

SENATE BILL NO. 38—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Judiciary

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

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

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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

**Legislative Counsel’s Digest:**

- 1 Existing law imposes criminal penalties on any person who knowingly contacts
- 2 or communicates with a child, a person believed to be a child or a person with
- 3 mental illness with the intent to persuade, lure or transport the child or person to a
- 4 different location without permission or for certain purposes. (NRS 201.560)
- 5 **Section 2** of this bill defines “person in a position of authority” to mean a person
- 6 who is 18 years of age or older and who: (1) is or was employed by or volunteering



7 at a public or private school; and (2) has had contact with a pupil in the course of  
8 performing his or her duties as an employee or volunteer. Unless a greater penalty  
9 is provided by statute, **section 2** provides that a person in a position of authority is  
10 guilty of a category C felony if he or she knowingly contacts or communicates with  
11 or attempts to contact or communicate with a pupil who is less than 18 years of age  
12 with the intent to persuade, lure or transport the pupil away from certain locations  
13 and with the intent to: (1) engage in the commission of a crime punishable as a  
14 felony or gross misdemeanor; or (2) cause or encourage the pupil to engage in an  
15 unlawful act that, if committed by an adult, would be a felony or gross  
16 misdemeanor or facilitate the commission by the person in a position of authority of  
17 such an act.

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

39 **Section 1** of this bill makes certain penalties which are applicable to a person  
40 who commits sexual assault against certain minors and who has previously been  
41 convicted of another sexual assault or other sexual offense against a child  
42 applicable to a person who commits sexual assault against the same such minors  
43 and who has been previously convicted of a violation of **section 2**.

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

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

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

58 Existing law: (1) requires that a person convicted of certain sexual offenses  
59 undergo a psychosexual evaluation as part of the presentence investigation report  
60 prepared by the Division of Parole and Probation of the Department of Public  
61 Safety; and (2) prohibits a court from granting probation to or suspending the



62 sentence of a person convicted of certain sexual offenses, unless the person who  
63 conducts the evaluation certifies that the person convicted of the sexual offense  
64 does not represent a high risk to reoffend. (NRS 176.135, 176A.110) **Sections 7**  
65 **and 8** of this bill add a violation of **section 2** to the list of sexual offenses that  
66 require a special sentence of lifetime supervision and for which certain conditions  
67 of lifetime supervision apply. Existing law similarly requires the Department of  
68 Corrections to assess each prisoner who has been convicted of a sexual offense  
69 before a scheduled parole hearing to determine the prisoner's risk to reoffend.  
70 (NRS 213.1214) **Section 17** of this bill adds a violation of **section 2** to the list of  
71 offenses which require such an assessment.

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

85 Existing law requires a court to provide certain documentation to each victim  
86 and witness and certain other persons if an offender is convicted of certain sexual  
87 offenses. (NRS 178.5698) **Section 10** of this bill requires that such documentation  
88 be provided to such persons if an offender is convicted of a violation of **section 2**.

89 **Section 11** of this bill makes the provisions of law which prohibit a person  
90 convicted of a sexual offense from petitioning a court to seal the records relating to  
91 such a conviction applicable to a person convicted of a violation of **section 2**.  
92 (NRS 179.245)

93 Existing law allows a judge to grant an order authorizing the interception of  
94 certain communications when the interception may provide evidence of the  
95 commission of a sexual offense against a child. (NRS 179.460) **Section 12** of this  
96 bill adds a violation of **section 2** to the list of sexual offenses against a child for  
97 which a judge may grant such an order.

98 Existing law defines the term "sexual offense" for the purpose of requiring  
99 persons convicted of certain sexual offenses to be prohibited from certain  
100 employment, to register as a sex offender, to comply with certain mandatory  
101 conditions of probation or parole and to fulfill certain other requirements. (NRS  
102 118A.335, 176A.410, 179D.095, 179D.097, 179D.441, 213.1099, 213.1245)  
103 **Section 13** of this bill revises the list of sexual offenses to which these statutory  
104 provisions apply to include a violation of **section 2**.

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

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

115 Existing law requires the Superintendent of Public Instruction to grant all  
116 licenses for teachers and other educational personnel. (NRS 391.033) **Section 23** of



117 this bill requires the Superintendent to suspend the application process for an  
118 applicant for licensure against whom a substantiated report of a violation of **section**  
119 **2** is made and take certain other actions related to the report.

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

127 Existing law authorizes the board of trustees of a school district or the  
128 governing body of a public school to suspend, dismiss, demote or refuse to employ  
129 a teacher or administrator for immorality. (NRS 391.650, 391.750) Existing law  
130 also authorizes the superintendent of a school district to suspend a licensed  
131 employee who has been charged but not yet convicted of a crime involving  
132 immorality. (NRS 391.760) **Sections 27 and 28** of this bill add a violation of  
133 **section 2** to the list of immoral acts for which such action may be taken. **Section 28**  
134 also provides that a licensed employee who is convicted of a violation of **section 2**  
135 forfeits all rights of employment after the date of his or her arrest.

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

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

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

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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  
4 another person to make a sexual penetration on themselves or  
5 another, or on a beast, against the will of the victim or under  
6 conditions in which the perpetrator knows or should know that the  
7 victim is mentally or physically incapable of resisting or  
8 understanding the nature of the perpetrator's conduct; or

9 (b) Commits a sexual penetration upon a child under the age of  
10 14 years or causes a child under the age of 14 years to make a sexual  
11 penetration on themselves or another, or on a beast.



1 2. Except as otherwise provided in subsections 3 and 4, a  
2 person who commits a sexual assault is guilty of a category A  
3 felony and shall be punished:

4 (a) If substantial bodily harm to the victim results from the  
5 actions of the defendant committed in connection with or as a part  
6 of the sexual assault, by imprisonment in the state prison:

7 (1) For life without the possibility of parole; or

8 (2) For life with the possibility of parole, with eligibility for  
9 parole beginning when a minimum of 15 years has been served.

10 (b) If no substantial bodily harm to the victim results, by  
11 imprisonment in the state prison for life with the possibility of  
12 parole, with eligibility for parole beginning when a minimum of 10  
13 years has been served.

14 3. Except as otherwise provided in subsection 4, a person who  
15 commits a sexual assault against a child under the age of 16 years is  
16 guilty of a category A felony and shall be punished:

17 (a) If the crime results in substantial bodily harm to the child, by  
18 imprisonment in the state prison for life without the possibility of  
19 parole.

20 (b) Except as otherwise provided in paragraph (c), if the crime  
21 does not result in substantial bodily harm to the child, by  
22 imprisonment in the state prison for life with the possibility of  
23 parole, with eligibility for parole beginning when a minimum of 25  
24 years has been served.

