

Amendment No. 932

Senate Amendment to Senate Bill No. 506	(BDR 14-1220)
<b>Proposed by:</b> Senate Committee on Finance	
<b>Amends:</b> Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No	

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.

MR/BAW



Date: 6/2/2023

S.B. No. 506—Revises provisions relating to records of criminal history.  
(BDR 14-1220)





SENATE BILL NO. 506—COMMITTEE ON FINANCE

MAY 26, 2023

Referred to Committee on Finance

SUMMARY—Revises provisions relating to records of criminal history. (BDR 14-1220)

FISCAL NOTE: Effect on Local Government: No. Effect on the State: No.

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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 records of criminal history; revising provisions relating to certain money collected for certain purposes relating to records of criminal history; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the Central Repository for Nevada Records of Criminal History to: (1) disseminate compilations of statistical data and publish statistical reports relating to crime; and (2) charge a reasonable fee for any publication or special report it distributes relating to data collected. Existing law requires the Central Repository to use the money collected for publications or special reports to pay for the cost of operating the Central Repository. (NRS 179A.075) **Section 1** of this bill requires that: (1) such money collected must also be used for any other purpose authorized by the Legislature; and (2) any balance of such money remaining at the end of a fiscal year reverts to the State General Fund.

Existing law authorizes an agency of criminal justice to charge a reasonable fee for information relating to records of criminal history provided to any person or governmental entity. Existing law also requires that all money received or collected by the Department of Public Safety for such fees must be used to defray the cost of operating the Central Repository. (NRS 179A.140) **Section 2** of this bill requires that: (1) such money must also be used for any other purpose authorized by the Legislature; and (2) any balance of such money remaining at the end of a fiscal year reverts to the State General Fund.

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

**Section 1.** NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the Records, Communications and Compliance Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository;

1 (1) In the manner approved by the Director of the Department; and  
2 (2) In accordance with the policies, procedures and definitions of the  
3 Uniform Crime Reporting Program of the Federal Bureau of Investigation.

4 3. Each agency of criminal justice shall submit the information relating to  
5 records of criminal history that it creates, issues or collects, and any information in  
6 its possession relating to the DNA profile of a person from whom a biological  
7 specimen is obtained pursuant to NRS 176.09123 or 176.0913, to the Division. The  
8 information must be submitted to the Division:

9 (a) Through an electronic network;

10 (b) On a medium of magnetic storage; or

11 (c) In the manner prescribed by the Director of the Department,

12 ➤ within 60 days after the date of the disposition of the case. If an agency has  
13 submitted a record regarding the arrest of a person who is later determined by the  
14 agency not to be the person who committed the particular crime, the agency shall,  
15 immediately upon making that determination, so notify the Division. The Division  
16 shall delete all references in the Central Repository relating to that particular arrest.

17 4. Each state and local law enforcement agency shall submit Uniform Crime  
18 Reports to the Central Repository:

19 (a) In the manner prescribed by the Director of the Department;

20 (b) In accordance with the policies, procedures and definitions of the Uniform  
21 Crime Reporting Program of the Federal Bureau of Investigation; and

22 (c) Within the time prescribed by the Director of the Department.

23 5. The Division shall, in the manner prescribed by the Director of the  
24 Department:

25 (a) Collect, maintain and arrange all information submitted to it relating to:

26 (1) Records of criminal history; and

27 (2) The DNA profile of a person from whom a biological specimen is  
28 obtained pursuant to NRS 176.09123 or 176.0913.

29 (b) When practicable, use a record of the personal identifying information of a  
30 subject as the basis for any records maintained regarding him or her.

31 (c) Upon request, provide, in paper or electronic form, the information that is  
32 contained in the Central Repository to the Committee on Domestic Violence  
33 appointed pursuant to NRS 228.470 when, pursuant to NRS 228.495, the  
34 Committee is reviewing the death of the victim of a crime that constitutes domestic  
35 violence pursuant to NRS 33.018.

