



Central Repository for Nevada Records of Criminal History

Committee to Study the Advisability and Feasibility of Traffic and Related
Violations as Civil Infractions

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Statutory Authority

- The Central Repository is housed within the Records, Communications and Compliance Division (RCCD) of the Department of Public Safety (DPS)
(NRS 480.130, 480.140, 179A.075)
- Collect and maintain records, reports, and compilations of statistical data submitted by agencies of criminal justice
- Collect, maintain, and arrange information regarding records of criminal history
- Use a record of personal identifying information (biometric) of a subject as the basis for maintaining records of criminal history regarding him/her



Criminal Justice Functions within the Central Repository

- Centralized storage facility for Nevada Arrest and Disposition Records
- Fingerprint-based background checks for employment, licensing, and individuals providing services to vulnerable populations (various State and Federal statutes)
- Nevada Offense Codes program
- FBI CJIS Systems Agency for State of Nevada (28 CFR Part 20)
- NCJIS Compliance Unit (Training and Auditing) (28 CFR Part 20)



Other Services

- State Sex Offender Registry (NRS 179B, 179D)
- Point of Contact Program for firearms transfers (18 USC 922 (g, n))
- Name-based background checks for employment purposes (NRS 179A)
- Information Security Unit
- Uniform Crime Reporting Program
 - Arrests (NRS 179A.078)
 - Domestic Violence Protection Order Registry (NRS 179A.350)
 - Elder Abuse Reporting Repository (NRS 179A.450)



Nevada Criminal Justice Information System Managed by the Central Repository

- Nevada Criminal Justice Information System (NCJIS): the computerized information system created to serve all state, federal, and local criminal justice agencies in Nevada that require criminal justice information
- Conduit through which Nevada criminal justice agencies access information systems of Nevada criminal justice agencies, the Federal Bureau of Investigation, other states, and international criminal justice agencies (e.g., Interpol, RCMP)



What records of criminal traffic violations are kept?

- Pursuant to NRS 179A.070 1. “Records of criminal history” means: ... which references NRS 484C (DUIs) which are retained. Also, the Central Repository retains felony reckless driving which is NRS 484B.653.
 - If these are treated as civil infractions as a result of this study, these will no longer be displayed on the Nevada criminal history record maintained by the Central Repository or the FBI’s criminal history record. Numerous criminal justice agencies nationwide would no longer be able to see these “infractions” on the Nevada criminal history record or the FBI’s criminal history record.
- Records that aren’t retained by the Central Repository are those according to NRS 179A.070 2. “Record of criminal history” does not include: ...
 - g. “Except as otherwise provided in subsection 1, records of traffic violations constituting misdemeanors”; and
 - h. “Records of traffic offenses maintained by the Department to regulate the issuance, suspension, revocation or renewal of drivers’ or other operators’ licenses.”
- Regardless of whether the Central Repository retains an offense for criminal record purposes, Nevada Offense Codes (NOCs) still need to be created for all offenses. There are currently 3,088 NOCs for traffic violations maintained from the Central Repository for use by criminal justice agencies for their own local purposes. Any time laws are amended and they impact NOCs, it takes staff time to create/modify/deactivate NOCs. Depending on if a NOC needs to be created/modified/deactivated, numerous staff hours could be required.



What traffic violations would show up in a background check?

Depending on what type of “background check” is being referenced:

Pursuant to NRS 179A.070 1. “Records of criminal history” means: ... which includes numerous types of information that we as the Central Repository place on our state criminal history records.

If the background check includes the State of Nevada criminal history record obtained from the Central Repository, the traffic violations referenced in NRS 179A.070 1. that includes NRS 484C DUIs and felony reckless driving will be included on the record.

On the contrary, background checks that include information obtained directly from local criminal justice agencies could include other traffic violations not maintained on the Central Repository’s criminal history record.



What do you think would be the impacts on the RCCD of moving to a system of civil penalties for minor traffic violations?

We are unable to determine the exact monetary impact due to NRS 176.059 which is the distribution for administrative assessments because administrative assessments are not collected on civil infractions and RCCD only receives administration assessments, per this NRS, on misdemeanor offenses.

In addition, we are unable to determine the amount of assessments that were not collected or that are on a payment plan spanning multiple years. We are unable to determine how many misdemeanor traffic violations go to court and are assessed a fine and not sentenced to community service in lieu of a fine.

The NOC impact will be based on how the violations are amended in law. The NOCs will require the creation of new NOC structures and deactivation of the old NOCs which could take hundreds of staff hours. Worst case scenario is approximately 366 hours. Our NOC program is staffed with 2 full time employees.

Continued on the next five slides.



What is the Division's Budget?

\$32,502,486 (SFY2018) Work Program Authority

What are the sources of revenue for the Division?

