of the United States or the Armed Forces of the United States. [;~~  
29 ~~or]~~

30 ~~— 4. Is committed after the person becomes a Tier I offender if any of the~~  
31 ~~person’s sexual offenses constitute an offense punishable by imprisonment for more~~  
32 ~~than 1 year.] **(Deleted by amendment.)**~~

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

34 ~~179D.495 If a person who is required to register pursuant to NRS 179D.010~~  
35 ~~to 179D.550, inclusive, has been convicted of an offense described in paragraph~~  
36 ~~[(c)] (c) of subsection 1 of NRS 179D.007, *subparagraph (5) of paragraph [(c)] (a)*~~  
37 ~~of subsection 1 or subsection 3 of NRS 179D.115 or subsection 7 or 9 of NRS~~  
38 ~~179D.117, the Central Repository shall determine whether the person is required to~~  
39 ~~register as a Tier I offender, Tier II offender or Tier III offender.] **(Deleted by**~~  
40 ~~**amendment.)**~~

41 **Sec. 16.** ~~[NRS 213.107 is hereby amended to read as follows:~~

42 ~~213.107 As used in NRS 213.107 to 213.157, inclusive, unless the context~~  
43 ~~otherwise requires:~~

44 ~~— 1. “Board” means the State Board of Parole Commissioners.~~

45 ~~— 2. “Chief” means the Chief Parole and Probation Officer.~~

46 ~~— 3. “Division” means the Division of Parole and Probation of the Department~~  
47 ~~of Public Safety.~~

48 ~~— 4. “Recidential confinement” means the confinement of a person convicted of~~  
49 ~~a crime to his or her place of residence under the terms and conditions established~~  
50 ~~by the Board.~~

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

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

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

~~8. “Sexual offense” means:~~

~~(a) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.720, NRS 201.180, 201.220, 201.450, 201.540 or 201.550 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560 [;] or **section 2 of this act;**~~

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

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

~~9. “Standards” means the objective standards for granting or revoking parole or probation which are adopted by the Board or the Chief.} **(Deleted by amendment.)**~~

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

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

~~2. The Director shall:~~

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

~~(b) Establish a procedure to:~~

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

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

~~3. This section does not create a right in any prisoner to be assessed or reassessed more frequently than the prisoner’s regularly scheduled parole hearings or under a current or previous standard of assessment and does not restrict the Department from conducting additional assessments of a prisoner if such assessments may assist the Board in determining whether parole should be granted or continued. No cause of action may be brought against the State, its political subdivisions, or the agencies, boards, commissions, departments, officers or employees of the State or its political subdivisions for assessing, not assessing or considering or relying on an assessment of a prisoner, if such decisions or actions are made or conducted in compliance with the procedures set forth in this section.~~

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

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

~~6. As used in this section:~~

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

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

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

~~(1) Convicted of a sexual offense; or~~

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

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

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

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

~~(2) Sexual assault pursuant to NRS 200.366.~~

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

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

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

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

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

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

~~(9) Incest pursuant to NRS 201.180.~~

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

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

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

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

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

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

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

~~(17) A violation of section 2 of this act.~~

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

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

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

~~(I) A tribal court.~~

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

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

~~(I) A tribal court.~~

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

~~(III) A court having jurisdiction over juveniles.~~

~~Except for the offenses described in subparagraphs (14), [and] (15) [,] and 17, the term does not include an offense involving consensual sexual conduct if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense, or if the victim was at least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.] **(Deleted by amendment.)**~~

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

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

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

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

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

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

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

4. As used in this section:

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

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

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

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

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

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

288.150 1. Except as otherwise provided in subsection 6 and NRS 354.6241, every local government employer shall negotiate in good faith through

1 one or more representatives of its own choosing concerning the mandatory subjects  
2 of bargaining set forth in subsection 2 with the designated representatives of the  
3 recognized employee organization, if any, for each appropriate bargaining unit  
4 among its employees. If either party so requests, agreements reached must be  
5 reduced to writing.

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

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

8 (b) Sick leave.

9 (c) Vacation leave.

10 (d) Holidays.

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

12 (f) Insurance benefits.

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

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

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

18 (j) Recognition clause.

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

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

21 (m) Protection of employees in the bargaining unit from discrimination  
22 because of participation in recognized employee organizations consistent with the  
23 provisions of this chapter.

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

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

27 (p) General savings clauses.

28 (q) Duration of collective bargaining agreements.

29 (r) Safety of the employee.

30 (s) Teacher preparation time.

31 (t) Materials and supplies for classrooms.

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

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

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

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

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

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

47 (c) The right to determine:

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

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

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

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



1 (d) Safety of the public.