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

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

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

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

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

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



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

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

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

9 (a) Incest pursuant to NRS 201.180;

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

11 (c) Sado-masochistic abuse pursuant to NRS 201.262; ~~{or}~~

12 (d) Luring a child using a computer, system or network pursuant  
13 to NRS 201.560, if punished as a felony ~~{}~~; or

14 (e) *A violation of section 2 of this act.*

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

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

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

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

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

31 (2) *Facilitate the commission by the person in a position of  
32 authority of a crime punishable as a felony or gross misdemeanor,  
33 is guilty of a category C felony and shall be punished as  
34 provided in NRS 193.130.*

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

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

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

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



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

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

5           (4) *Facilitate the commission by the person in a position of*  
6 *authority of a crime punishable as a felony or gross misdemeanor,*  
7 *↵ is guilty of a category C felony and shall be punished as*  
8 *provided in NRS 193.130.*

9           3. *The provisions of this section do not apply if the person in*  
10 *a position of authority:*

11           (a) *Is married to the pupil at the time an act prohibited by this*  
12 *section is committed;*

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

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

21           4. *As used in this section:*

22           (a) *“Electronic communication device” has the meaning*  
23 *ascribed to it in NRS 200.737.*

24           (b) *“Person in a position of authority” means a person who is*  
25 *18 years of age or older and who:*

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

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

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

32           (d) *“Sexual conduct” includes sexual conduct between two*  
33 *persons who are in different physical locations but who are*  
34 *communicating with each other through the use of an electronic*  
35 *communication device.*

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

40           (f) *“Sexual portrayal” has the meaning ascribed to it in*  
41 *NRS 200.700.*

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

43           201.265 Except as otherwise provided in NRS 200.720 and  
44 201.2655, and unless a greater penalty is provided pursuant to



1 NRS 201.560 ~~§~~ *or section 2 of this act*, a person is guilty of a  
2 misdemeanor if the person knowingly:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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





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

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

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

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

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

19 (b) Any corroboration of the offense exists beyond the  
20 testimony of the victim or witness.

21 4. If the court determines there is a prima facie showing of a  
22 compelling need for an additional psychological or psychiatric  
23 examination of the victim or witness, the court shall issue a factual  
24 finding that details with particularity the reasons why an additional  
25 psychological or psychiatric examination of the victim or witness is  
26 warranted.

27 5. If the court issues a factual finding pursuant to subsection 4  
28 and the victim or witness consents to an additional psychological or  
29 psychiatric examination, the court shall set the parameters for the  
30 examination consistent with the purpose of determining the ability  
31 of the victim or witness to perceive and relate events relevant to the  
32 criminal prosecution.

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

35 (a) Sexual assault pursuant to NRS 200.366;

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

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

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

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

43 (f) Incest pursuant to NRS 201.180;

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

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



- 1 (i) Lewdness with a child pursuant to NRS 201.230;
- 2 (j) Sexual penetration of a dead human body pursuant to
- 3 NRS 201.450;
- 4 (k) An offense involving the administration of a drug to another
- 5 person with the intent to enable or assist the commission of a felony
- 6 pursuant to NRS 200.405, if the felony is an offense listed in this
- 7 section;
- 8 (l) An offense involving the administration of a controlled
- 9 substance to another person with the intent to enable or assist the
- 10 commission of a crime of violence pursuant to NRS 200.408, if the
- 11 crime of violence is an offense listed in this section;
- 12 (m) Luring a child or a person with mental illness pursuant to
- 13 NRS 201.560;
- 14 (n) An offense that is found to be sexually motivated pursuant to
- 15 NRS 175.547 or 207.193;
- 16 (o) Pandering of a child pursuant to NRS 201.300;
- 17 (p) *A violation of section 2 of this act;*
- 18 (q) Any other offense that has an element involving a sexual act
- 19 or sexual conduct with another person; or
- 20 ~~(q)~~ (r) Any attempt or conspiracy to commit an offense listed
- 21 in this subsection.

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

23 176.0931 1. If a defendant is convicted of a sexual offense,

24 the court shall include in sentencing, in addition to any other

25 penalties provided by law, a special sentence of lifetime supervision.

26 2. The special sentence of lifetime supervision commences

27 after any period of probation or any term of imprisonment and any

28 period of release on parole.

29 3. A person sentenced to lifetime supervision may petition the

30 sentencing court or the State Board of Parole Commissioners for

31 release from lifetime supervision. The sentencing court or the Board

32 shall grant a petition for release from a special sentence of lifetime

33 supervision if:

34 (a) The person has complied with the requirements of the

35 provisions of NRS 179D.010 to 179D.550, inclusive;

36 (b) The person has not been convicted of an offense that poses a

37 threat to the safety or well-being of others for an interval of at least

38 10 consecutive years after the person's last conviction or release

39 from incarceration, whichever occurs later; and

40 (c) The person is not likely to pose a threat to the safety of

41 others, as determined by a licensed, clinical professional who has

42 received training in the treatment of sexual offenders, if released

43 from lifetime supervision.

44 4. A person who is released from lifetime supervision pursuant

45 to the provisions of subsection 3 remains subject to the provisions



1 for registration as a sex offender and to the provisions for  
2 community notification, unless the person is otherwise relieved from  
3 the operation of those provisions pursuant to the provisions of NRS  
4 179D.010 to 179D.550, inclusive.

5 5. As used in this section:

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

8 (1) An offense that involves:

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

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

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

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

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

15 (VI) Physical or mental abuse;

16 (VII) Death or bodily injury;

17 (VIII) An act of domestic violence;

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

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

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

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

27 (I) A tribal court.

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

30 (b) "Sexual offense" means:

31 (1) A violation of NRS 200.366, subsection 4 of NRS  
32 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730,  
33 NRS 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph  
34 (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of  
35 NRS 201.560 ~~§~~ *or section 2 of this act*;

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

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

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

43 176.133 As used in NRS 176.133 to 176.161, inclusive, unless  
44 the context otherwise requires:



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

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

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

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

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

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

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

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

18 3. "Sexual offense" means:

19 (a) Sexual assault pursuant to NRS 200.366;

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

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

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

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

29 (f) Incest pursuant to NRS 201.180;

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

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

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

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

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

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

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

43 (n) *A violation of section 2 of this act;*

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



1 ~~(c)~~ (p) An offense that is determined to be sexually motivated  
2 pursuant to NRS 175.547 or 207.193.

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

4 176A.110 1. The court shall not grant probation to or  
5 suspend the sentence of a person convicted of an offense listed in  
6 subsection 3 unless:

7 (a) If a psychosexual evaluation of the person is required  
8 pursuant to NRS 176.139, the person who conducts the  
9 psychosexual evaluation certifies in the report prepared pursuant to  
10 NRS 176.139 that the person convicted of the offense does not  
11 represent a high risk to reoffend based upon a currently accepted  
12 standard of assessment; or

13 (b) If a psychosexual evaluation of the person is not required  
14 pursuant to NRS 176.139, a psychologist licensed to practice in this  
15 State who is trained to conduct psychosexual evaluations or a  
16 psychiatrist licensed to practice medicine in this State who is  
17 certified by the American Board of Psychiatry and Neurology, Inc.,  
18 and is trained to conduct psychosexual evaluations certifies in a  
19 written report to the court that the person convicted of the offense  
20 does not represent a high risk to reoffend based upon a currently  
21 accepted standard of assessment.

22 2. This section does not create a right in any person to be  
23 certified or to continue to be certified. No person may bring a cause  
24 of action against the State, its political subdivisions, or the agencies,  
25 boards, commissions, departments, officers or employees of the  
26 State or its political subdivisions for not certifying a person pursuant  
27 to this section or for refusing to consider a person for certification  
28 pursuant to this section.

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

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

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

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

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

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

39 (f) Incest pursuant to NRS 201.180.

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

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

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

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



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

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

5 (m) *A violation of section 2 of this act.*

6 (n) A violation of NRS 207.180.

