

CHAPTER.....

AN ACT relating to the Central Repository for Nevada Records of Criminal History; requiring the Director of the Department of Public Safety to establish within the Department the Advisory Committee on Nevada Criminal Justice Information Sharing; prescribing the duties of the Advisory Committee; removing the requirement for the establishment of an Advisory Committee on the Uniform Program for Reporting Crimes; making various other changes concerning the Central Repository; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Director of the Department of Public Safety to establish within the Central Repository for Nevada Records of Criminal History a Uniform Program for Reporting Crimes. The Program is designed to collect and facilitate the collection and analysis of statistical data relating to crime and juvenile delinquency. The Director is required to establish an Advisory Committee to assist in carrying out the Program. (NRS 179A.078)

This bill removes the requirement for the establishment of an Advisory Committee to assist in carrying out the Uniform Program for Reporting Crimes.

This bill requires the Director of the Department of Public Safety to establish within the Department the Advisory Committee on Nevada Criminal Justice Information Sharing. The Advisory Committee is required to: (1) recommend policies and procedures for managing the Central Repository for Nevada Records of Criminal History; (2) advise on technological support for the Central Repository; and (3) advise on the integrated information sharing of statistical data relating to crime or the delinquency of children.

Under existing law, the Central Repository is created within the Nevada Highway Patrol Division of the Department of Public Safety. (NRS 179A.075)

This bill removes references to the Division. Although the Central Repository remains within the Department of Public Safety, it is not specifically within the Nevada Highway Patrol Division.

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

Section 1. Chapter 179A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director of the Department shall establish within the Department the Advisory Committee on Nevada Criminal Justice Information Sharing.

2. The Advisory Committee consists of:

(a) The Director of the Department or his designee;

(b) The Attorney General or his designee;

(c) The Director of the Department of Corrections or his designee;

(d) One member who is a representative of the Judicial Branch of State Government, appointed by the Chief Justice of the Supreme Court;

(e) One member appointed by the Nevada Sheriffs and Chiefs Association, or a successor organization;

(f) One member appointed by the Nevada District Attorneys Association, or a successor organization;

(g) One member appointed by the Director of the Department who uses the Central Repository to obtain information relating to records of criminal history for purposes other than criminal justice, which may include, without limitation, for purposes of determining eligibility of persons for employment or licensure;

(h) One member of the Senate appointed by the Majority Leader of the Senate; and

(i) One member of the Assembly appointed by the Speaker of the Assembly.

3. The Advisory Committee shall:

(a) Recommend policies and procedures that apply the best management practices to the activities at the Central Repository;

(b) Advise on technological support for the Central Repository; and

(c) Advise on the integrated information sharing of statistical data relating to crime or the delinquency of children.

4. Each member that is appointed to the Advisory Committee pursuant to subsection 2, other than a member of the Senate or the Assembly, shall serve a term of 3 years. A member of the Senate and the Assembly appointed to the Advisory Committee shall serve until a replacement is appointed. Any vacancy occurring in the membership of the Advisory Committee must be filled in the same manner as the original appointment.

5. The Advisory Committee shall meet twice annually.

6. The Director may assign such other employees of the Department as he deems necessary to assist the Advisory Committee in its duties.

7. Members of the Advisory Committee serve without compensation. If sufficient money is available, members are entitled to travel allowances provided for state officers and employees generally while attending meetings of the Advisory Committee.

Sec. 2. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the ~~[Nevada Highway Patrol Division of the]~~ Department.

2. Each agency of criminal justice and any other agency dealing with crime or delinquency of children shall:

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

(b) Submit the information collected to the Central Repository in the manner ~~[recommended by the Advisory Committee and]~~ approved by the Director of the Department.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates or issues, and any information in its possession relating to the genetic markers of a biological specimen of a person who is convicted of an offense listed in subsection 4 of NRS 176.0913, to the ~~[Division in the manner prescribed by the Director of the Department. The information must be submitted to the Division.]~~ **Department:**

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department, **↪** within the period prescribed by the Director of the Department. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the ~~[Division. The Division]~~ **Department. The Department** shall delete all references in the Central Repository relating to that particular arrest.