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

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

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

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

19 (1) If the amount of revenue received by the general fund of the local  
20 government employer during the last preceding fiscal year from all sources, except  
21 any nonrecurring source, declined by 5 percent or more from the amount of revenue  
22 received by the general fund from all sources, except any nonrecurring source,  
23 during the next preceding fiscal year, as reflected in the reports of the annual audits  
24 conducted for those fiscal years for the local government employer pursuant to  
25 NRS 354.624; or

26 (2) If the local government employer has budgeted an unreserved ending  
27 fund balance in its general fund for the current fiscal year in an amount equal to 4  
28 percent or less of the actual expenditures from the general fund for the last  
29 preceding fiscal year, and the local government employer has provided a written  
30 explanation of the budgeted ending fund balance to the Department of Taxation that  
31 includes the reason for the ending fund balance and the manner in which the local  
32 government employer plans to increase the ending fund balance.

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

37 ↪ Any action taken under the provisions of this subsection must not be construed  
38 as a failure to negotiate in good faith.

39 7. The provisions of this chapter, including without limitation the provisions  
40 of this section, recognize and declare the ultimate right and responsibility of the  
41 local government employer to manage its operation in the most efficient manner  
42 consistent with the best interests of all its citizens, its taxpayers and its employees.

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

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

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

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

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

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

20 12. This section does not preclude, but this chapter does not require, the local  
21 government employer to negotiate subject matters enumerated in subsection 3  
22 which are outside the scope of mandatory bargaining. The local government  
23 employer shall discuss subject matters outside the scope of mandatory bargaining  
24 but it is not required to negotiate those matters.

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

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

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

30 388A.515 1. Each applicant for employment with and employee at a charter  
31 school, except a licensed teacher or other person licensed by the Superintendent of  
32 Public Instruction, and, except as otherwise provided in NRS 388A.516, each  
33 volunteer at a charter school who is likely to have unsupervised contact with pupils,  
34 must, before beginning his or her employment or service as a volunteer and at least  
35 once every 5 years thereafter, submit to the governing body of the charter school:

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

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

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

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

6           4. If the information obtained by the governing body pursuant to subsection 1  
7 or 2 or subsection 5 of NRS 388A.516 indicates that the applicant, employee or  
8 volunteer has been convicted of a crime listed in NRS 388A.5342, and the  
9 governing body of the charter school does not disqualify the applicant or employee  
10 from employment or the volunteer from serving as a volunteer on the basis of that  
11 information, the governing body shall, upon the written authorization of the  
12 applicant, employee or volunteer, forward a copy of the information to the  
13 Superintendent of Public Instruction. If the applicant, employee or volunteer refuses  
14 to provide his or her written authorization to forward a copy of the information  
15 pursuant to this subsection, the charter school shall not employ the applicant or  
16 employee or accept the volunteer, as applicable.

17           5. Not later than 15 days after receiving the information obtained by the  
18 governing body pursuant to subsection 1 or 2 or subsection 5 of NRS 388A.516, the  
19 Superintendent of Public Instruction or the Superintendent's designee shall review  
20 the information to determine whether the conviction of the applicant, employee or  
21 volunteer is related or unrelated to the position with the charter school for which the  
22 applicant has applied or in which the employee is employed or the volunteer wishes  
23 to serve. The applicant, employee or volunteer shall, upon the request of the  
24 Superintendent of Public Instruction or the Superintendent's designee, provide any  
25 further information that the Superintendent or the designee determines is necessary  
26 to make the determination. If the governing body of the charter school desires to  
27 employ the applicant or employee or accept the volunteer, the governing body shall,  
28 upon the request of the Superintendent of Public Instruction or the Superintendent's  
29 designee, provide any further information that the Superintendent or the designee  
30 determines is necessary to make the determination. The Superintendent of Public  
31 Instruction or the Superintendent's designee shall provide written notice of the  
32 determination to the applicant, employee or volunteer and to the governing body of  
33 the charter school.

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

45           7. The governing body of a charter school may use a substantiated report of  
46 the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS  
47 201.540, 201.560, 392.4633 or 394.366 *or section 2 of this act* obtained from the  
48 Statewide Central Registry or an equivalent registry maintained by a governmental  
49 agency in another jurisdiction:

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

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

1 8. The governing body of a charter school:

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

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

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

7 388A.5342 The governing body of a charter school shall terminate the  
8 employment of any teacher or administrator who is employed by the charter school  
9 but is not licensed pursuant to chapter 391 of NRS upon his or her conviction of a:

10 1. Felony or crime involving moral turpitude; ~~for~~

11 2. Sex offense pursuant to NRS 200.366, 200.368, 201.190, 201.220,  
12 201.230, 201.540 or 201.560 ~~;~~ **or**