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

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

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

12 176A.413 1. Except as otherwise provided in subsection 2, if  
13 a defendant is convicted of stalking with the use of an Internet or  
14 network site, electronic mail, text messaging or any other similar  
15 means of communication pursuant to subsection 4 of NRS 200.575,  
16 an offense involving pornography and a minor pursuant to NRS  
17 200.710 to 200.730, inclusive, ~~for~~ luring a child or a person with  
18 mental illness through the use of a computer, system or network  
19 pursuant to paragraph (a) or (b) of subsection 4 of NRS 201.560 *or*  
20 *a violation of section 2 of this act which involved the use of an*  
21 *electronic communication device* and the court grants probation or  
22 suspends the sentence, the court shall, in addition to any other  
23 condition ordered pursuant to NRS 176A.400, order as a condition  
24 of probation or suspension that the defendant not own or use a  
25 computer, including, without limitation, use electronic mail, a chat  
26 room or the Internet.

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

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

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

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

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



1 4. As used in this section:

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

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

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

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

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

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

13 178.5698 1. The prosecuting attorney, sheriff or chief of  
14 police shall, upon the request of a victim or witness, inform the  
15 victim or witness:

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

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

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

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

26 (a) In writing; or

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

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

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

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

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

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

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

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



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

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

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

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

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

11 (c) If a person listed in paragraph (a) or (b) is under the age of  
12 18 years, each parent or guardian who is not the offender.

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

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

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

23 6. If the offender was convicted of a violation of subsection 3  
24 of NRS 200.366 or a violation of subsection 1, paragraph (a) of  
25 subsection 2 or subparagraph (2) of paragraph (b) of subsection 2 of  
26 NRS 200.508, the warden of the prison shall notify:

27 (a) The immediate family of the victim if the immediate family  
28 provides their current address;

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

32 (c) The victim, if the victim will be 18 years of age or older at  
33 the time of the release and has provided a current address,  
34 before the offender is released from prison.

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

39 8. As used in this section:

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

42 (b) "Sexual offense" means:

43 (1) Sexual assault pursuant to NRS 200.366;

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





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

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

5 (5) Incest pursuant to NRS 201.180;

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

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

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

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

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

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

15 (12) *A violation of section 2 of this act;*

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

18 ~~(13)~~ (14) An offense that, pursuant to a specific statute, is  
19 determined to be sexually motivated; or

20 ~~(14)~~ (15) An attempt to commit an offense listed in this  
21 paragraph.

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

23 179.245 1. Except as otherwise provided in subsection 6 and  
24 NRS 176.211, 176A.245, 176A.265, 176A.295, 179.247, 179.259,  
25 201.354 and 453.3365, a person may petition the court in which the  
26 person was convicted for the sealing of all records relating to a  
27 conviction of:

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

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

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

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

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



1 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  
4 is punished as a misdemeanor, a battery pursuant to NRS 200.481,  
5 harassment pursuant to NRS 200.571, stalking pursuant to NRS  
6 200.575 or a violation of a temporary or extended order for  
7 protection, after 2 years from the date of release from actual custody  
8 or from the date when the person is no longer under a suspended  
9 sentence, whichever occurs later; or

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

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

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

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

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

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

28 (1) Date of birth of the petitioner;

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

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

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

40 4. If the prosecuting agency that prosecuted the petitioner for  
41 the crime stipulates to the sealing of the records, the court shall  
42 apply the presumption set forth in NRS 179.2445 and seal the  
43 records. If the prosecuting agency does not stipulate to the sealing of  
44 the records or does not file a written objection within 30 days after  
45 receiving notification pursuant to subsection 3 and the court makes



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

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

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

23 (a) A crime against a child;

24 (b) A sexual offense;

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

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

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

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

35 (g) A violation of NRS 488.410 that is punishable as a felony  
36 pursuant to NRS 488.427; or

37 (h) A violation of NRS 488.420 or 488.425.

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

44 (a) Paragraph (b) of subsection 1 of NRS 484C.400; or



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

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

10 9. As used in this section:

11 (a) "Crime against a child" has the meaning ascribed to it in  
12 NRS 179D.0357.

13 (b) "Sexual offense" means:

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

18 (2) Sexual assault pursuant to NRS 200.366.

19 (3) Statutory sexual seduction pursuant to NRS 200.368, if  
20 punishable as a felony.

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

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

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

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

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

35 (9) Incest pursuant to NRS 201.180.

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

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

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

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

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



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

3 (16) *A violation of section 2 of this act.*

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

6 ~~[(17)]~~ (18) An attempt to commit an offense listed in this  
7 paragraph.

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

9 179.460 1. The Attorney General or the district attorney of  
10 any county may apply to a Supreme Court justice or to a district  
11 judge in the county where the interception is to take place for an  
12 order authorizing the interception of wire, electronic or oral  
13 communications, and the judge may, in accordance with NRS  
14 179.470 to 179.515, inclusive, grant an order authorizing the  
15 interception of wire, electronic or oral communications by  
16 investigative or law enforcement officers having responsibility for  
17 the investigation of the offense as to which the application is made,  
18 when the interception may provide evidence of the commission of  
19 murder, kidnapping, robbery, extortion, bribery, escape of an  
20 offender in the custody of the Department of Corrections,  
21 destruction of public property by explosives, a sexual offense  
22 against a child, sex trafficking, a violation of NRS 200.463, 200.464  
23 or 200.465, trafficking in persons in violation of NRS 200.467 or  
24 200.468, the commission of any offense which is made a felony by  
25 the provisions of chapter 453 or 454 of NRS or a violation of NRS  
26 463.160 or 465.086.

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

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

37 (a) Incest pursuant to NRS 201.180;

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

39 (c) Sado-masochistic abuse pursuant to NRS 201.262;

40 (d) Sexual assault pursuant to NRS 200.366;

41 (e) Statutory sexual seduction pursuant to NRS 200.368;

42 (f) Open or gross lewdness pursuant to NRS 201.210; ~~for]~~

43 (g) Luring a child or a person with mental illness pursuant to  
44 NRS 201.560, if punished as a felony ~~[(g)]~~; **or**

45 *(h) A violation of section 2 of this act.*



1       **Sec. 13.** NRS 179D.097 is hereby amended to read as follows:  
2       179D.097 1. "Sexual offense" means any of the following  
3 offenses:

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

8       (b) Sexual assault pursuant to NRS 200.366.

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

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

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

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

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

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

24       (i) Incest pursuant to NRS 201.180.

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

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

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

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

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

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

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

36       (q) Sex trafficking pursuant to NRS 201.300.

37       (r) *A violation of section 2 of this act.*

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

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

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

44       ~~(u)~~ (v) An offense committed in another jurisdiction that, if  
45 committed in this State, would be an offense listed in this



1 subsection. This paragraph includes, without limitation, an offense  
2 prosecuted in:

- 3 (1) A tribal court.  
4 (2) A court of the United States or the Armed Forces of the  
5 United States.

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

- 13 (1) A tribal court.  
14 (2) A court of the United States or the Armed Forces of the  
15 United States.  
16 (3) A court having jurisdiction over juveniles.

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

- 20 (a) An adult, unless the adult was under the custodial authority  
21 of the offender at the time of the offense; or  
22 (b) At least 13 years of age and the offender was not more than  
23 4 years older than the victim at the time of the commission of the  
24 offense.

