

ADOPTED REGULATION
OF THE DIRECTOR OF THE
DEPARTMENT OF PUBLIC SAFETY

LCB File No. R019-16

Effective December 21, 2016

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

AUTHORITY: §§1-10 and 15, NRS 179A.080; §11, NRS 179A.080 and 179A.150; §§12-14, NRS 179A.080 and 179A.310.

A REGULATION relating to records of criminal history; revising provisions relating to records of criminal history; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the Director of the Department of Public Safety to adopt regulations for administering the provisions of chapter 179A of NRS, which concerns records of criminal history. (NRS 179A.080)

Sections 4 and 5 of this regulation, respectively, provide that the Director adopts by reference the *Security Policy* of the Criminal Justice Information Services Division of the Federal Bureau of Investigation (hereinafter “*Security Policy*”) and the *Administrative Policies* of the Nevada Criminal Justice Information System (hereinafter “*Administrative Policies*”). **Sections 4 and 5** also provide that the Director or his or her designee will periodically review each publication and, not later than 30 days after each review, determine whether any change made to either publication is appropriate for application. If the Director or his or her designee does not disapprove a change made to a publication within 30 days after a review, the change is deemed to be approved.

Sections 7-10 of this regulation apply certain provisions relating to records of criminal history that currently apply to the Central Repository for Nevada Records of Criminal History or agencies of criminal justice, or both, to authorized recipients, which **section 2** of this regulation generally defines as certain entities authorized to receive information concerning records of criminal history for noncriminal justice purposes. **Section 7** of this regulation requires each agency of criminal justice and authorized recipient to provide a means of collecting, using, safeguarding, handling, retaining, storing, disseminating and destroying its records of criminal history in accordance with the provisions of chapter 179A of NAC and chapter 179A of NRS, the *Security Policy* and the *Administrative Policies*. **Section 8** of this regulation requires each person who is engaged in data processing and has access to information in the records of criminal history at the Central Repository, an agency of criminal justice or an authorized

recipient to meet the standards established for employment as a custodian of records and the standards established in the *Security Policy*. **Section 8** also specifies that only those persons who meet such requirements or who are specifically authorized by the Central Repository, an agency of criminal justice or an authorized recipient may have access to areas and devices where records of criminal history are stored or accessed. **Section 15** of this regulation repeals provisions now included in **section 8**. **Section 9** of this regulation decreases the number of fingerprint cards that a person, before being appointed as a custodian of records, must provide to the Central Repository, an agency of criminal justice or an authorized recipient, as applicable, for the purpose of performing a state and national background check of the person's records of criminal history.

Existing law establishes the Revolving Account to Investigate the Background of Volunteers Who Work With Children. The money in the Account may only be used to pay the costs of the Central Repository to process requests from nonprofit agencies to determine whether a volunteer or prospective volunteer of an agency who works or will work directly with children has committed certain offenses. Existing law requires the Director of the Department to adopt regulations to carry out provisions relating to the Account. (NRS 179A.310) **Sections 12 and 13** of this regulation: (1) provide references to the provisions of state and federal law that authorize a nonprofit agency to request, and the Central Repository to conduct, a background check of a volunteer or prospective volunteer; and (2) revise provisions relating to the submission of fingerprint cards. **Section 12** also revises provisions relating to the submission of a request to the Central Repository by a nonprofit agency for a background check of a volunteer or prospective volunteer by authorizing, instead of requiring, the nonprofit agency to apply for a grant of money from the Account before submitting the request.

Section 1. Chapter 179A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

Sec. 2. *“Authorized recipient” means:*

1. A nongovernmental entity authorized by federal law or an executive order of the President of the United States to receive information concerning records of criminal history for noncriminal justice purposes; or

2. A government agency authorized by federal law, an executive order of the President of the United States or a state law that has been approved by the Attorney General of the United States to receive information concerning records of criminal history for noncriminal justice purposes.