13 **3. Violation of section 2 of this act.**

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

15 388C.200 1. Except as otherwise provided in NRS 388C.205, each  
16 applicant for employment with and employee at a university school for profoundly  
17 gifted pupils, except a licensed teacher or other person licensed by the  
18 Superintendent of Public Instruction, and each volunteer at a university school for  
19 profoundly gifted pupils who is likely to have unsupervised contact with pupils,  
20 must, before beginning his or her employment or service as a volunteer and at least  
21 once every 5 years thereafter, submit to the governing body of the university  
22 school:

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

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

34 2. In conducting an investigation into the background of an applicant,  
35 employee or volunteer, the governing body of a university school for profoundly  
36 gifted pupils may cooperate with any appropriate law enforcement agency to obtain  
37 information relating to the background of the applicant, employee or volunteer,  
38 including, without limitation, any record of warrants for the arrest of or applications  
39 for protective orders against the applicant, employee or volunteer.

40 3. If the information obtained by the governing body pursuant to subsection 1  
41 or 2 or subsection 5 of NRS 388C.205 indicates that the applicant, employee or  
42 volunteer has not been convicted of a felony or an offense involving moral  
43 turpitude, the governing body of the university school for profoundly gifted pupils  
44 may employ the applicant or employee or accept the volunteer, as applicable.

45 4. If the information obtained by the governing body pursuant to subsection 1  
46 or 2 or subsection 5 of NRS 388C.205 indicates that the applicant, employee or  
47 volunteer has been convicted of a felony or an offense involving moral turpitude  
48 and the governing body of the university school for profoundly gifted pupils does  
49 not disqualify the applicant or employee from employment or the volunteer from  
50 serving as a volunteer on the basis of that report, the governing body shall, upon the  
51 written authorization of the applicant, employee or volunteer forward a copy of the  
52 information to the Superintendent of Public Instruction. If the applicant, employee  
53 or volunteer refuses to provide his or her written authorization to forward a copy of

1 the report pursuant to this subsection, the university school shall not employ the  
2 applicant or employee or accept the volunteer, as applicable.

3 5. The Superintendent of Public Instruction or the Superintendent's designee  
4 shall promptly review the information to determine whether the conviction of the  
5 applicant, employee or volunteer is related or unrelated to the position with the  
6 university school for profoundly gifted pupils for which the applicant has applied or  
7 in which the employee is employed or the volunteer wishes to serve. The applicant,  
8 employee or volunteer shall, upon the request of the Superintendent of Public  
9 Instruction or the Superintendent's designee, provide any further information that  
10 the Superintendent or the designee determines is necessary to make the  
11 determination. If the governing body of the university school desires to employ the  
12 applicant or employee or accept the volunteer, the governing body shall, upon the  
13 request of the Superintendent of Public Instruction or the Superintendent's  
14 designee, provide any further information that the Superintendent or the designee  
15 determines is necessary to make the determination. The Superintendent of Public  
16 Instruction or the Superintendent's designee shall provide written notice of the  
17 determination to the applicant, employee or volunteer and to the governing body of  
18 the university school.

19 6. If the Superintendent of Public Instruction or the Superintendent's designee  
20 determines that the conviction of the applicant, employee or volunteer is related to  
21 the position with the university school for profoundly gifted pupils for which the  
22 applicant has applied or in which the employee is employed or the volunteer wishes  
23 to serve, the governing body of the university school shall not employ the applicant  
24 or employee or accept the volunteer, as applicable. If the Superintendent of Public  
25 Instruction or the Superintendent's designee determines that the conviction of the  
26 applicant, employee or volunteer is unrelated to the position with the university  
27 school for which the applicant has applied or in which the employee is employed or  
28 the volunteer wishes to serve, the governing body of the university school may  
29 employ the applicant or employee for that position or accept the volunteer, as  
30 applicable.

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

36 (a) In making determinations concerning assignments, requiring retraining,  
37 imposing discipline, hiring, accepting a volunteer 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 8. The governing body of a university school for profoundly gifted pupils:

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

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

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

46 391.033 1. All licenses for teachers and other educational personnel are  
47 granted by the Superintendent of Public Instruction pursuant to regulations adopted  
48 by the Commission and as otherwise provided by law.

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

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

52 (a) A complete set of his or her fingerprints and written permission authorizing  
53 the Superintendent to forward the fingerprints to the Central Repository for Nevada

1 Records of Criminal History for its initial report on the criminal history of the  
2 applicant and for reports thereafter upon renewal of the license pursuant to  
3 subsection 8 of NRS 179A.075, and for submission to the Federal Bureau of  
4 Investigation for its report on the criminal history of the applicant; and

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

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

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

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

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

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

23 (1) Does not indicate that the applicant has been convicted of a felony or  
24 any offense involving moral turpitude or indicates that the applicant has been  
25 convicted of a felony or an offense involving moral turpitude but the  
26 Superintendent determines that the conviction is unrelated to the position within the  
27 county school district or charter school for which the applicant applied or for which  
28 he or she is currently employed, as applicable;