4. The ~~[Division]~~ **Department** shall, in the manner prescribed by the Director of the Department:

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

(1) Records of criminal history; and

(2) The genetic markers of a biological specimen of a person who is convicted of an offense listed in subsection 4 of NRS 176.0913.

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

(c) Upon request, provide the information that is contained in the Central Repository to the State Disaster Identification Team of the Division of Emergency Management of the Department.

5. The ~~[Division]~~ **Department** may:

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

(b) Enter into cooperative agreements with federal and state repositories to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints the Central Repository submits to the Federal Bureau of Investigation and:

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

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

(3) About whom any agency of the State of Nevada or any political subdivision thereof has a legitimate need to have accurate personal information for the protection of the agency or the persons within its jurisdiction; or

(4) For whom such information is required to be obtained pursuant to NRS 449.179.

↳ To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to this subsection, the Central Repository must receive the person's complete set of fingerprints from the agency or political subdivision and submit the fingerprints to the Federal Bureau of Investigation for its report.

6. The Central Repository shall:

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

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

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

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

(1) Has applied to the Superintendent of Public Instruction for a license;

(2) Has applied to a county school district or a private school for employment; or

(3) Is employed by a county school district or a private school,

↳ and notify the superintendent of each county school district and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, notify the superintendent of each county school district or the administrator of each private school, as appropriate, by providing the superintendent or administrator with a list of all persons:

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

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

→ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits fingerprints or has his fingerprints submitted pursuant to NRS 449.176 or 449.179.

(g) On or before July 1 of each year, prepare and present to the Governor a printed annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be presented to the Governor throughout the year regarding specific areas of crime if they are ~~recommended by the Advisory Committee and~~ approved by the Director of the Department.

(h) On or before July 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau, for submission to the Legislature, or the Legislative Commission when the Legislature is not in regular session, a report containing statistical data about domestic violence in this State.

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

7. The Central Repository may:

(a) ~~At the recommendation of the Advisory Committee and in~~ *In* the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime or the delinquency of children.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice, any other agency dealing with crime or the delinquency of children which is required to submit information pursuant to subsection 2 or the State Disaster Identification Team of the Division of Emergency Management of the Department. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.

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

8. As used in this section:

(a) ~~["Advisory Committee" means the Committee established by the Director of the Department pursuant to NRS 179A.078.~~

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

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

~~(2) The fingerprints, voiceprint, retina image and iris image of a person.~~

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

Sec. 3. NRS 179A.078 is hereby amended to read as follows:

179A.078 ~~(1)~~ The Director of the Department shall establish within the Central Repository a Uniform Program for Reporting Crimes that is designed to collect statistical data relating to crime or delinquency of children and to facilitate the collection and analysis of statistical data relating to crime at a central location.

~~[2. To assist in establishing and carrying out the Program required by subsection 1, the Director shall establish an Advisory Committee consisting of eight members selected by the Director. The Committee must be composed of:~~

~~(a) One member who represents an association of district judges in this State;~~

~~(b) One member who represents an association of justices of the peace and judges of municipal courts in this State;~~

~~(c) One member who represents an association of district attorneys in this State;~~

~~(d) One member who represents a law enforcement agency located in a county whose population is less than 400,000;~~

~~(e) One member who represents a law enforcement agency located in a county whose population is 400,000 or more;~~

~~(f) One member who represents the Nevada Highway Patrol;~~

~~(g) One member who represents the University and Community College System of Nevada and has knowledge of the criminal justice system; and~~

~~(h) One member who represents the Office of Court Administrator.~~

~~3. The members of the Advisory Committee are not entitled to receive compensation while engaged in the business of the Advisory Committee.~~

~~4. A member who is selected to fill a vacancy must possess the same general qualifications as his predecessor in office.]~~

- Sec. 4.** 1. This section and sections 2 and 3 of this act become effective upon passage and approval.
2. Section 1 of this act becomes effective on July 1, 2005.