Sec. 3. *“Security Policy” means the Security Policy of the Criminal Justice Information Services Division of the Federal Bureau of Investigation, as adopted by reference in section 4 of this regulation.*

Sec. 4. 1. *The Director hereby adopts by reference the Security Policy of the Criminal Justice Information Services Division of the Federal Bureau of Investigation, which is available, free of charge, at the Internet address <https://www.fbi.gov/services/cjis/cjis-security-policy-resource-center>.*

2. *The Director or his or her designee will periodically review the standards and requirements in the Security Policy and, not later than 30 days after the completion of each review, determine whether any change made to the Security Policy is appropriate for application. If the Director or his or her designee does not disapprove a change made to the Security Policy within 30 days after a review, the change is deemed to be approved by the Director or his or her designee.*

Sec. 5. 1. *The Director hereby adopts by reference the Administrative Policies of the Nevada Criminal Justice Information System, which is available from the Central Repository, free of charge, at 333 West Nye Lane, Suite 101, Carson City, Nevada 89706, or by telephone at (775) 684-6262.*

2. *The Director or his or her designee will periodically review the standards and requirements in the Administrative Policies and, not later than 30 days after each review, determine whether any change made to the Administrative Policies is appropriate for application. If the Director or his or her designee does not disapprove a change made to the Administrative Policies within 30 days after a review, the change is deemed to be approved by the Director or his or her designee.*

Sec. 6. NAC 179A.020 is hereby amended to read as follows:

179A.020 “Custodian of records” means a person who is employed by *the Central Repository*, an agency of criminal justice *or an authorized recipient* in a position in which he or she has responsibility for the maintenance and dissemination of records of criminal history.

Sec. 7. NAC 179A.040 is hereby amended to read as follows:

179A.040 ~~{1.}~~ Each agency of criminal justice *and authorized recipient* shall provide a means of ~~{protecting}~~ *collecting, using, safeguarding, handling, retaining, storing, disseminating and destroying* its records of criminal history ~~{:~~

~~—(a) During any times when the records are accessible to unauthorized persons; and~~
~~—(b) In any circumstances where the records are unattended during certain hours of the day.~~

~~—2.— Each agency of criminal justice shall provide a means of eliminating the operational capability of computer terminals which give access to the Central Repository whenever those terminals are not under the direct control of authorized personnel.~~

~~—3.— The Central Repository must be provided with a means of preventing access to the computer facility except by authorized personnel.~~

~~—4.— Computer printouts which contain records of criminal history and are generated as a result of testing the system or trouble shooting must be destroyed after such a use.}~~ *in*

accordance with the provisions of this chapter and chapter 179A of NRS, the Security Policy and the Administrative Policies of the Nevada Criminal Justice Information System, as adopted by reference in section 5 of this regulation.

Sec. 8. NAC 179A.060 is hereby amended to read as follows:

179A.060 1. Each person who is engaged in data processing and who has access to information in the records of criminal history at ~~{a repository}~~ *the Central Repository, an agency*

of criminal justice or an authorized recipient must meet the standards established for employment as a custodian of records ~~{}~~ *pursuant to NAC 179A.070 and the standards established in the Security Policy.*

2. Only those persons *who meet the requirements of subsection 1 or who are* specifically authorized by the ~~{head of the repository}~~ *Central Repository, an agency of criminal justice or an authorized recipient* may have access to areas and devices where records of criminal history are stored ~~{}~~ *or accessed.*

3. ~~{Duplicate}~~ *The heads of the Central Repository, each agency of criminal justice and each authorized recipient or their respective designees shall instruct their personnel periodically on policies and procedures for handling records of criminal history.*

4. *The Central Repository shall maintain duplicate* copies of ~~{the}~~ *its* computerized records of criminal history ~~{must be made and placed}~~ in a safe storage area located outside the normal confines of the data processing area. To the extent practicable, the copies must be kept current with new information being entered into the computerized records.

~~{4.—The head of the repository shall instruct his or her personnel periodically on policies and procedures for handling records of criminal history.}~~

Sec. 9. NAC 179A.070 is hereby amended to read as follows:

179A.070 1. Every person who maintains or disseminates Nevada records of criminal history must meet the standards described in this section for employment as a custodian of records.

2. Before being appointed by *the Central Repository, an agency of criminal justice or an authorized recipient* as a custodian of records, a person must provide the *Central Repository, agency of criminal justice or authorized recipient, as applicable,* with:

(a) A statement of his or her personal history and such other information ~~as the agency may require~~ *required* to determine the person's ability to perform the duties of the position; and

(b) ~~Two~~ *One* fingerprint ~~cards~~ *card* with his or her fingerprints so that a state and national background check of the person's records of criminal history can be performed.