29 (2) Does not indicate that there has been a substantiated report of abuse or  
30 neglect of a child, as defined in NRS 432B.020, or a violation of NRS 201.540,  
31 201.560, 392.4633 or 394.366 *or section 2 of this act* made against the applicant in  
32 any state; and

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

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

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

40 (a) Suspend the application process;

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

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

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

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

50 (b) The Superintendent provides to the applicant:

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

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

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

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

11           11. The Department shall:

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

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

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

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

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

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

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

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

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

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

45           391.104 1. Except as otherwise provided in NRS 391.105, each applicant  
46 for employment pursuant to NRS 391.100 or employee, except a teacher or other  
47 person licensed by the Superintendent of Public Instruction, or volunteer who is  
48 likely to have unsupervised contact with pupils, must, before beginning his or her  
49 employment or service as a volunteer and at least once every 5 years thereafter,  
50 submit to the school district:

51           (a) A full set of the applicant's, employee's or volunteer's fingerprints and  
52 written permission authorizing the school district to forward the fingerprints to the  
53 Central Repository for Nevada Records of Criminal History for its report on the

1 criminal history of the applicant, employee or volunteer and for submission to the  
2 Federal Bureau of Investigation for its report on the criminal history of the  
3 applicant, employee or volunteer; and

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

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

15 3. The board of trustees of a school district may use a substantiated report of  
16 the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS  
17 201.540, 201.560, 392.4633 or 394.366 *or section 2 of this act* obtained from the  
18 Statewide Central Registry or an equivalent registry maintained by a governmental  
19 agency in another jurisdiction:

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

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

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

29 (a) Sick leave;

30 (b) Sabbatical leave;

31 (c) Personal leave;

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

34 (e) Maternity leave; and

35 (f) Leave permitted by the Family and Medical Leave Act of 1993, 29 U.S.C.  
36 §§ 2601 et seq.,

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

40 5. A board of trustees of a school district may ask the Superintendent of  
41 Public Instruction to require a person licensed by the Superintendent of Public  
42 Instruction pursuant to NRS 391.033 who has taken a leave of absence from  
43 employment authorized by the school district to submit a set of his or her  
44 fingerprints as a condition of return to or continued employment with the school  
45 district if the board of trustees has probable cause to believe that the person has  
46 committed a felony or an offense involving moral turpitude during the period of his  
47 or her leave of absence.

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

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

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



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

2       391.281 1. Each applicant for employment or appointment pursuant to this  
3 section or employee, except a teacher or other person licensed by the  
4 Superintendent of Public Instruction, must, before beginning his or her employment  
5 or appointment and at least once every 5 years thereafter, submit to the school  
6 district:

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

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

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

22       3. The board of trustees of a school district may use a substantiated report of  
23 the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS  
24 201.540, 201.560, 392.4633 or 394.366 *or section 2 of this act* obtained from the  
25 Statewide Central Registry or an equivalent registry maintained by a governmental  
26 agency in another jurisdiction:

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

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

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

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

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

36       5. The board of trustees of a school district may employ or appoint persons to  
37 serve as school police officers. If the board of trustees of a school district employs  
38 or appoints persons to serve as school police officers, the board of trustees shall  
39 employ a law enforcement officer to serve as the chief of school police who is  
40 supervised by the superintendent of schools of the school district. The chief of  
41 school police shall supervise each person appointed or employed by the board of  
42 trustees as a school police officer, including any school police officer that provides  
43 services to a charter school pursuant to a contract entered into with the board of  
44 trustees pursuant to NRS 388A.384. In addition, persons who provide police  
45 services pursuant to subsection 6 or 7 shall be deemed school police officers.

46       6. The board of trustees of a school district in a county that has a metropolitan  
47 police department created pursuant to chapter 280 of NRS may contract with the  
48 metropolitan police department for the provision and supervision of police services  
49 in the public schools within the jurisdiction of the metropolitan police department  
50 and on property therein that is owned by the school district and on property therein  
51 that is owned or occupied by a charter school if the board of trustees has entered  
52 into a contract with the charter school for the provision of school police officers  
53 pursuant to NRS 388A.384. If a contract is entered into pursuant to this subsection,

1 the contract must make provision for the transfer of each school police officer  
2 employed by the board of trustees to the metropolitan police department. If the  
3 board of trustees of a school district contracts with a metropolitan police  
4 department pursuant to this subsection, the board of trustees shall, if applicable,  
5 cooperate with appropriate local law enforcement agencies within the school  
6 district for the provision and supervision of police services in the public schools  
7 within the school district, including, without limitation, any charter school with  
8 which the school district has entered into a contract for the provision of school  
9 police officers pursuant to NRS 388A.384, and on property owned by the school  
10 district and, if applicable, the property owned or occupied by the charter school, but  
11 outside the jurisdiction of the metropolitan police department.

