

Committee Action:  
Do Pass \_\_\_\_\_  
Amend & Do Pass \_\_\_\_\_  
Other \_\_\_\_\_

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**Senate Committee on Judiciary**

This measure may be considered for action during today's work session.

**SENATE BILL 148**

**Establishes provisions regarding the reporting of hate crimes. (BDR 15-715)**

**Sponsored By:** Senator Harris  
**Date Heard:** March 3, 2021  
**Fiscal Notes:** Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.  
Contains Unfunded Mandate.

Senate Bill 148 requires state and local law enforcement agencies in Nevada to maintain a record of all crimes that manifest evidence of prejudice based on criteria established in law that are commonly referred to as "hate crimes" and to submit that information to the Central Repository for Nevada Records of Criminal History and to the Office of the Attorney General (OAG) on a quarterly basis. The OAG is required to adopt guidelines for the submission of the records, ensure the records are provided to the Federal Bureau of Investigation (FBI) for inclusion in the annual Hate Crime report, and issue a detailed annual report regarding the crimes.

Any data acquired under the provisions of this bill may be used only for research or statistical purposes and must not contain any of a victim's identifying information. The bill also requires the director of the Department of Public Safety to adopt guidelines regarding the manner in which this data is to be reported to the Central Repository.

**Amendments:** Senator Harris has proposed an amendment that is attached on the following page. The amendment:

- Changes the word "maintain" to "submit" in regard to law enforcement agencies providing records of hate crimes to the Central Repository;
- Revises the timeframe for submittal of this information from quarterly to monthly; and
- Removes references to the OAG and instead requires the Central Repository to make all data acquired in relation to this bill publicly available and ensure that it is also reported to the FBI for inclusion in the annual Hate Crime Statistics report.

# Proposed Amendment to Senate Bill 148

Prepared by Senator Dallas Harris

**Background/ amendment intent:** This amendment removes the requirement for law enforcement agencies to report hate crime statistics to the Office of the Attorney General ("OAG") and removes any reporting requirements on the OAG. Instead, law enforcement agencies will only be required to submit (instead of maintain) a record of all hate crimes to the Central Repository for Nevada Records of Criminal History. The Central Repository will be required to: 1. Make hate crime statistics, along with data regarding any prosecution of a violation of NRS 207.185 and any sentence imposed pursuant to NRS 193.1675, available to the public; and 2. Ensure that hate crime statistics are provided to the Federal Bureau of Investigation for inclusion in its annual Hate Crime Statistics report.

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

**Section 1.** Chapter 193 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Each state or local law enforcement agency in this State shall ~~maintain~~ submit a record of all crimes that manifest evidence of prejudice based on race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression, including,*

*without limitation, the basis on which any such crime occurred, in accordance with the guidelines adopted by the Director pursuant to subsection 2 of NRS 179A.175.*

*2. Each state or local law enforcement agency in this State shall submit on a ~~quarterly~~ monthly basis all records maintained pursuant to subsection 1 to:*

*(a) ~~F~~ the Central Repository for Nevada Records of Criminal History, in accordance with the guidelines adopted by the Director pursuant to subsection 2 of NRS 179A.175; ~~and~~.*

*(b) ~~The Attorney General, in accordance with the guidelines adopted by the Attorney General pursuant to paragraph (a) of subsection 3.~~*

*3. ~~The Attorney General shall:~~*

*(a) ~~Adopt guidelines for the submission of records maintained pursuant to subsection 1 to the Attorney General;~~*

*(b) ~~Ensure that all records submitted pursuant to paragraph (b) of subsection 2 are provided to the Federal Bureau of Investigation for inclusion in its annual Hate Crime Statistics report; and~~*

*(c) ~~Issue a detailed annual report regarding crimes that manifest evidence of prejudice based on race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression, including, without limitation, data regarding any prosecution of a violation of NRS 207.185 and any sentence imposed pursuant to NRS 193.1675.~~*

*4. ~~Data acquired pursuant to this section must be used only for research or statistical purposes and must not contain any information that may reveal the identity of an individual victim of a crime.~~*

~~5. As used in this section, "Director" means the Director of the Department of Public Safety.~~

**Sec. 2.** NRS 179A.175 is hereby amended to read as follows:

179A.175 1. The Director of the Department shall establish within the Central Repository a program for reporting crimes that manifest evidence of prejudice based on race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression.

2. The program must be designed to collect, compile and analyze statistical data about crimes that manifest evidence of prejudice based on race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression. The Director shall adopt guidelines for the collection of the statistical data, including, but not limited to, the criteria to establish the presence of prejudice ~~and~~ *and the manner in which the data must be reported to the Central Repository.*

3. The Central Repository shall include in any appropriate report an independent section relating solely to the analysis of crimes that manifest evidence of prejudice based on race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression.

4. Data acquired pursuant to this section must be used only for research or statistical purposes and must not contain any information that may reveal the identity of an individual victim of a crime.

*5. The Central Repository shall make all data acquired pursuant to this section and data regarding any prosecution of a violation of NRS 207.185 and any sentence imposed pursuant to NRS 193.1675 available to the public.*

6. The Central Repository shall ensure data acquired pursuant to this section is provided to the Federal Bureau of Investigation for inclusion in its annual Hate Crime Statistics report.

~~5.~~ 7. As used in this section, “gender identity or expression” has the meaning ascribed to it in NRS 193.0148.

**Sec. 3.** 1. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

**Sec. 4.** 1. This section becomes effective upon passage and approval.

2. Sections 1, 2 and 3 of this act become effective:

(a) Upon passage and approval for the purpose of adopting guidelines and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act;

and

(b) On October 1, 2021, for all other purposes.