25 **Sec. 14.** NRS 179D.115 is hereby amended to read as follows:  
26 179D.115 “Tier II offender” means an offender convicted of a  
27 crime against a child or a sex offender, other than a Tier III  
28 offender, whose crime against a child is punishable by  
29 imprisonment for more than 1 year or whose sexual offense:

- 30 1. If committed against ~~a~~ :
- 31 (a) A child, constitutes:
- 32 ~~(a)~~ (1) Luring a child pursuant to NRS 201.560, if punishable  
33 as a felony;
- 34 ~~(b)~~ (2) Abuse of a child pursuant to NRS 200.508, if the abuse  
35 involved sexual abuse or sexual exploitation;
- 36 ~~(c)~~ (3) An offense involving sex trafficking pursuant to NRS  
37 201.300 or prostitution pursuant to NRS 201.320 or 201.395;
- 38 ~~(d)~~ (4) An offense involving pornography and a minor  
39 pursuant to NRS 200.710 to 200.730, inclusive; or
- 40 ~~(e)~~ (5) Any other offense that is comparable to or more severe  
41 than the offenses described in 34 U.S.C. § 20911(3) . ~~(f)~~

42 (b) *A pupil, constitutes a violation of section 2 of this act.*  
43 2. Involves an attempt or conspiracy to commit any offense  
44 described in subsection 1 . ~~(g)~~



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

5 (a) A tribal court; or

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

8 4. Is committed after the person becomes a Tier I offender if  
9 any of the person's sexual offenses constitute an offense punishable  
10 by imprisonment for more than 1 year.

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

12 179D.495 If a person who is required to register pursuant to  
13 NRS 179D.010 to 179D.550, inclusive, has been convicted of an  
14 offense described in paragraph ~~(c)~~ (s) of subsection 1 of NRS  
15 179D.097, *subparagraph (5) of* paragraph ~~(c)~~ (a) of subsection 1  
16 or subsection 3 of NRS 179D.115 or subsection 7 or 9 of NRS  
17 179D.117, the Central Repository shall determine whether the  
18 person is required to register as a Tier I offender, Tier II offender or  
19 Tier III offender.

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

21 213.107 As used in NRS 213.107 to 213.157, inclusive, unless  
22 the context otherwise requires:

23 1. "Board" means the State Board of Parole Commissioners.

24 2. "Chief" means the Chief Parole and Probation Officer.

25 3. "Division" means the Division of Parole and Probation of  
26 the Department of Public Safety.

27 4. "Residential confinement" means the confinement of a  
28 person convicted of a crime to his or her place of residence under  
29 the terms and conditions established by the Board.

30 5. "Responsivity factors" means characteristics of a person that  
31 affect his or her ability to respond favorably or unfavorably to any  
32 treatment goals.

33 6. "Risk and needs assessment" means a validated,  
34 standardized actuarial tool that identifies risk factors that increase  
35 the likelihood of a person reoffending and factors that, when  
36 properly addressed, can reduce the likelihood of a person  
37 reoffending.

38 7. "Sex offender" means any person who has been or is  
39 convicted of a sexual offense.

40 8. "Sexual offense" means:

41 (a) A violation of NRS 200.366, subsection 4 of NRS 200.400,  
42 NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS  
43 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or  
44 (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS

45 201.560 ~~§~~ *or section 2 of this act;*





1 (b) An attempt to commit any offense listed in paragraph (a); or  
2 (c) An act of murder in the first or second degree, kidnapping in  
3 the first or second degree, false imprisonment, burglary or invasion  
4 of the home if the act is determined to be sexually motivated at a  
5 hearing conducted pursuant to NRS 175.547.

6 9. "Standards" means the objective standards for granting or  
7 revoking parole or probation which are adopted by the Board or the  
8 Chief.

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

10 213.1214 1. The Department of Corrections shall assess each  
11 prisoner who has been convicted of a sexual offense to determine  
12 the prisoner's risk to reoffend in a sexual manner using a currently  
13 accepted standard of assessment. The completed assessment must  
14 include, without limitation, a determination of the prisoner's level of  
15 risk to reoffend in a sexual manner, including, without limitation,  
16 whether the prisoner is a high risk to reoffend in a sexual manner for  
17 the purposes of subsection 3 of NRS 213.1215. The Director shall  
18 ensure a completed assessment is provided to the Board before, but  
19 not sooner than 120 days before, a scheduled parole hearing.

20 2. The Director shall:

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

24 (b) Establish a procedure to:

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

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

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

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



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

5 6. As used in this section:

6 (a) "Director" means the Director of the Department of  
7 Corrections.

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

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

12 (1) Convicted of a sexual offense; or

13 (2) Adjudicated delinquent or found guilty by a court having  
14 jurisdiction over juveniles of a sexual offense listed in subparagraph  
15 ~~(20)~~ (21) of paragraph (d).

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

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

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

24 (2) Sexual assault pursuant to NRS 200.366.

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

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

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

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

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

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

40 (9) Incest pursuant to NRS 201.180.

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

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

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

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



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

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

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

7 (17) *A violation of section 2 of this act.*

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

10 ~~[(18)]~~ (19) An offense that is determined to be sexually  
11 motivated pursuant to NRS 175.547 or 207.193.

12 ~~[(19)]~~ (20) An offense committed in another jurisdiction  
13 that, if committed in this State, would be an offense listed in this  
14 paragraph. This subparagraph includes, but is not limited to, an  
15 offense prosecuted in:

16 (I) A tribal court.

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

19 ~~[(20)]~~ (21) An offense of a sexual nature committed in  
20 another jurisdiction, whether or not the offense would be an offense  
21 listed in this paragraph, if the person who committed the offense  
22 resides or has resided or is or has been a student or worker in any  
23 jurisdiction in which the person is or has been required by the laws  
24 of that jurisdiction to register as a sex offender because of the  
25 offense. This subparagraph includes, but is not limited to, an offense  
26 prosecuted in:

27 (I) A tribal court.

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

30 (III) A court having jurisdiction over juveniles.

31 ↗ Except for the offenses described in subparagraphs (14) , ~~[and]~~  
32 (15) ~~[(16)]~~ and 17, the term does not include an offense involving  
33 consensual sexual conduct if the victim was an adult, unless the  
34 adult was under the custodial authority of the offender at the time of  
35 the offense, or if the victim was at least 13 years of age and the  
36 offender was not more than 4 years older than the victim at the time  
37 of the commission of the offense.

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

39 213.1258 1. Except as otherwise provided in subsection 2, if  
40 the Board releases on parole a prisoner convicted of stalking with  
41 the use of an Internet or network site, electronic mail, text  
42 messaging or any other similar means of communication pursuant to  
43 subsection 4 of NRS 200.575, an offense involving pornography  
44 and a minor pursuant to NRS 200.710 to 200.730, inclusive, ~~[or]~~  
45 luring a child or a person with mental illness through the use of a



1 computer, system or network pursuant to paragraph (a) or (b) of  
2 subsection 4 of NRS 201.560 ~~(c)~~ *or a violation of section 2 of this*  
3 *act which involved the use of an electronic communication device,*  
4 the Board shall, in addition to any other condition of parole, require  
5 as a condition of parole that the parolee not own or use a computer,  
6 including, without limitation, use electronic mail, a chat room or the  
7 Internet.