12 7. The board of trustees of a school district in a county that does not have a  
13 metropolitan police department created pursuant to chapter 280 of NRS may  
14 contract with the sheriff of that county for the provision of police services in the  
15 public schools within the school district, including, without limitation, in any  
16 charter school with which the board of trustees has entered into a contract for the  
17 provision of school police officers pursuant to NRS 388A.384, and on property  
18 therein that is owned by the school district and, if applicable, the property owned or  
19 occupied by the charter school.

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

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

24 391.330 1. The State Board may suspend or revoke the license of any  
25 teacher, administrator or other licensed employee, or may issue a letter of  
26 reprimand to any teacher, administrator or other licensed employee, after notice and  
27 an opportunity for hearing have been provided pursuant to NRS 391.322 and  
28 391.323, for:

29 (a) Unprofessional conduct.

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

31 (c) Evident unfitness for service.

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

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

35 (f) Conviction of a sex offense under NRS 200.366, 200.368, 201.190,  
36 201.220, 201.230, 201.540 or 201.560 ~~for section 2 of this act~~ in which a pupil  
37 enrolled in a school of a county school district was the victim.

38 (g) Conviction of a violation of section 2 of this act.

39 (h) Knowingly advocating the overthrow of the Federal Government or of the  
40 State of Nevada by force, violence or unlawful means.

41 ~~(i)~~ (i) Persistent defiance or refusal to obey the regulations of the State  
42 Board, the Commission or the Superintendent of Public Instruction, defining and  
43 governing the duties of teachers, administrators and other licensed employees.

44 ~~(j)~~ (j) Breaches in the security or confidentiality of the questions and answers  
45 of the examinations that are administered pursuant to NRS 390.105 and the college  
46 and career readiness assessment administered pursuant to NRS 390.610.

47 ~~(k)~~ (k) Intentional failure to observe and carry out the requirements of a plan  
48 to ensure the security of examinations and assessments adopted pursuant to NRS  
49 390.270 or 390.275.

50 ~~(l)~~ (l) An intentional violation of NRS 388.497 or 388.499.

51 ~~(m)~~ (m) Knowingly and willfully failing to comply with the provisions of  
52 NRS 388.1351.

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

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

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

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

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

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

16 (2) Pay the appropriate fee for licensure.

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

20 **Sec. 26.5. NRS 391.355 is hereby amended to read as follows:**

21 391.355 1. The State Board shall adopt rules of procedure for the conduct of  
22 hearings conducted pursuant to NRS 391.323.

23 2. The rules of procedure must provide for boards of trustees of school  
24 districts, governing bodies of charter schools or the Superintendent of Public  
25 Instruction or the Superintendent's designee to bring charges, when cause exists.

26 3. The rules of procedure must provide that:

27 (a) The licensed employee, board of trustees of a school district, governing  
28 body of a charter school and Superintendent are entitled to be heard, to be  
29 represented by an attorney and to call witnesses in their behalf.

30 (b) The hearing officer selected pursuant to NRS 391.322 is entitled to be  
31 reimbursed for his or her reasonable actual expenses.

32 (c) If requested by the hearing officer selected pursuant to NRS 391.322, an  
33 official transcript must be made.

34 (d) Except as otherwise provided in paragraph (e), the State Board, licensed  
35 employee and the Department, board of trustees of a school district or governing  
36 body of a charter school which initiated the complaint resulting in the hearing are  
37 equally responsible for the expense of and compensation for the hearing officer  
38 selected pursuant to NRS 391.322 and the expense of the official transcript. The  
39 State Board may bill the licensed employee or the Department, board of trustees of  
40 a school district or governing body of a charter school which initiated the complaint  
41 resulting in the hearing for their percentage of any expenses incurred pursuant to  
42 this paragraph.

43 (e) If the hearing results from a recommendation to revoke or suspend a license  
44 based upon a conviction which is a ground for the suspension or revocation of a  
45 license pursuant to paragraph (e), ~~(f)~~ (f) or (g) of subsection 1 of NRS 391.330,  
46 the licensed employee is fully responsible for the expense of and compensation for  
47 the hearing officer selected pursuant to NRS 391.322 and the expense of the official  
48 transcript. The State Board may bill the licensed employee for such expenses.

49 4. A hearing officer selected pursuant to NRS 391.322 shall, upon the request  
50 of a party, issue subpoenas to compel the attendance of witnesses and the  
51 production of books, records, documents or other pertinent information to be used  
52 as evidence in hearings conducted pursuant to NRS 391.323.