3. The *Central Repository*, agency *of criminal justice or authorized recipient* may retain statements and documents received from the person seeking the appointment and may use the facts obtained therefrom to determine the person's suitability for the appointment.

4. A person is disqualified from appointment as a custodian of records if he or she has:

(a) Been convicted of any crime for which registration is required pursuant to chapter 179C or 179D of NRS;

(b) Been convicted of two or more crimes of which fraud or intent to defraud is an element, or two or more offenses of larceny;

(c) Been convicted of any crime in which stealing, altering, falsifying or defacing public records is an element;

(d) Practiced or attempted to practice any deception or fraud in his or her application, examination, documentation or statements or in securing eligibility for appointment as a custodian of records; or

(e) Any outstanding criminal warrants for the person's arrest.

5. ~~An~~ *The Central Repository*, an agency of criminal justice *or an authorized recipient* may set higher standards for its appointment of a custodian of records than those established by this section.

Sec. 10. NAC 179A.080 is hereby amended to read as follows:

179A.080 An audit by the Director of an informational system of Nevada records of criminal history must include an examination of:

1. The ~~{agency's}~~ method of *the agency of criminal justice of* reporting information to the Central Repository;
2. The completeness and accuracy of the ~~{agency's}~~ records ~~{}~~ *of the agency of criminal justice;*
3. The ~~{agency's}~~ controls *of the agency of criminal justice or authorized recipient* over disseminating its records;
4. The ~~{agency's}~~ physical, technical and administrative security ~~{}~~ *of the agency of criminal justice or authorized recipient;* and
5. The ~~{agency's}~~ provisions *of the agency of criminal justice or authorized recipient* for allowing a person to exercise the right to review and challenge his or her Nevada record of criminal history.

Sec. 11. NAC 179A.090 is hereby amended to read as follows:

- 179A.090 1. Any person who believes that an error exists in a record of his or her criminal history may challenge the accuracy of the record or any erroneous entry in it.
2. The challenge must be presented to the agency of criminal justice in which the information was originally recorded and must be made on a form prescribed by the Director.
 3. Upon receiving the challenge, the agency shall review the record and, in writing, grant or deny the challenge.
 4. If a correction of the challenged record is allowed, the agency shall modify its record and the corresponding record in the Central Repository. ~~{The agency shall complete the bottom~~

~~section of the proper form, allowing or denying the modification.}~~ If the ~~{modification}~~ *challenge* is denied, the agency shall explain the reason for the denial.

Sec. 12. NAC 179A.150 is hereby amended to read as follows:

179A.150 1. Before submitting a request to the Central Repository for a background check of a volunteer, a nonprofit agency ~~{must}~~ *may* apply for a grant of money from the Revolving Account 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 *pursuant to subsection 5 of NRS 179A.100 or a provision of federal law that authorizes the submission of fingerprints for a fingerprint-based background check of a person working with vulnerable populations, including, without limitation, children,* 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.~~

~~—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, in addition to the fingerprint card required pursuant to subsection 2, submit an FD-258 fingerprint card to the Central Repository.}~~

Sec. 13. NAC 179A.160 is hereby amended to read as follows:

179A.160 1. Upon receipt of a request for a background check that complies with NAC 179A.150, the Central Repository shall ~~{~~
~~—(a) Except}~~, *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.]~~ *subsection 5 of NRS 179A.100 or a provision of federal law that authorizes the submission of fingerprints for a fingerprint-based background check of a person working with vulnerable populations, including, without limitation, children.*

2. If the Central Repository denies a request for a grant of money from the Revolving Account due to insufficient funds, the Central Repository shall not conduct a background check pursuant to ~~[NRS 179A.210]~~ *subsection 1* and shall return the fingerprint card to the nonprofit agency.

Sec. 14. NAC 179A.180 is hereby amended to read as follows:

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) Is registered as a nonprofit agency with the Secretary of State;
- (2) Provides a service in this state which involves working with persons who are less than 16 years of age; and

(3) ~~[Has complied with]~~ *Applied for a grant of money pursuant to* NAC 179A.150 ~~[;]~~ *and has complied with all requirements set forth in that section;* and

(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.