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

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

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

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

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

24 4. As used in this section:

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

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

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

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

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

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

36 288.150 1. Except as otherwise provided in subsection 6 and  
37 NRS 354.6241, every local government employer shall negotiate in  
38 good faith through one or more representatives of its own choosing  
39 concerning the mandatory subjects of bargaining set forth in  
40 subsection 2 with the designated representatives of the recognized  
41 employee organization, if any, for each appropriate bargaining unit  
42 among its employees. If either party so requests, agreements reached  
43 must be reduced to writing.

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



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

3 (b) Sick leave.

4 (c) Vacation leave.

5 (d) Holidays.

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

7 (f) Insurance benefits.

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

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

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

14 (j) Recognition clause.

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

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

18 (m) Protection of employees in the bargaining unit from  
19 discrimination because of participation in recognized employee  
20 organizations consistent with the provisions of this chapter.

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

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

26 (p) General savings clauses.

27 (q) Duration of collective bargaining agreements.

28 (r) Safety of the employee.

29 (s) Teacher preparation time.

30 (t) Materials and supplies for classrooms.

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

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

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

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

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



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

4 (c) The right to determine:

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

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

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

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

12 (d) Safety of the public.

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

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

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

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

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

41 (2) If the local government employer has budgeted an  
42 unreserved ending fund balance in its general fund for the current  
43 fiscal year in an amount equal to 4 percent or less of the actual  
44 expenditures from the general fund for the last preceding fiscal year,  
45 and the local government employer has provided a written



1 explanation of the budgeted ending fund balance to the Department  
2 of Taxation that includes the reason for the ending fund balance and  
3 the manner in which the local government employer plans to  
4 increase the ending fund balance.

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

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

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

17 8. If the sponsor of a charter school reconstitutes the governing  
18 body of a charter school pursuant to NRS 388A.330, the new  
19 governing body may terminate the employment of any teachers or  
20 other employees of the charter school, and any provision of any  
21 agreement negotiated pursuant to this chapter that provides  
22 otherwise is unenforceable and void.

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

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

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

32 10. Any provision of an agreement negotiated pursuant to this  
33 chapter which differs from or conflicts in any way with the  
34 provisions of subsection 9 or imposes consequences on the board of  
35 trustees of a school district or the principal of a school for taking  
36 any action authorized pursuant to subsection 9 is unenforceable and  
37 void.

38 11. The board of trustees of a school district or the governing  
39 body of a charter school or university school for profoundly gifted  
40 pupils may use a substantiated report of the abuse or neglect of a  
41 child or a violation of NRS 201.540, 201.560, 392.4633 or 394.366  
42 *or section 2 of this act* obtained from the Statewide Central Registry  
43 for the Collection of Information Concerning the Abuse or Neglect  
44 of a Child established by NRS 432.100 or an equivalent registry  
45 maintained by a governmental agency in another jurisdiction for the



1 purposes authorized by NRS 388A.515, 388C.200, 391.033,  
2 391.104 or 391.281, as applicable. Such purposes may include,  
3 without limitation, making a determination concerning the  
4 assignment, discipline or termination of an employee. Any provision  
5 of any agreement negotiated pursuant to this chapter which conflicts  
6 with the provisions of this subsection is unenforceable and void.

7 12. This section does not preclude, but this chapter does not  
8 require, the local government employer to negotiate subject matters  
9 enumerated in subsection 3 which are outside the scope of  
10 mandatory bargaining. The local government employer shall discuss  
11 subject matters outside the scope of mandatory bargaining but it is  
12 not required to negotiate those matters.

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

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

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

18 388A.515 1. Each applicant for employment with and  
19 employee at a charter school, except a licensed teacher or other  
20 person licensed by the Superintendent of Public Instruction, and,  
21 except as otherwise provided in NRS 388A.516, each volunteer at a  
22 charter school who is likely to have unsupervised contact with  
23 pupils, must, before beginning his or her employment or service as a  
24 volunteer and at least once every 5 years thereafter, submit to the  
25 governing body of the charter school:

26 (a) A complete set of the applicant's, employee's or volunteer's  
27 fingerprints and written permission authorizing the governing body  
28 to forward the fingerprints to the Central Repository for Nevada  
29 Records of Criminal History for its report on the criminal history of  
30 the applicant, or employee or volunteer and for submission to the  
31 Federal Bureau of Investigation for its report on the criminal history  
32 of the applicant, employee or volunteer; and

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

41 2. In conducting an investigation into the background of an  
42 applicant, employee or volunteer, the governing body of a charter  
43 school may cooperate with any appropriate law enforcement agency  
44 to obtain information relating to the background of the applicant,  
45 employee or volunteer, including, without limitation, any record of





1 warrants for the arrest of or applications for protective orders  
2 against the applicant, employee or volunteer.

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

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

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

43 6. If the Superintendent of Public Instruction or the  
44 Superintendent's designee determines that the conviction of the  
45 applicant, employee or volunteer is related to the position with



1 the charter school for which the applicant has applied or in which  
2 the employee is employed or the volunteer wishes to serve, the  
3 governing body of the charter school shall not employ the applicant  
4 or employee or accept the volunteer, as applicable. If the  
5 Superintendent of Public Instruction or the Superintendent's  
6 designee determines that the conviction of the applicant, employee  
7 or volunteer is unrelated to the position with the charter school for  
8 which the applicant has applied or in which the employee is  
9 employed or the volunteer wishes to serve, the governing body of  
10 the charter school may employ the applicant or employee for that  
11 position or accept the volunteer, as applicable.

12 7. The governing body of a charter school may use a  
13 substantiated report of the abuse or neglect of a child, as defined in  
14 NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or  
15 394.366 *or section 2 of this act* obtained from the Statewide Central  
16 Registry or an equivalent registry maintained by a governmental  
17 agency in another jurisdiction:

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

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

23 8. The governing body of a charter school:

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

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

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

31 388A.5342 The governing body of a charter school shall  
32 terminate the employment of any teacher or administrator who is  
33 employed by the charter school but is not licensed pursuant to  
34 chapter 391 of NRS upon his or her conviction of a:

35 1. Felony or crime involving moral turpitude; or

36 2. Sex offense pursuant to NRS 200.366, 200.368, 201.190,  
37 201.220, 201.230, 201.540 or 201.560 *or section 2 of this act*.

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

39 388C.200 1. Except as otherwise provided in NRS 388C.205,  
40 each applicant for employment with and employee at a university  
41 school for profoundly gifted pupils, except a licensed teacher or  
42 other person licensed by the Superintendent of Public Instruction,  
43 and each volunteer at a university school for profoundly gifted  
44 pupils who is likely to have unsupervised contact with pupils, must,  
45 before beginning his or her employment or service as a volunteer



1 and at least once every 5 years thereafter, submit to the governing  
2 body of the university school:

3 (a) A complete set of his or her fingerprints and written  
4 permission authorizing the governing body to forward the  
5 fingerprints to the Central Repository for Nevada Records of  
6 Criminal History for its report on the criminal history of the  
7 applicant, employee or volunteer and for submission to the Federal  
8 Bureau of Investigation for its report on the criminal history of the  
9 applicant, employee or volunteer; and

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

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

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

32 4. If the information obtained by the governing body pursuant  
33 to subsection 1 or 2 or subsection 5 of NRS 388C.205 indicates that  
34 the applicant, employee or volunteer has been convicted of a felony  
35 or an offense involving moral turpitude and the governing body of  
36 the university school for profoundly gifted pupils does not  
37 disqualify the applicant or employee from employment or the  
38 volunteer from serving as a volunteer on the basis of that report, the  
39 governing body shall, upon the written authorization of  
40 the applicant, employee or volunteer forward a copy of the  
41 information to the Superintendent of Public Instruction. If the  
42 applicant, employee or volunteer refuses to provide his or her  
43 written authorization to forward a copy of the report pursuant to this  
44 subsection, the university school shall not employ the applicant or  
45 employee or accept the volunteer, as applicable.



