

SENATE BILL NO. 506—COMMITTEE ON FINANCE

MAY 26, 2023

Referred to Committee on Finance

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

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

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

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

**Legislative Counsel’s Digest:**

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

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



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

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

3     179A.075 1. The Central Repository for Nevada Records of  
4 Criminal History is hereby created within the Records,  
5 Communications and Compliance Division of the Department.

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

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

10    (b) Submit the information collected to the Central Repository:

11      (1) In the manner approved by the Director of the  
12 Department; and

13      (2) In accordance with the policies, procedures and  
14 definitions of the Uniform Crime Reporting Program of the Federal  
15 Bureau of Investigation.

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

22      (a) Through an electronic network;

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

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

25     ↳ within 60 days after the date of the disposition of the case. If an  
26 agency has submitted a record regarding the arrest of a person who  
27 is later determined by the agency not to be the person who  
28 committed the particular crime, the agency shall, immediately upon  
29 making that determination, so notify the Division. The Division  
30 shall delete all references in the Central Repository relating to that  
31 particular arrest.

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

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

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

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

40    5. The Division shall, in the manner prescribed by the Director  
41 of the Department:



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

- 3 (1) Records of criminal history; and  
4 (2) The DNA profile of a person from whom a biological  
5 specimen is obtained pursuant to NRS 176.09123 or 176.0913.

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

9 (c) Upon request, provide, in paper or electronic form, the  
10 information that is contained in the Central Repository to the  
11 Committee on Domestic Violence appointed pursuant to NRS  
12 228.470 when, pursuant to NRS 228.495, the Committee is  
13 reviewing the death of the victim of a crime that constitutes  
14 domestic violence pursuant to NRS 33.018.

15 6. The Division may:

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

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

21 (c) Request of and receive from the Federal Bureau of  
22 Investigation information on the background and personal history of  
23 any person whose record of fingerprints or other biometric identifier  
24 the Central Repository submits to the Federal Bureau of  
25 Investigation and:

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

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

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

36 (4) For whom such information is required or authorized to  
37 be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031,  
38 432A.170, 432B.198, 433B.183, 449.123 and 449.4329; or

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

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



1 (a) The person's complete set of fingerprints for the purposes of:  
2 (1) Booking the person into a city or county jail or detention  
3 facility;

- 4 (2) Employment;  
5 (3) Contractual services; or  
6 (4) Services related to occupational licensing;

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

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

- 11 (1) Arrest; or  
12 (2) Criminal investigation,

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

16 8. The Central Repository shall:

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

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

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

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

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

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

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

31 ↪ and immediately notify the superintendent of each county school  
32 district, the governing body of each charter school and the  
33 Superintendent of Public Instruction, or the administrator of each  
34 private school, as appropriate, if the investigation of the Central  
35 Repository indicates that the person has been convicted of a  
36 violation of NRS 200.508, 201.230, 453.3385 or 453.339, or  
37 convicted of a felony or any offense involving moral turpitude.

38 (e) Upon discovery, immediately notify the superintendent of  
39 each county school district, the governing body of each charter  
40 school or the administrator of each private school, as appropriate, by  
41 providing the superintendent, governing body or administrator with  
42 a list of all persons:

- 43 (1) Investigated pursuant to paragraph (d); or



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

4 who the Central Repository's records indicate have been  
5 convicted of a violation of NRS 200.508, 201.230, 453.3385 or  
6 453.339, or convicted of a felony or any offense involving moral  
7 turpitude since the Central Repository's initial investigation. The  
8 superintendent of each county school district, the governing body of  
9 a charter school or the administrator of each private school, as  
10 applicable, shall determine whether further investigation or action  
11 by the district, charter school or private school, as applicable, is  
12 appropriate.

13 (f) Investigate the criminal history of each person who submits  
14 one or more fingerprints or other biometric identifier or has such  
15 data submitted pursuant to NRS 62B.270, 62G.223, 62G.353,  
16 424.031, 432A.170, 432B.198, 433B.183, 449.122, 449.123 or  
17 449.4329.

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

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

23 (i) Identify and review the collection and processing of  
24 statistical data relating to criminal justice by any agency identified  
25 in subsection 2 and make recommendations for any necessary  
26 changes in the manner of collecting and processing statistical data  
27 by any such agency.

28 (j) Adopt regulations governing biometric identifiers and the  
29 information and data derived from biometric identifiers, including,  
30 without limitation:

31 (1) Their collection, use, safeguarding, handling, retention,  
32 storage, dissemination and destruction; and

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

37 9. The Central Repository may:

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

41 (b) Charge a reasonable fee for any publication or special report  
42 it distributes relating to data collected pursuant to this section. The  
43 Central Repository may not collect such a fee from an agency of  
44 criminal justice or any other agency dealing with crime which is  
45 required to submit information pursuant to subsection 2. All money



1 collected pursuant to this paragraph must be used to pay for the cost  
2 of operating the Central Repository ~~+~~ *or for any other purpose*  
3 *authorized by the Legislature, and any balance of the money*  
4 *remaining at the end of a fiscal year reverts to the State General*  
5 *Fund.*

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

10 10. As used in this section:

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

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

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

21 (2) A biometric identifier of a person.

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

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

25 179A.140 1. Except as otherwise provided in this section, an  
26 agency of criminal justice may charge a reasonable fee for  
27 information relating to records of criminal history provided to any  
28 person or governmental entity.

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

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

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

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

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

43 4. The Director may request an allocation from the  
44 Contingency Account pursuant to NRS 353.266, 353.268 and



1 353.269 to cover the costs incurred by the Department to carry out  
2 the provisions of paragraph (b) of subsection 3.

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

8 **Sec. 3.** This act becomes effective on October 1, 2024.