2. The Central Repository shall use money from the Revolving Account to pay for the costs of conducting background checks for volunteers.

Sec. 15. NAC 179A.050 is hereby repealed.

TEXT OF REPEALED SECTION

179A.050 Authorization for access; instruction of personnel. (NRS 179A.080)

1. Only those persons specifically authorized by an agency of criminal justice may have routine access to areas and devices where records of criminal history are stored.

2. Each agency of criminal justice shall instruct its personnel periodically on its policies and procedures for handling records of criminal history.

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066

Informational Statement

LCB File No. R019-16

LCB File No. R011-16

1. A clear and concise explanation of the need for the adopted regulation.

The NRS and NAC establish the authority of the Nevada Department of Public Safety, General Services Division (the Division) which includes, adopting regulations governing biometric identifiers and the information and data derived from biometric identifiers.

NRS Chapter 179A authorizes the Division to adopt regulations governing biometric identifiers and the information and data derived from biometric identifiers. *See* NRS 179A.075, NRS 179A.080, and NRS 179A.150.

The Division has adopted regulations governing records of criminal history to include biometric identifiers. The amendment to the regulation adds to the language establishing the governance of the collection, use, safeguarding, handling, retention, storage, dissemination, destruction, and the methods by which a person may request the removal of his or her biometric identifiers from the Central Repository and any other agency where his or her biometric identifiers have been stored.

The proposed regulation would also update the procedure for request by a nonprofit agency for a background check on a volunteer. *See* NRS 179A.310(5) (explaining that “[t]he Director of the Department shall adopt regulations to carry out the provisions of this section.”).

The need for the proposed regulation changes is to update regulations and ensure regulations are current and in compliance with NRS 179A.075(1); NRS 179A.080(1-15); NRS 179A.150(11) and NRS 179A.310(12-14). Additionally, through this proposed regulation, law enforcement agencies will have the capability to utilize modern technology in the more accurate and timely identification of individuals.

The proposed regulations, referenced as LCB File No. R019-16, contain the following additions, amendments, and repeals:

Section 2. contains proposed regulatory language to define the term “Authorized Recipient”

Section 3. contains proposed regulatory language to define the term “Security Policy”

Section 4. provides for adoption by reference of the federal Criminal Justice Information Services Security Policy

Section 5. provides for adoption by reference of the Nevada Criminal Justice Information System Administrative Policies

Section 6. adds language to NAC 179A.020 to clarify which employment agencies would employ a “custodian of records”

Section 7. alters the language in NAC 179A.040 to meet the regulation requirements in NRS 179A.075 for the governance of biometric identifiers specific to collecting, using, safeguarding, handling, retaining, storing, disseminating, and destroying its records of criminal history in accordance with the Security Policy, the Administrative Policies, and the Nevada Revised Statutes

Section 8. adds language to NAC 179A.060 to clarify which agencies must ensure that each person who is engaged in data processing and who has access to information in the records of criminal history meets the standards established for employment as a custodian of records. It also adds language to specify that the standards are established pursuant to NAC 179A.070 and the Security Policy. In addition, it adds language requiring the agencies to instruct their personnel periodically on policies and procedures for handling records of criminal history

Section 9. adds language to NAC 179A.070 to clarify which agencies must ensure that each person who is engaged in data processing and who has access to information in the records of criminal history meets the standards established for employment as a custodian of records.

Section 10. adds language to NAC 179A.080 to clarify which agencies must adhere to this regulation as it relates to an audit by the Director of an informational system of Nevada records of criminal history

Section 11. repeals outdated language in NAC 179A.090 relating to the proper procedure for challenging the accuracy of a record of criminal history

Section 12. adds language to NAC 179A.150 to clarify that a state background check of a volunteer may be made pursuant to NRS 179A.100 or an authorized federal authority. Due to new federal authority being offered, language is being repealed to be consistent with the new background check authorities

Section 13. adds language to NAC 179A.160 to clarify that a state background check is authorized pursuant to NRS 179A.100 or an authorized federal authority. Due to new federal authority being offered, language is being repealed to be consistent with the new background check authorities

Section 14. adds language to clarify that a grant of money from the Revolving Account to a nonprofit agency may be awarded if the agency applies for a grant of money pursuant to NAC 179A.150 and has complied with all requirement set forth in that section

Section 15. repeals NAC 179A.050 due to the existence of duplicative language in NAC 179A.060

The proposed regulations, referenced as LCB File No. R011-16, contain the following additions, amendments, and repeals:

Section 1. adds a new section to provide the definition of a “Record of criminal history” for reference purposes.