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

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

36 7. The governing body of a university school for profoundly  
37 gifted pupils may use a substantiated report of the abuse or neglect  
38 of a child, as defined in NRS 392.281, or a violation of NRS  
39 201.540, 201.560, 392.4633 or 394.366 *or section 2 of this act*  
40 obtained from the Statewide Central Registry or an equivalent  
41 registry maintained by a governmental agency in another  
42 jurisdiction:

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



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

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

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

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

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

11 391.033 1. All licenses for teachers and other educational  
12 personnel are granted by the Superintendent of Public Instruction  
13 pursuant to regulations adopted by the Commission and as  
14 otherwise provided by law.

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

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

19 (a) A complete set of his or her fingerprints and written  
20 permission authorizing the Superintendent to forward the  
21 fingerprints to the Central Repository for Nevada Records of  
22 Criminal History for its initial report on the criminal history of the  
23 applicant and for reports thereafter upon renewal of the license  
24 pursuant to subsection 8 of NRS 179A.075, and for submission to  
25 the Federal Bureau of Investigation for its report on the criminal  
26 history of the applicant; and

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

32 4. In conducting an investigation into the background of an  
33 applicant for a license, the Superintendent may cooperate with any  
34 appropriate law enforcement agency to obtain information relating  
35 to the criminal history of the applicant, including, without  
36 limitation, any record of warrants for the arrest of or applications for  
37 protective orders against the applicant.

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

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

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



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

3 (1) Does not indicate that the applicant has been convicted of  
4 a felony or any offense involving moral turpitude or indicates that  
5 the applicant has been convicted of a felony or an offense involving  
6 moral turpitude but the Superintendent determines that the  
7 conviction is unrelated to the position within the county school  
8 district or charter school for which the applicant applied or for  
9 which he or she is currently employed, as applicable;

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

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

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

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

22 (a) Suspend the application process;

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

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

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

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

34 (b) The Superintendent provides to the applicant:

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

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

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

44 10. If the Superintendent denies an application for a license  
45 pursuant to this section, the Superintendent must, within 15 days



1 after the date on which the application is denied, provide notice of  
2 the denial to the school district or charter school that employs the  
3 applicant if the applicant is employed by a school district or charter  
4 school. Such a notice must not state the reasons for denial.

5 11. The Department shall:

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

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

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

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

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

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

34 13. The Superintendent, the board of trustees of a school  
35 district, the governing body of a charter school or university school  
36 for profoundly gifted pupils or the administrator of a private  
37 school may not be held liable for damages resulting from any action  
38 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  
41 with appropriate officials of other countries concerning the licensing  
42 of teachers.

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



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

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

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

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

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

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

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

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

41       4. Except as otherwise provided in subsection 5, the board of  
42 trustees of a school district shall not require a licensed teacher or  
43 other person licensed by the Superintendent of Public Instruction  
44 pursuant to NRS 391.033 who has taken a leave of absence from





1 employment authorized by the school district, including, without  
2 limitation:

3 (a) Sick leave;

4 (b) Sabbatical leave;

5 (c) Personal leave;

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

8 (e) Maternity leave; and

9 (f) Leave permitted by the Family and Medical Leave Act of  
10 1993, 29 U.S.C. §§ 2601 et seq.,

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

14 5. A board of trustees of a school district may ask the  
15 Superintendent of Public Instruction to require a person licensed by  
16 the Superintendent of Public Instruction pursuant to NRS 391.033  
17 who has taken a leave of absence from employment authorized by  
18 the school district to submit a set of his or her fingerprints as a  
19 condition of return to or continued employment with the school  
20 district if the board of trustees has probable cause to believe that the  
21 person has committed a felony or an offense involving moral  
22 turpitude during the period of his or her leave of absence.

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

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

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

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

30 391.281 1. Each applicant for employment or appointment  
31 pursuant to this section or employee, except a teacher or other  
32 person licensed by the Superintendent of Public Instruction, must,  
33 before beginning his or her employment or appointment and at least  
34 once every 5 years thereafter, submit to the school district:

35 (a) A full set of the applicant's or employee's fingerprints and  
36 written permission authorizing the school district to forward the  
37 fingerprints to the Central Repository for Nevada Records of  
38 Criminal History for its report on the criminal history of the  
39 applicant or employee and for submission to the Federal Bureau of  
40 Investigation for its report on the criminal history of the applicant or  
41 employee.

42 (b) Written authorization for the board of trustees of the school  
43 district to obtain any information concerning the applicant or  
44 employee that may be available from the Statewide Central Registry  
45 and any equivalent registry maintained by a governmental entity in a



1 jurisdiction in which the applicant or employee has resided within  
2 the immediately preceding 5 years.

3 2. In conducting an investigation into the background of an  
4 applicant or employee, a school district may cooperate with any  
5 appropriate law enforcement agency to obtain information relating  
6 to the criminal history of the applicant or employee, including,  
7 without limitation, any record of warrants for the arrest of or  
8 applications for protective orders against the applicant or employee.

9 3. The board of trustees of a school district may use a  
10 substantiated report of the abuse or neglect of a child, as defined in  
11 NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or  
12 394.366 *or section 2 of this act* obtained from the Statewide Central  
13 Registry or an equivalent registry maintained by a governmental  
14 agency in another jurisdiction:

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

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

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

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

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

24 5. The board of trustees of a school district may employ or  
25 appoint persons to serve as school police officers. If the board of  
26 trustees of a school district employs or appoints persons to serve as  
27 school police officers, the board of trustees shall employ a law  
28 enforcement officer to serve as the chief of school police who is  
29 supervised by the superintendent of schools of the school district.  
30 The chief of school police shall supervise each person appointed or  
31 employed by the board of trustees as a school police officer,  
32 including any school police officer that provides services to a  
33 charter school pursuant to a contract entered into with the board of  
34 trustees pursuant to NRS 388A.384. In addition, persons who  
35 provide police services pursuant to subsection 6 or 7 shall be  
36 deemed school police officers.

37 6. The board of trustees of a school district in a county that has  
38 a metropolitan police department created pursuant to chapter 280 of  
39 NRS may contract with the metropolitan police department for the  
40 provision and supervision of police services in the public schools  
41 within the jurisdiction of the metropolitan police department and on  
42 property therein that is owned by the school district and on property  
43 therein that is owned or occupied by a charter school if the board of  
44 trustees has entered into a contract with the charter school for the  
45 provision of school police officers pursuant to NRS 388A.384. If a



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

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

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

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

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

33 (a) Unprofessional conduct.

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

35 (c) Evident unfitness for service.

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

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

39 (f) Conviction of a sex offense under NRS 200.366, 200.368,  
40 201.190, 201.220, 201.230, 201.540 or 201.560 *or section 2 of this*  
41 *act* in which a pupil enrolled in a school of a county school district  
42 was the victim.

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



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

5 (i) Breaches in the security or confidentiality of the questions  
6 and answers of the examinations that are administered pursuant to  
7 NRS 390.105 and the college and career readiness assessment  
8 administered pursuant to NRS 390.610.

