

LCB File No. R063-07

**PROPOSED REGULATION OF THE DIRECTOR OF
THE DEPARTMENT OF PUBLIC SAFETY**

GENERAL PROVISIONS

179A.010 Definitions. (NRS 179A.080, 179A.310) As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 179A.015 to 179A.037, inclusive, have the meanings ascribed to them in those sections.

179A.015 “Central Repository” defined. (NRS 179A.080, 179A.310) “Central Repository” means the Central Repository for Nevada Records of Criminal History.

179A.020 “Custodian of records” defined. “Custodian of records” means a person who is employed by an agency of criminal justice in a position in which he has responsibility for the maintenance and dissemination of records of criminal history.

179A.030 “Director” defined. “Director” means the Director of the Department of Public Safety.

The definition of “Region” can be repealed as it will no longer be required.

~~[179A.033 “Region” defined. (NRS 179A.080, 179A.310)
—“Region” means a group of counties for which a certain percentage of the money in the Revolving Account has been allocated pursuant to NAC 179A.190.]~~

179A.035 “Revolving Account” defined. (NRS 179A.080, 179A.310) “Revolving Account” means the Revolving Account to Investigate the Background of Volunteers Who Work With Children created pursuant to NRS 179A.310.

179A.037 “Volunteer” defined. (NRS 179A.080, 179A.310) “Volunteer” means:

1. A volunteer of a nonprofit agency who works directly with children; or
2. A prospective volunteer of a nonprofit agency who will work directly with children.

Section 1. NAC 179A.150 is hereby amended to read as follows:

NAC 179A.150 1. Before submitting a request to the Central Repository for a background check of a volunteer, a nonprofit agency must ~~[open an account with the Central Repository and enter into a memorandum of understanding with the Central Repository.]~~ *apply for and be granted an account designated as eligible for a grant award pursuant to NRS 179A.310 on the form prescribed by the Central Repository.*

2. A nonprofit agency that requests a state background check of a volunteer must submit to the Central Repository a noncriminal fingerprint impression card that contains the fingerprints of the volunteer about whom the request is made. The card must be completed by an entity that has the ability to record fingerprint impressions, such as a county sheriff’s office or municipal police

department. ~~[In addition to the fingerprint card, the nonprofit agency that requests a background check must:~~

- ~~—(a) Pay \$15 to the Central Repository for each background check requested; or~~
- ~~—(b) Submit a request to the Central Repository for an award of money from the Revolving Account pursuant to NAC 179A.170 to pay the cost of the background check.]~~

3. A nonprofit agency that submits a request for a background check of a volunteer may request a national background check in addition to a state background check. An agency that requests a national background check must~~;~~

- ~~—(a) In] in~~ addition to the fingerprint card required pursuant to subsection 2, submit an FD-258 fingerprint card to the Central Repository~~]; and~~
- ~~—(b) In addition to the fee described in subsection 2, pay \$18 to the Central Repository for each background check requested.]~~

Section 2. NAC 179A.160 is hereby amended to read as follows:

NAC 179A.160 1. Upon receipt of a request for a background check that complies with NAC 179A.150, the Central Repository shall:

(a) Except as otherwise provided in subsection 2, conduct a background check of state records pursuant to NRS 179A.210; and

(b) If the request includes a request for a national background check, send the FD-258 fingerprint card to the Federal Bureau of Investigation for a search of the criminal history records of the Federal Bureau of Investigation.

2. If the Central Repository denies a request for an award of money from the Revolving Account, *because funds in the Account to Investigate the Background of Volunteers Who work With Children have been depleted*, the Central Repository shall not conduct a background check pursuant to NRS 179A.210 and shall return the fingerprint card to the nonprofit agency.

Section 3. NAC 179A.180 is hereby amended to read as follows:

NAC 179A.180 1. The Central Repository shall not award a grant of money from the Revolving Account unless:

(a) The nonprofit agency that requested the background check:

(1) ~~[Has not received money from the Revolving Account within the 30 days immediately preceding the date the request is processed;~~

~~—(2)]~~ Is registered as a nonprofit agency with the Secretary of State;

(2) ~~[(3)]~~ Provides a service in this state which involves working with persons who are less than 16 years of age; and

(3) ~~[(4)]~~ Has complied with NAC 179A.150;

(b) The person about whom the background check is made:

(1) Is a volunteer for the nonprofit agency who requested the background check; and

(2) Has direct contact with and provides services primarily to, or will have direct contact with and will provide services primarily to, persons who are less than 16 years of age and who are residents of this state; and

~~[(c) The amount of the request is less than or equal to 50 percent of the total amount of money available in the Account for award in the region in which the agency is located.]~~

2. The Central Repository shall ~~[award money allocated to a region pursuant to NAC 179A.190 to nonprofit agencies in that region in the order that requests are received.]~~ *use money from the Revolving Account to offset the cost of conducting background checks for volunteers.*

Section . NAC 179A.190 is hereby amended to read as follows:

NAC 179A.190 1. ~~[When the Director receives money for deposit in the Revolving Account and when redistributing money in the Account pursuant to subsection 2, the] *The* Director will allocate money in the Revolving Account for award *based on the date the request was received by the Central Repository.* ~~[in the following manner:~~~~

- ~~—(a) Seventy percent of the money will be allocated for award to requests from nonprofit agencies in Clark, Nye and Lincoln counties;~~
- ~~—(b) Twenty seven percent of the money will be allocated for award to requests from nonprofit agencies in Washoe, Douglas, Lyon, Churchill, Humboldt, Pershing, Lander, Mineral, Storey and Esmeralda counties, and Carson City; and~~
- ~~—(c) Three percent of the money will be allocated for award to requests from nonprofit agencies in Elko, White Pine and Eureka counties.~~

~~—2. —Bianually, the Director will determine the total amount of money in the Revolving Account and redistribute the money in accordance with subsection 1.]~~

Section 5. NAC 179A.170 is hereby repealed:

NAC 179A.170 Verification of availability of money in Account. (NRS 179A.080, 179A.310)

1. Before submitting a request for an award of money from the Revolving Account, a nonprofit agency must check the balance of available money in the Account for the region in which the agency is located by calling the account status telephone number established by the Central Repository.

2. A nonprofit agency shall not submit a request for an award of money in the Revolving Account in an amount of more than 50 percent of the total amount of money available in the Account for award to nonprofit agencies in the region in which the agency is located.