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

2       391.650 As used in NRS 391.650 to 391.826, inclusive, unless the context  
3 otherwise requires:

4       1. “Administrator” means any employee who holds a license as an  
5 administrator and who is employed in that capacity by a school district.

6       2. “Board” means the board of trustees of the school district in which a  
7 licensed employee affected by NRS 391.650 to 391.826, inclusive, is employed.

8       3. “Demotion” means demotion of an administrator to a position of lesser  
9 rank, responsibility or pay and does not include transfer or reassignment for  
10 purposes of an administrative reorganization.

11       4. “Immorality” means:

12       (a) An act forbidden by NRS 200.366, 200.368, 200.400, 200.508, 201.180,  
13 201.190, 201.210, 201.220, 201.230, 201.265, 201.540, 201.560, 207.260, 453.316  
14 to 453.336, inclusive, except an act forbidden by NRS 453.337, 453.338, 453.3385  
15 to 453.3405, inclusive, 453.560 or 453.562; or

16       (b) An act forbidden by NRS 201.540 *or section 2 of this act* or any other  
17 sexual conduct or attempted sexual conduct with a pupil enrolled in an elementary  
18 or secondary school. As used in this paragraph, “sexual conduct” has the meaning  
19 ascribed to it in NRS 201.520.

20       5. “Postprobationary employee” means an administrator or a teacher who has  
21 completed the probationary period as provided in NRS 391.820 and has been given  
22 notice of reemployment. The term does not include a person who is deemed to be a  
23 probationary employee pursuant to NRS 391.730.

24       6. “Probationary employee” means:

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

27       (b) A person who is deemed to be a probationary employee pursuant to NRS  
28 391.730.

29       7. “Superintendent” means the superintendent of a school district or a person  
30 designated by the board or superintendent to act as superintendent during the  
31 absence of the superintendent.

32       8. “Teacher” means a licensed employee the majority of whose working time  
33 is devoted to the rendering of direct educational service to pupils of a school  
34 district.

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

36       391.760 1. If a superintendent has reason to believe that cause exists for the  
37 dismissal of a licensed employee and the superintendent is of the opinion that the  
38 immediate suspension of the employee is necessary in the best interests of the  
39 pupils in the district, the superintendent may suspend the employee without notice  
40 and without a hearing. Within 10 days after the suspension becomes effective, the  
41 superintendent shall begin proceedings pursuant to NRS 391.680 to 391.800,  
42 inclusive, to carry out the employee’s dismissal. The employee is entitled to  
43 continue to receive his or her salary and other benefits after the suspension becomes  
44 effective until the date on which the dismissal proceedings are commenced.

45       2. Notwithstanding the provisions of NRS 391.750, a superintendent may  
46 suspend a licensed employee who has been officially charged but not yet convicted  
47 of a felony or a crime involving moral turpitude or immorality. If the charge is  
48 dismissed or if the employee is found not guilty, the employee must be reinstated  
49 with back pay, plus interest, and normal seniority. The superintendent shall notify  
50 the employee in writing of the suspension. Within 10 days after the date on which  
51 the employee receives such notice, the superintendent shall provide the employee  
52 with the opportunity for an informal hearing to address the circumstances relating  
53 to the charges and any other circumstances relating to the suspension. The

1 superintendent shall issue a written decision concerning the continuation of the  
2 suspension based on the information presented at the hearing. The employee is  
3 entitled to continue to receive his or her salary and other benefits after the  
4 suspension becomes effective until the date on which the superintendent issues the  
5 written decision. The superintendent may recommend that an employee who has  
6 been charged with a felony or a crime involving immorality be dismissed for  
7 another ground set forth in NRS 391.750.

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

11 4. A licensed employee who furnishes to the school district a bond or other  
12 form of security which is acceptable to the board as a guarantee that the employee  
13 will repay any amounts paid to him or her pursuant to this subsection as salary  
14 during a period of suspension is entitled to continue to receive his or her salary  
15 from the date on which the dismissal proceedings are commenced until the decision  
16 of the board or the report of the hearing officer, if the report is final and binding.  
17 The board shall not unreasonably refuse to accept a form of security other than a  
18 bond. An employee who receives a salary pursuant to this subsection shall repay it  
19 if the employee is dismissed or not reemployed as a result of a decision of the board  
20 or a report of a hearing officer.

21 5. A licensed employee who is convicted of a crime which requires  
22 registration pursuant to NRS 179D.010 to 179D.550, inclusive, or is convicted of  
23 an act forbidden by NRS 200.508, 201.190, 201.265, 201.540, 201.560 or 207.260  
24 *or section 2 of this act* forfeits all rights of employment from the date of his or her  
25 arrest.