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

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

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

15 (m) A substantiated report of abuse or neglect of a child, as  
16 defined in NRS 432B.020, or a violation of NRS 201.540, 201.560,  
17 392.4633 or 394.366 *or section 2 of this act* made against the  
18 applicant in any state.

19 2. The State Board shall adopt regulations governing the  
20 process by which a letter of reprimand may be issued to a teacher,  
21 administrator or other licensed employee pursuant to this section,  
22 including, without limitation, regulations concerning the time period  
23 during which a letter of reprimand will remain on the record of the  
24 teacher, administrator or other licensed employee.

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

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

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

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

33 (2) Pay the appropriate fee for licensure.

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

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

38 391.650 As used in NRS 391.650 to 391.826, inclusive, unless  
39 the context otherwise requires:

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

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



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

5 4. "Immorality" means:

6 (a) An act forbidden by NRS 200.366, 200.368, 200.400,  
7 200.508, 201.180, 201.190, 201.210, 201.220, 201.230, 201.265,  
8 201.540, 201.560, 207.260, 453.316 to 453.336, inclusive, except an  
9 act forbidden by NRS 453.337, 453.338, 453.3385 to 453.3405,  
10 inclusive, 453.560 or 453.562; or

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

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

21 6. "Probationary employee" means:

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

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

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

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

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

33 391.760 1. If a superintendent has reason to believe that  
34 cause exists for the dismissal of a licensed employee and the  
35 superintendent is of the opinion that the immediate suspension of  
36 the employee is necessary in the best interests of the pupils in the  
37 district, the superintendent may suspend the employee without  
38 notice and without a hearing. Within 10 days after the suspension  
39 becomes effective, the superintendent shall begin proceedings  
40 pursuant to NRS 391.680 to 391.800, inclusive, to carry out the  
41 employee's dismissal. The employee is entitled to continue to  
42 receive his or her salary and other benefits after the suspension  
43 becomes effective until the date on which the dismissal proceedings  
44 are commenced.



1 2. Notwithstanding the provisions of NRS 391.750, a  
2 superintendent may suspend a licensed employee who has been  
3 officially charged but not yet convicted of a felony or a crime  
4 involving moral turpitude or immorality. If the charge is dismissed  
5 or if the employee is found not guilty, the employee must be  
6 reinstated with back pay, plus interest, and normal seniority. The  
7 superintendent shall notify the employee in writing of the  
8 suspension. Within 10 days after the date on which the employee  
9 receives such notice, the superintendent shall provide the employee  
10 with the opportunity for an informal hearing to address the  
11 circumstances relating to the charges and any other circumstances  
12 relating to the suspension. The superintendent shall issue a written  
13 decision concerning the continuation of the suspension based on the  
14 information presented at the hearing. The employee is entitled to  
15 continue to receive his or her salary and other benefits after the  
16 suspension becomes effective until the date on which the  
17 superintendent issues the written decision. The superintendent may  
18 recommend that an employee who has been charged with a felony or  
19 a crime involving immorality be dismissed for another ground set  
20 forth in NRS 391.750.

21 3. If sufficient grounds for dismissal are not found to exist at  
22 the conclusion of the proceedings conducted pursuant to subsection  
23 1 or 2, the employee must be reinstated with full compensation, plus  
24 interest.

25 4. A licensed employee who furnishes to the school district a  
26 bond or other form of security which is acceptable to the board as a  
27 guarantee that the employee will repay any amounts paid to him or  
28 her pursuant to this subsection as salary during a period of  
29 suspension is entitled to continue to receive his or her salary from  
30 the date on which the dismissal proceedings are commenced until  
31 the decision of the board or the report of the hearing officer, if the  
32 report is final and binding. The board shall not unreasonably refuse  
33 to accept a form of security other than a bond. An employee who  
34 receives a salary pursuant to this subsection shall repay it if the  
35 employee is dismissed or not reemployed as a result of a decision of  
36 the board or a report of a hearing officer.

37 5. A licensed employee who is convicted of a crime which  
38 requires registration pursuant to NRS 179D.010 to 179D.550,  
39 inclusive, or is convicted of an act forbidden by NRS 200.508,  
40 201.190, 201.265, 201.540, 201.560 or 207.260 *or section 2 of this*  
41 *act* forfeits all rights of employment from the date of his or her  
42 arrest.

43 6. A licensed employee who is convicted of any crime and who  
44 is sentenced to and serves any sentence of imprisonment forfeits all



1 rights of employment from the date of his or her arrest or the date on  
2 which his or her employment terminated, whichever is later.

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

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

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

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

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

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

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

43 2. A report pursuant to subsection 1 must be made as soon as  
44 reasonably practicable but not later than 24 hours after the person  
45 knows or has reasonable cause to believe that the child has been



1 subjected to abuse or neglect or a violation of NRS 201.540,  
2 201.560, 392.4633 or 394.366 ~~§~~ *or section 2 of this act.*

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

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

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

19 (a) Allegedly occurred:

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

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

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

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

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

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

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

39 392.317 Except as otherwise provided in NRS 392.317 to  
40 392.337, inclusive, and in addition to information provided pursuant  
41 to NRS 392.337, information maintained by an agency which  
42 provides child welfare services pursuant to NRS 392.275 to  
43 392.365, inclusive, may, at the discretion of the agency which  
44 provides child welfare services, be made available only to:





1 1. The child who is the subject of the report, the parent or  
2 guardian of the child and an attorney for the child or the parent or  
3 guardian of the child, if the identity of the person responsible for  
4 reporting the abuse or neglect of the child or the violation of NRS  
5 201.540, 201.560, 392.4633 or 394.366 *or section 2 of this act* to a  
6 public agency and the identity of any child witness are kept  
7 confidential and the information is reasonably necessary to promote  
8 the safety, permanency and well-being of the child who is the  
9 subject of the report;

10 2. A physician, if the physician has before him or her a child  
11 who the physician has reasonable cause to believe has been abused  
12 or neglected or subject to a violation of NRS 201.540, 201.560,  
13 392.4633 or 394.366 ~~§~~ *or section 2 of this act*;

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

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

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

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

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

30 8. A federal, state or local governmental entity, or an agency of  
31 such an entity, or a juvenile court, that needs access to the  
32 information to carry out its legal responsibilities to protect children  
33 from abuse and neglect and violations of NRS 201.540, 201.560,  
34 392.4633 or 394.366 *or section 2 of this act* or similar statutes in  
35 another jurisdiction;

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

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

42 11. Upon written consent of the parent, any officer of this State  
43 or a city or county thereof or Legislator authorized by the agency or  
44 department having jurisdiction or by the Legislature, acting within



1 its jurisdiction, to investigate the activities or programs of an agency  
2 which provides child welfare services if:

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

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

8 12. The Division of Parole and Probation of the Department of  
9 Public Safety for use pursuant to NRS 176.135 in making a  
10 presentence investigation and report to the district court or pursuant  
11 to NRS 176.151 in making a general investigation and report;

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

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

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

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

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

25 392.325 1. An agency which provides child welfare services  
26 investigating a report made pursuant to NRS 392.303 shall, upon  
27 request, provide to a person named in the report as allegedly causing  
28 the abuse or neglect of a child or violating the provisions of NRS  
29 201.540, 201.560, 392.4633 or 394.366 ~~§~~ *or section 2 of this act:*

30 (a) A copy of:

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

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

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

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

44 3. An agency which provides child welfare services may  
45 provide a summary of the outcome of an investigation of the



1 allegations in a report made pursuant to NRS 392.303 to the person  
2 who made the report.