- 2. Description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.** Public comment was solicited as follows pursuant to NRS 233B.0603:

A Notice of Workshop to Solicit Comment on Proposed Regulations was held 1:00 pm January 8, 2016, at the Gaming Control Board, 1919 College Parkway, Carson City, NV with video conferencing to the Gaming Control Board, 555 E Washington Ave, Suite 2450, Las Vegas, NV. This Workshop covered LCB File No. R019-16 and R011-16.

Public Comments:

None

A written comment was received from the Nevada Criminal Justice Information System Southern Nevada Technical Subcommittee Chair, Carmen Tarrats dated January 22, 2016. The request was to consider revising NAC 179A.060(4) to add language to further clarify who the agency head may designate to instruct personnel on policies and procedures for handling of records of criminal history.

Notice Of Intent To Act Upon A Regulation; Public Comment Hearing was held at 10:00 am, on June 10, 2016 at the Gaming Control Board, 1919 College Parkway, Carson City, NV with video conferencing to the Gaming Control Board, 555 E Washington Ave, Suite 2450, Las Vegas, NV. This Public Comment Hearing covered all 16 sections of LCB File No. R019-16 and section one of R011-16. In addition to the meeting locations listed below, the Public Comment Hearing was posted at all county library main branches.

Public Comments:

Terry Daus, Information Security Manager for the City of Henderson:

Mr. Daus wanted to draw everyone's attention to the last line in section 9, where it states that "each agency of criminal justice and authorized recipients shall provide means of collecting using, safe guarding, etc. in accordance with provisions of the security policy, administrative polices, and the state security policies and it's procedures." Mr. Daus explained that this would require all agencies of criminal justice in the state to comply with the state security policies. The state security policies are in conflict at some point or inconsistent and the state security policies are specifically for the executive branch. As NRS 242 states numerous times in sections 111 and 115, those policies do not apply to the Nevada Criminal Justice Information System. The City of Henderson and many other agencies are not a part of the executive branch. In addition, the City of Henderson and many other agencies all signed up to comply with NCJIS and Federal agencies and have no problem with that. But complying with the state security policies would override and undermine the individual agency's ability to authorize and develop security policies, making them subordinate to the state being published. It changes the individual states responsibilities under CJIS state record law, while removing their authority to independently meet the CJIS and NCJIS requirements in the manor best suited to all agency's environment, funding, and needs. Mr. Daus respectfully requested that the part of the sentence at the end of section nine be dropped; taking out any states security policies, standards and procedures established etc. and leaving it as originally, Mr. Daus believes that it wasn't intended that all law enforcement agencies in the state have to comply with these regulations according to the CJIS Security Policies and the Administrative Policies of the Nevada Criminal Justice Information System. Mr. Daus was available for any questions.

Notice Of Intent To Act Upon A Regulation; Public Comment Hearing was held at 9:00 am, on September 23, 2016 at the Gaming Control Board, 1919 College Parkway, Carson City, NV with video conferencing to the Gaming Control Board, 555 E Washington Ave, Suite 2450, Las Vegas, NV. This Public Comment Hearing covered all 15 sections of LCB File No. R019-16 and section one of R011-16. In addition to the meeting locations listed below, the Public Comment Hearing was posted at all county library main branches.

Public Comments:

None

Notices were sent to all persons on the agency's mailing list for administrative regulations, other interested person who have requested an agenda from the Division, and posted at the following locations:

Department of Public Safety, 555 Wright Way, Carson City, NV 89711; Department of Public Safety – General Services Division, 333 West Nye Lane, Carson City, NV 89706; the meeting locations; all criminal justice agencies; the Nevada State Library, Archives and Public Records; to the librarian of the main public library in each county; the Division's public website: <http://gsd.nv.gov/Resources>; the Nevada Office of the Attorney General's Public Notice website: <http://notice.nv.gov>; and the Legislative Counsel Bureau's website: <https://www.leg.state.nv.us/App/Notice/A/>.