36 6. The Division may:

37 (a) Disseminate any information which is contained in the Central Repository  
38 to any other agency of criminal justice;

39 (b) Enter into cooperative agreements with repositories of the United States  
40 and other states to facilitate exchanges of information that may be disseminated  
41 pursuant to paragraph (a); and

42 (c) Request of and receive from the Federal Bureau of Investigation  
43 information on the background and personal history of any person whose record of  
44 fingerprints or other biometric identifier the Central Repository submits to the  
45 Federal Bureau of Investigation and:

46 (1) Who has applied to any agency of the State of Nevada or any political  
47 subdivision thereof for a license which it has the power to grant or deny;

48 (2) With whom any agency of the State of Nevada or any political  
49 subdivision thereof intends to enter into a relationship of employment or a contract  
50 for personal services;

51 (3) Who has applied to any agency of the State of Nevada or any political  
52 subdivision thereof to attend an academy for training peace officers approved by  
53 the Peace Officers' Standards and Training Commission;

1 (4) For whom such information is required or authorized to be obtained  
2 pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198,  
3 433B.183, 449.123 and 449.4329; or

4 (5) About whom any agency of the State of Nevada or any political  
5 subdivision thereof is authorized by law to have accurate personal information for  
6 the protection of the agency or the persons within its jurisdiction.

7 7. To request and receive information from the Federal Bureau of  
8 Investigation concerning a person pursuant to subsection 6, the Central Repository  
9 must receive:

10 (a) The person's complete set of fingerprints for the purposes of:

11 (1) Booking the person into a city or county jail or detention facility;

12 (2) Employment;

13 (3) Contractual services; or

14 (4) Services related to occupational licensing;

15 (b) One or more of the person's fingerprints for the purposes of mobile  
16 identification by an agency of criminal justice; or

17 (c) Any other biometric identifier of the person as it may require for the  
18 purposes of:

19 (1) Arrest; or

20 (2) Criminal investigation,

21 ↪ from the agency of criminal justice or agency of the State of Nevada or any  
22 political subdivision thereof and submit the received data to the Federal Bureau of  
23 Investigation for its report.

24 8. The Central Repository shall:

25 (a) Collect and maintain records, reports and compilations of statistical data  
26 submitted by any agency pursuant to subsection 2.

27 (b) Tabulate and analyze all records, reports and compilations of statistical data  
28 received pursuant to this section.

29 (c) Disseminate to federal agencies engaged in the collection of statistical data  
30 relating to crime information which is contained in the Central Repository.

31 (d) Investigate the criminal history of any person who:

32 (1) Has applied to the Superintendent of Public Instruction for the issuance  
33 or renewal of a license;

34 (2) Has applied to a county school district, charter school or private school  
35 for employment or to serve as a volunteer; or

36 (3) Is employed by or volunteers for a county school district, charter school  
37 or private school,

38 ↪ and immediately notify the superintendent of each county school district, the  
39 governing body of each charter school and the Superintendent of Public Instruction,  
40 or the administrator of each private school, as appropriate, if the investigation of the  
41 Central Repository indicates that the person has been convicted of a violation of  
42 NRS 200.508, 201.230, 453.3385 or 453.339, or convicted of a felony or any  
43 offense involving moral turpitude.

44 (e) Upon discovery, immediately notify the superintendent of each county  
45 school district, the governing body of each charter school or the administrator of  
46 each private school, as appropriate, by providing the superintendent, governing  
47 body or administrator with a list of all persons:

48 (1) Investigated pursuant to paragraph (d); or

49 (2) Employed by or volunteering for a county school district, charter  
50 school or private school whose fingerprints were sent previously to the Central  
51 Repository for investigation,

52 ↪ who the Central Repository's records indicate have been convicted of a violation  
53 of NRS 200.508, 201.230, 453.3385 or 453.339, or convicted of a felony or any

1 offense involving moral turpitude since the Central Repository's initial  
2 investigation. The superintendent of each county school district, the governing body  
3 of a charter school or the administrator of each private school, as applicable, shall  
4 determine whether further investigation or action by the district, charter school or  
5 private school, as applicable, is appropriate.