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

4 392.337 1. An agency which provides child welfare services  
5 investigating a report made pursuant to NRS 392.303 shall, upon  
6 completing the investigation, notify the parent or guardian of the  
7 child who is the subject of the report of the disposition assigned to  
8 the report pursuant to NRS 392.339.

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

10 (a) Forward the report to the Department of Education, the board  
11 of trustees of the school district in which the school is located or the  
12 governing body of the charter school or private school, as  
13 applicable, the appropriate local law enforcement agency within the  
14 county and the district attorney's office within the county for further  
15 investigation.

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

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

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

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

33 (1) Identifying and demographic information on the child  
34 who is the subject of the report, the parents of the child, any other  
35 person responsible for the welfare of the child and the person  
36 allegedly responsible for the conduct alleged in the report;

37 (2) The facts of the alleged conduct, including the date and  
38 type of alleged conduct, a description of the alleged conduct, the  
39 severity of any injuries and, if applicable, any information  
40 concerning the death of the child; and

41 (3) The disposition of the case.

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

44 (1) A written summary of the outcome of the investigation of  
45 the allegations in the report which must not identify the person who



1 made the report, any child witnesses to the allegations in the report  
2 or any collateral sources and reporting parties; and

3 (2) A summary of any disciplinary action taken against the  
4 person who is named in the report as allegedly causing the abuse or  
5 neglect of the child or violating NRS 201.540, 201.560, 392.4633 or  
6 394.366 *or section 2 of this act* which is known by the agency,  
7 including, without limitation, whether the name of such person will  
8 be placed in the Central Registry.

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

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

14 394.155 1. Except as otherwise provided in NRS 394.157,  
15 each applicant for employment with or employee at a private school,  
16 except a licensed teacher or other person licensed by the  
17 Superintendent of Public Instruction, or volunteer at a private school  
18 who is likely to have unsupervised contact with pupils, must, before  
19 beginning his or her employment or service as a volunteer and at  
20 least once every 5 years thereafter, submit to the administrator of the  
21 private school:

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

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

37 2. The administrator of the private school shall:

38 (a) Submit the fingerprints of the applicant to the Central  
39 Repository for submission to the Federal Bureau of Investigation  
40 and to such other law enforcement agencies as the administrator  
41 deems necessary; and

42 (b) Request any information that may be available from the  
43 Statewide Central Registry for the Collection of Information  
44 Concerning the Abuse or Neglect of a Child established by NRS  
45 432.100 and any equivalent registry maintained by a governmental



1 entity in a jurisdiction in which the applicant, employee or volunteer  
2 has resided within the immediately preceding 5 years.

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

9 4. The administrator or governing body of a private school may  
10 use a substantiated report of the abuse or neglect of a child, as  
11 defined in NRS 392.281, or a violation of NRS 201.540, 201.560,  
12 392.4633 or 394.366 *or section 2 of this act* obtained from the  
13 Statewide Central Registry or an equivalent registry maintained by a  
14 governmental agency in another jurisdiction:

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

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

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

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

24 432.100 1. There is hereby established a Statewide Central  
25 Registry for the Collection of Information Concerning the Abuse or  
26 Neglect of a Child. This Central Registry must be maintained by the  
27 Division.

28 2. The Central Registry must contain:

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

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

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

36 (d) Any other information which the Division determines to be  
37 in furtherance of NRS 392.275 to 392.365, inclusive, 432.097 to  
38 432.130, inclusive, and 432B.010 to 432B.400, inclusive.

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

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

44 (b) Either:



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

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

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

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

14 (a) An employee of the Division;

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

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

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

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

27 432.120 1. Information contained in the Central Registry  
28 must not be released unless the right of the applicant to the  
29 information is confirmed, the information concerning the report of  
30 abuse or neglect of the child or a violation of NRS 201.540,  
31 201.560, 392.4633 or 394.366 *or section 2 of this act* has been  
32 reported pursuant to NRS 392.337 or 432B.310, as applicable, the  
33 released information discloses the disposition of the case and, if the  
34 information is being provided pursuant to subsection 3 of NRS  
35 432.100, the person who is the subject of the background  
36 investigation provides written authorization for the release of the  
37 information.

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

44 3. The Division shall not release information from the Central  
45 Registry regarding a report of child abuse or neglect made pursuant



1 to NRS 392.303 or 432B.220 that received a disposition other than  
2 substantiated to any person or entity except for an agency which  
3 provides child welfare services.

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

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

7 433.639 1. Not later than 3 days after employing a person to  
8 provide or supervise the provision of peer recovery support services  
9 in a position where the person has regular and substantial contact  
10 with minors or retaining a person as an independent contractor to  
11 provide or supervise the provision of peer recovery support services  
12 in such a position and every 5 years thereafter, an employer, or  
13 person or entity who retained the independent contractor, shall:

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

19 (b) Complete a child abuse and neglect screening through the  
20 Central Registry to determine whether there has been a substantiated  
21 report of child abuse or neglect or a violation of NRS 201.540,  
22 201.560, 392.4633 or 394.366 *or section 2 of this act* made against  
23 the person.

24 2. Except as otherwise provided in any regulations adopted  
25 pursuant to subsection 4, upon receiving information pursuant to  
26 subsection 1 from the Central Registry or from any other source that  
27 an employee or independent contractor described in subsection 1  
28 has, within the immediately preceding 5 years, had a substantiated  
29 report of child abuse or neglect or a violation of NRS 201.540,  
30 201.560, 392.4633 or 394.366 *or section 2 of this act* made against  
31 him or her, the employer or person or entity who retained the  
32 independent contractor shall terminate the employment or contract  
33 of the employee or independent contractor, as applicable, after  
34 allowing the employee or independent contractor time to correct the  
35 information as required pursuant to subsection 3.

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

43 4. The Division, in consultation with each agency which  
44 provides child welfare services, may establish by regulation a  
45 process by which it may review evidence upon request to determine



1 whether an employee or independent contractor described in  
2 subsection 1 who has, within the immediately preceding 5 years,  
3 had a substantiated report of child abuse or neglect or a violation of  
4 NRS 201.540, 201.560, 392.4633 or 394.366 *or section 2 of this act*  
5 made against him or her may continue to provide or supervise the  
6 provision of peer recovery support services and have regular and  
7 substantial contact with minors despite the report. Any such review  
8 must be conducted in a manner which does not discriminate against  
9 a person in violation of 42 U.S.C. §§ 2000e et seq.

10 5. If a process for review is established pursuant to subsection  
11 4, an employee or independent contractor described in subsection 1  
12 may request such a review in the manner established by the  
13 Division. Any determination made by the Division is final for  
14 purposes of judicial review.

15 6. During any period in which an employee or independent  
16 contractor seeks to correct information pursuant to subsection 3 or  
17 requests a review of information pursuant to subsection 5, it is  
18 within the discretion of the employer or person or entity who  
19 retained the independent contractor whether to allow the employee  
20 or independent contractor to continue to work for the employer,  
21 person or entity, as applicable, except that the employee or  
22 independent contractor shall not have regular and substantial contact  
23 with minors without supervision during such a period.

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

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

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