Pursuant to NRS 241.020 (2)(c), a copy of supporting materials for the meeting may be obtained by contacting Paula Ryssman at (775) 684-6202, General Services Division at 333 West Nye Lane, Suite 100, Carson City, Nevada 89706.

3. The number of persons who:

(a) Attended each hearing:

01/08/2016 Workshop	5
06/10/2016 Public Comment Hearing	6
09/23/2016 Public Comment Hearing	5

(b) Testified at each hearing:

01/08/2016 Workshop	0
06/10/2016 Public Comment Hearing	1
09/23/2016 Public Comment Hearing	0

(c) Submitted written comments:

01/08/2016 Workshop	1
06/10/2016 Public Comment Hearing	0
09/23/2016 Public Comment Hearing	0

4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:

- (a) Name;**
Carmen Tarrats
- (b) Telephone number;**
702-828-8399
- (c) Business address;**
400 S. Martin L. King Boulevard, Las Vegas, Nevada 89106
- (d) Business telephone number;**
See (b)
- (e) Electronic mail address; and**
c4543t@lvmpd.com
- (f) Name of entity or organization represented.**
Las Vegas Metropolitan Police Department

- (a) Name;**
Terry Daus
- (b) Telephone number;**
702-267-4260
- (c) Business address;**
Unknown
- (d) Business telephone number;**
See (b)
- (e) Electronic mail address; and**
terry.daus@cityofhenderson.com
- (f) Name of entity or organization represented.**
City of Henderson

5. A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary. N/A

The General Services Division, Central Repository determined that small business would not be impacted in any way due to the fact that one portion of the revision only impacts law enforcement agencies and the other portion of the revisions clarifies the authorized federal and state authority for submissions of fingerprints for background checks on volunteers who work with children through non-profit entities.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The Central Repository accepted and adopted the recommended language provided by the Legislative Counsel Bureau with revisions based on public comment.

7. **The estimated economic effect of the regulation on the business which it is to regulate and on the public.**

(a) **Estimated economic effect on the businesses which they are to regulate.**

none

(b) **Estimated economic effect on the public which they are to regulate.**

none

8. **The estimated cost to the agency for enforcement of the proposed regulation:**

The General Services Division, Central Repository does not project any extra costs for enforcement of the proposed regulations as existing resources will be utilized in current business practices.

9. **A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

The proposed regulation overlaps or duplicates federal regulations and policies with state regulations and policy regulating the same activity in order to ensure state compliance with mandatory federal law. The Federal Bureau of Investigation (FBI) enforces Title 28, Part 20, Code of Federal Regulations and the Criminal Justice Information Services (CJIS) Security Policy specific to records of criminal history. Criminal Justice Information (CJI) is the term used to refer to all of the FBI CJIS provided data necessary for law enforcement and civil agencies to perform their missions including, but not limited to biometric, identity history, biographic, property, and case/incident history data. Criminal History Record Information (CHRI), sometimes informally referred to as “restricted data”, is a subset of CJI. Due to its comparatively sensitive nature, additional controls are required for the access, use and dissemination of CHRI. Title 28, Part 20, Code of Federal Regulations (CFR), defines CHRI and provides the regulatory guidance for dissemination of CHRI.

The security of records of criminal history regulated by the FBI as described above is duplicated in the Nevada State Security, Policies, Standards and Procedures enforced by the Nevada Department of Administration, Enterprise Information Technology Services Division as well as the Nevada Criminal Justice Information System administrative policies enforced by the Nevada Department of Public Safety General Services Division. Duplication is necessary for state actors to be held to the federal standard. Duplication guarantees that state governance exists to ensure proper authority and compliance at the state level. Moreover, duplication allows for the creation of internal policies and procedures to further clarify governance as it relates to agencies within this state.

10. **If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

The proposed regulations will not be more stringent than federal regulations.

11. **If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

No fees are associated with these regulations.