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

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

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

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

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

46 392.303 1. In addition to the reporting required by NRS 432B.220, if, in his  
47 or her capacity as an employee of or volunteer for a public school or private school,  
48 such an employee or volunteer knows or has reasonable cause to believe that a child  
49 has been subjected to:

50 (a) Abuse or neglect, sexual conduct in violation of NRS 201.540 , ~~or~~ luring  
51 in violation of NRS 201.560 by another employee of or volunteer for a public  
52 school or private school ~~or~~ *or a violation of section 2 of this act by another*  
53 *employee of or volunteer for a public or private school*, the employee or volunteer

1 who has such knowledge or reasonable cause to believe shall report the abuse or  
2 neglect, sexual conduct, ~~or~~ *luring or other violation* to the agency which provides  
3 child welfare services in the county in which the school is located and a law  
4 enforcement agency.

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

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

14 3. If a law enforcement agency that receives a report pursuant to paragraph (a)  
15 of subsection 1 concludes that there is not probable cause to believe that the person  
16 allegedly responsible for the abuse or neglect or who allegedly violated NRS  
17 201.540 or 201.560 *or section 2 of this act* committed the act of which he or she is  
18 accused, the law enforcement agency shall notify the agency which provides child  
19 welfare services of that determination.

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

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

27 (a) Allegedly occurred:

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

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

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

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

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

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

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

43 392.317 Except as otherwise provided in NRS 392.317 to 392.337, inclusive,  
44 and in addition to information provided pursuant to NRS 392.337, information  
45 maintained by an agency which provides child welfare services pursuant to NRS  
46 392.275 to 392.365, inclusive, may, at the discretion of the agency which provides  
47 child welfare services, be made available only to:

48 1. The child who is the subject of the report, the parent or guardian of the  
49 child and an attorney for the child or the parent or guardian of the child, if the  
50 identity of the person responsible for reporting the abuse or neglect of the child or  
51 the violation of NRS 201.540, 201.560, 392.4633 or 394.366 *or section 2 of this*  
52 *act* to a public agency and the identity of any child witness are kept confidential

1 and the information is reasonably necessary to promote the safety, permanency and  
2 well-being of the child who is the subject of the report;

3 2. A physician, if the physician has before him or her a child who the  
4 physician has reasonable cause to believe has been abused or neglected or subject  
5 to a violation of NRS 201.540, 201.560, 392.4633 or 394.366 ~~(4)~~ *or section 2 of*  
6 *this act*;

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

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

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

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

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

20 8. A federal, state or local governmental entity, or an agency of such an  
21 entity, or a juvenile court, that needs access to the information to carry out its legal  
22 responsibilities to protect children from abuse and neglect and violations of NRS  
23 201.540, 201.560, 392.4633 or 394.366 *or section 2 of this act* or similar statutes in  
24 another jurisdiction;

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

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

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

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

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

38 12. The Division of Parole and Probation of the Department of Public Safety  
39 for use pursuant to NRS 176.135 in making a presentence investigation and report  
40 to the district court or pursuant to NRS 176.151 in making a general investigation  
41 and report;

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

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

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

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

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

52 392.325 1. An agency which provides child welfare services investigating a  
53 report made pursuant to NRS 392.303 shall, upon request, provide to a person

1 named in the report as allegedly causing the abuse or neglect of a child or violating  
2 the provisions of NRS 201.540, 201.560, 392.4633 or 394.366 ~~§~~ *or section 2 of*  
3 *this act*;

4 (a) A copy of:

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

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

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

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

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

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

21 392.337 1. An agency which provides child welfare services investigating a  
22 report made pursuant to NRS 392.303 shall, upon completing the investigation,  
23 notify the parent or guardian of the child who is the subject of the report of the  
24 disposition assigned to the report pursuant to NRS 392.339.

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

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

31 (b) Provide written notification to the person who is named in the report as  
32 allegedly causing the abuse or neglect of the child or violating NRS 201.540,  
33 201.560, 392.4633 or 394.366 *or section 2 of this act* which includes statements  
34 indicating that:

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

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

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

45 (1) Identifying and demographic information on the child who is the  
46 subject of the report, the parents of the child, any other person responsible for the  
47 welfare of the child and the person allegedly responsible for the conduct alleged in  
48 the report;

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

52 (3) The disposition of the case.



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

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

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

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

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

16 394.155 1. Except as otherwise provided in NRS 394.157, each applicant  
17 for employment with or employee at a private school, except a licensed teacher or  
18 other person licensed by the Superintendent of Public Instruction, or volunteer at a  
19 private school who is likely to have unsupervised contact with pupils, must, before  
20 beginning his or her employment or service as a volunteer and at least once every 5  
21 years thereafter, submit to the administrator of the private school:

22 (a) A complete set of the applicant's, employee's or volunteer's fingerprints  
23 and written permission authorizing the administrator to forward the fingerprints to  
24 the Central Repository for Nevada Records of Criminal History for its report on the  
25 criminal history of the applicant, employee or volunteer and for submission to the  
26 Federal Bureau of Investigation for its report on the criminal history of the  
27 applicant, employee or volunteer; and

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

34 2. The administrator of the private school shall:

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

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

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

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

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

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

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

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

9 432.100 1. There is hereby established a Statewide Central Registry for the  
10 Collection of Information Concerning the Abuse or Neglect of a Child. This Central  
11 Registry must be maintained by the Division.