6 (f) Investigate the criminal history of each person who submits one or more  
7 fingerprints or other biometric identifier or has such data submitted pursuant to  
8 NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183,  
9 449.122, 449.123 or 449.4329.

10 (g) Provide an electronic means to access on the Central Repository's Internet  
11 website statistical data relating to crime.

12 (h) Provide an electronic means to access on the Central Repository's Internet  
13 website statistical data about domestic violence in this State.

14 (i) Identify and review the collection and processing of statistical data relating  
15 to criminal justice by any agency identified in subsection 2 and make  
16 recommendations for any necessary changes in the manner of collecting and  
17 processing statistical data by any such agency.

18 (j) Adopt regulations governing biometric identifiers and the information and  
19 data derived from biometric identifiers, including, without limitation:

20 (1) Their collection, use, safeguarding, handling, retention, storage,  
21 dissemination and destruction; and

22 (2) The methods by which a person may request the removal of his or her  
23 biometric identifiers from the Central Repository and any other agency where his or  
24 her biometric identifiers have been stored.

25 9. The Central Repository may:

26 (a) In the manner prescribed by the Director of the Department, disseminate  
27 compilations of statistical data and publish statistical reports relating to crime.

28 (b) Charge a reasonable fee for any publication or special report it distributes  
29 relating to data collected pursuant to this section. The Central Repository may not  
30 collect such a fee from an agency of criminal justice or any other agency dealing  
31 with crime which is required to submit information pursuant to subsection 2. All  
32 money collected pursuant to this paragraph must be used to pay for the cost of  
33 operating the Central Repository ~~or~~ *or for any other purpose authorized by the*  
34 *Legislature, and any balance of the money remaining at the end of a fiscal year*  
35 *reverts to the State General Fund.*

36 (c) In the manner prescribed by the Director of the Department, use electronic  
37 means to receive and disseminate information contained in the Central Repository  
38 that it is authorized to disseminate pursuant to the provisions of this chapter.

39 10. As used in this section:

40 (a) "Mobile identification" means the collection, storage, transmission,  
41 reception, search, access or processing of a biometric identifier using a handheld  
42 device.

43 (b) "Personal identifying information" means any information designed,  
44 commonly used or capable of being used, alone or in conjunction with any other  
45 information, to identify a person, including, without limitation:

46 (1) The name, driver's license number, social security number, date of  
47 birth and photograph or computer-generated image of a person; and

48 (2) A biometric identifier of a person.

49 (c) "Private school" has the meaning ascribed to it in NRS 394.103.

50 **Sec. 2.** NRS 179A.140 is hereby amended to read as follows:

51 179A.140 1. Except as otherwise provided in this section, an agency of  
52 criminal justice may charge a reasonable fee for information relating to records of  
53 criminal history provided to any person or governmental entity.

1           2. An agency of criminal justice shall not charge a fee for providing such  
2 information to another agency of criminal justice if the information is provided for  
3 purposes of the administration of criminal justice.

4           3. The Central Repository shall not charge such a fee:

5           (a) For information relating to a person regarding whom the Central Repository  
6 provided a similar report within the immediately preceding 90 days in conjunction  
7 with the application by that person for professional licensure;

8           (b) For information provided to any organization that meets the criteria  
9 established by regulation pursuant to paragraph (b) of subsection 5 of NRS  
10 179A.310; or

11           (c) For information provided to a person who is required to conduct a  
12 background check pursuant to NRS 202.2547.

13           4. The Director may request an allocation from the Contingency Account  
14 pursuant to NRS 353.266, 353.268 and 353.269 to cover the costs incurred by the  
15 Department to carry out the provisions of paragraph (b) of subsection 3.

16           5. All money received or collected by the Department pursuant to this section  
17 must be used to defray the cost of operating the Central Repository ~~or~~ *or for any*  
18 *other purpose authorized by the Legislature, and any balance of the money*  
19 *remaining at the end of a fiscal year reverts to the State General Fund.*

20           **Sec. 3.** This act becomes effective on ~~July 1, 2023,~~ **October 1, 2024.**