SFY2018

| | |
|-------------------------------------|--------------|
| Court (Administrative) Assessments | \$ 3,827,751 |
| Civil Applicant Fees | \$ 8,783,465 |
| Brady Background Fees | \$ 2,944,275 |
| Civil Name Check Fees | \$ 1,429,643 |
| Transfers | \$ 631,398 |
| Grants | \$ 3,187,155 |
| Miscellaneous fees and charges | \$ 59,902 |
| Reserves/Balance Forward | \$11,638,797 |
| Appropriations (Reverts back to GF) | \$ 100 |

How Much revenue does the Division receive from administrative assessments?

\$3,827,751 (SFY2018)

\$3,773,159 (SFY2017)

\$3,751,827 (SFY2016)

\$3,526,368 (SFY2015)

\$3,827,751 (SFY2014)



What portion of the Divisions budget is made up of administrative assessments?

The Division (BA 4709) has a total of 118 positions.

Of the 118 positions, 67.5 of those positions are allocated to criminal justice functions.

The 67.5 positions equates to 57.2% funded by Court (Administrative) Assessments.

With consideration to the Division's budget, the table located on the following page represents expenditures that are directly related to criminal justice duties of RCCD staff.

The amounts identified for criminal justice duties are the Division's total expenditures less those expenditures that are directly funded by transfers, grants, and other direct expenditures that are solely funded by a specific revenue source.



RCCD - Staffing Levels

Fund:101 Agency: 655 Budget Account: 4709 RGL: 3749

Historical Court Assessment and Allocated Expenditures

| RCCD Program Funding Sources | | RGL 3749 | RGL 3749 | RGL 3752 | RGL 3751 | RGL 3753 | RGL 4670 |
|--|----------------------------|-------------------|-------------------|------------|-----------------------------|-----------------------|--|
| | | Court Assessments | Court Assessments | Brady Fees | Civil App Finger Print Fees | Civil Name Check Fees | DHHS Health |
| RCCD Program Units | | Criminal Units | Sex Offender Unit | Brady Unit | Civil Applicant Unit | Civil Name Check | Direct to DHHS NV Automated B/G System |
| Total number of BA4709 PCNs | 118 (staff allocation) | 39.25 | 28.25 | 16.75 | 22.3 | 6.45 | 5 |
| Percent allocation to Funding Source | 100.00% (staff percentage) | 33.26% | 23.94% | 14.19% | 18.90% | 5.47% | 4.24% |
| Percent of RCCD staff allocated to Court Assessments for Criminal Duties | | | 57.20% | | | | |

RCCD Expenditures for Criminal Justice Services/Duties

| | | | SFY2014 | SFY2015 | SFY2016 | SFY2017 |
|---|-------------------------------|----------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|
| | | | Criminal Justice Expenditures | Criminal Justice Expenditures | Criminal Justice Expenditures | Criminal Justice Expenditures |
| 57.2% Expenditures Allocated to Court Assessment Duties | | | \$6,148,749 | \$6,503,399 | \$6,127,045 | \$6,241,810 |
| | Court Assessments | RGL 3749 | | | | |
| | SFY2014 | | | | | |
| | Actual (EOSF) | | <u>\$3,827,751</u> | <u>\$6,148,749</u> | | |
| | Difference/Shortfall | | | (\$2,320,998) | | |
| | SFY2015 | | | | | |
| | Actual (EOSF) | | <u>\$3,526,368</u> | <u>\$6,503,399</u> | | |
| | Difference/Shortfall | | | (\$2,977,031) | | |
| | SFY2016 | | | | | |
| | Actual (EOSF) | | <u>\$3,751,827</u> | | <u>\$6,127,045</u> | |
| | | | | | (\$2,375,218) | |
| | SFY2017 | | | | | |
| | Actual (EOSF) | | <u>\$3,773,159</u> | | | <u>\$6,241,810</u> |
| | Difference/Shortfall | | | | | (\$2,468,651) |
| Current | SFY2018 | | | | | |
| | Leg Approved | | \$3,827,751 | | | |
| | SFY2018 | | | | | |
| | Actual as of 1/26/18 | | \$2,203,601 | | | |
| | | | | | | |
| | | | SFY2014 | SFY2015 | SFY2016 | SFY2017 |
| | Shortage in Court Assessments | | (\$2,320,998) | (\$2,977,031) | (\$2,375,218) | (\$2,468,651) |

What do you think would be the impacts on the Division of moving to a system of civil penalties for minor traffic violations?

From a fiscal perspective:

- 1) The Division could lose a majority of the Administrative Assessments it receives. Since the Division does not know the number of citations issued that are or will remain at the criminal level, it is hard to determine the exact impact to our Division as we would believe that some of the citations would remain criminal and others would be converted or moved to the civil penalty violation. The Division does not receive any funding for civil penalties.
- 2) The Division would have to request General Fund Appropriations to fund the criminal justice services/duties performed by RCCD staff to cover the loss of Administrative Assessments with this change. In addition, the Division currently does not receive sufficient Administrative Assessment funding to cover all expenditures for criminal justices services/duties performed by RCCD staff. The Division would address this shortfall issue at the same time to request General Fund Appropriations in order to appropriately fund criminal justice services/duties.