12 2. The Central Registry must contain:

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

15 (b) The information in any substantiated report of a violation of NRS 201.540,  
16 201.560, 392.4633 or 394.366 *or section 2 of this act* made pursuant to NRS  
17 392.303;

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

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

22 3. The Division may release information contained in the Central Registry to  
23 an employer if:

24 (a) The person who is the subject of a background investigation by the  
25 employer provides written authorization for the release of the information; and

26 (b) Either:

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

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

33 but only to the extent necessary to inform the employer whether the person who  
34 is the subject of the background investigation has been found to have abused or  
35 neglected a child.

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

38 (a) An employee of the Division;

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

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

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

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

49 432.120 1. Information contained in the Central Registry must not be  
50 released unless the right of the applicant to the information is confirmed, the  
51 information concerning the report of abuse or neglect of the child or a violation of  
52 NRS 201.540, 201.560, 392.4633 or 394.366 *or section 2 of this act* has been  
53 reported pursuant to NRS 392.337 or 432B.310, as applicable, the released

1 information discloses the disposition of the case and, if the information is being  
2 provided pursuant to subsection 3 of NRS 432.100, the person who is the subject of  
3 the background investigation provides written authorization for the release of the  
4 information.

5 2. The information contained in the Central Registry concerning cases in  
6 which a report of abuse or neglect of a child has been substantiated by an agency  
7 which provides child welfare services must be deleted from the Central Registry not  
8 later than 10 years after the child who is the subject of the report reaches the age of  
9 18 years.

10 3. The Division shall not release information from the Central Registry  
11 regarding a report of child abuse or neglect made pursuant to NRS 392.303 or  
12 432B.220 that received a disposition other than substantiated to any person or entity  
13 except for an agency which provides child welfare services.

14 4. The Division shall adopt regulations to carry out the provisions of this  
15 section.

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

17 433.639 1. Not later than 3 days after employing a person to provide or  
18 supervise the provision of peer recovery support services in a position where the  
19 person has regular and substantial contact with minors or retaining a person as an  
20 independent contractor to provide or supervise the provision of peer recovery  
21 support services in such a position and every 5 years thereafter, an employer, or  
22 person or entity who retained the independent contractor, shall:

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

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

31 2. Except as otherwise provided in any regulations adopted pursuant to  
32 subsection 4, upon receiving information pursuant to subsection 1 from the Central  
33 Registry or from any other source that an employee or independent contractor  
34 described in subsection 1 has, within the immediately preceding 5 years, had a  
35 substantiated report of child abuse or neglect or a violation of NRS 201.540,  
36 201.560, 392.4633 or 394.366 *or section 2 of this act* made against him or her, the  
37 employer or person or entity who retained the independent contractor shall  
38 terminate the employment or contract of the employee or independent contractor, as  
39 applicable, after allowing the employee or independent contractor time to correct  
40 the information as required pursuant to subsection 3.

41 3. If an employee or independent contractor described in subsection 1  
42 believes that the information provided to the employer or person or entity who  
43 retained the independent contractor pursuant to subsection 2 is incorrect, the  
44 employee or independent contractor must inform the employer, person or entity  
45 immediately. The employer, person or entity shall give any such employee or  
46 independent contractor 30 days to correct the information.

47 4. The Division, in consultation with each agency which provides child  
48 welfare services, may establish by regulation a process by which it may review  
49 evidence upon request to determine whether an employee or independent contractor  
50 described in subsection 1 who has, within the immediately preceding 5 years, had a  
51 substantiated report of child abuse or neglect or a violation of NRS 201.540,  
52 201.560, 392.4633 or 394.366 *or section 2 of this act* made against him or her may  
53 continue to provide or supervise the provision of peer recovery support services and

1 have regular and substantial contact with minors despite the report. Any such  
2 review must be conducted in a manner which does not discriminate against a person  
3 in violation of 42 U.S.C. §§ 2000e et seq.

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

8 6. During any period in which an employee or independent contractor seeks  
9 to correct information pursuant to subsection 3 or requests a review of information  
10 pursuant to subsection 5, it is within the discretion of the employer or person or  
11 entity who retained the independent contractor whether to allow the employee or  
12 independent contractor to continue to work for the employer, person or entity, as  
13 applicable, except that the employee or independent contractor shall not have  
14 regular and substantial contact with minors without supervision during such a  
15 period.

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

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

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