

THE ONE HUNDRED AND FOURTH DAY

CARSON CITY (Saturday), May 18, 2013

Assembly called to order at 2:05 p.m.

Madam Speaker presiding.

Roll called.

All present except Assemblymen Diaz, Hogan, Martin, and Pierce, who were excused.

Prayer by the Chaplain, Pastor Norm Milz.

God and Father, as we meet in this afternoon time, may we look at what this Chamber has done over the past week. May we feel confident as an Assembly that we have passed bills that are for the good of every citizen of the whole state of Nevada. If there is some way we have not done this, forgive us and help us to correct this in the near future.

We thank You for the opportunity to serve. May we daily work to fulfill this opportunity with honor. This is an awesome responsibility and one not to be taken lightly. May we never forget what is said on our State Seal, which reminds us of why we serve, "For the Good of the Country."

As we conclude this week, our time together as an Assembly is quickly coming to a conclusion. May panic to pass bills not cause us to lose focus on what we have been elected to do. May we work together to do things that will be for the betterment of this entire state. Guide our comments that we may be courteous and caring at all times, especially toward those with whom we do not agree.

All this we bring to You trusting in Your love and grace, in the Name of Your Son, Jesus Christ.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 31, 106, 243, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JASON FRIERSON, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

May 17, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 316.

CINDY JONES
Fiscal Analysis Division

Assemblyman Horne moved that Senate Bills Nos. 185, 237, and 335 be taken from their positions on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Horne moved that Senate Bill No. 262 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Horne moved that Senate Bill No. 27 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 27.

Bill read third time.

The following amendment was proposed by Assemblyman Horne:

Amendment No. 724.

SUMMARY—Revises provisions relating to ~~the~~ legal representation ~~of certain persons by the Attorney General or the chief legal officer of a political subdivision of this State in certain civil actions.~~ (BDR 3-219)

AN ACT relating to legal representation; revising provisions governing the legal representation of certain persons by the Attorney General or the chief legal officer of a political subdivision in civil actions relating to certain public duties or employment; **revising provisions concerning the crime of unlawfully soliciting legal business;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Attorney General provides legal counsel to any present or former officer or employee of the State, any immune contractor or any State Legislator in a civil action brought against that person based on any alleged act or omission relating to the person's public duty or employment if: (1) the person submits a written request for such legal counsel; and (2) the Attorney General determines that it appears that the person was acting within the course and scope of his or her public duty or employment and in good faith. In addition, under existing law, the chief legal officer or other

authorized legal representative of a political subdivision of this State provides legal counsel to any present or former officer of that political subdivision or a present or former member of a local board or commission if: (1) the person submits a written request for such legal counsel; and (2) the chief legal officer or authorized legal representative determines that it appears that the person was acting within the scope of his or her public duty or employment and in good faith. (NRS 41.0339)

Sections 2-3 and 3.7-8 of this bill clarify existing law by specifically requiring: (1) the Attorney General to provide legal counsel under these circumstances to any present or former justice of the Supreme Court, senior justice, judge of a district court or senior judge; and (2) the chief legal officer or other authorized legal representative of a political subdivision of this State to provide legal counsel under these circumstances to any present or former justice of the peace, senior justice of the peace, municipal judge or senior municipal judge of that political subdivision. In addition, **sections 2-3 and 3.7-8** require the Attorney General or the chief legal officer or other authorized legal representative of a political subdivision of this State to provide counsel for certain persons who are not employees or officers of the State or political subdivision but who are named as defendants in a civil action solely because of an alleged act or omission relating to the public duties or employment of certain officers or employees of the State or political subdivision.

Section 3.3 of this bill clarifies that the statutory provisions relating to legal representation in civil actions relating to the public duties or employment of such persons do not abrogate, alter or affect the immunity of such persons under other law.

Existing law establishes the crime of unlawful solicitation of legal business and provides that a person who commits this crime is guilty of a misdemeanor. (NRS 7.045) Section 8.3 of this bill revises the acts which constitute the crime of unlawful solicitation of legal business and provides that a second or subsequent violation of this crime is a gross misdemeanor.

Section 8.5 of this bill provides that for the 78th Session of the Nevada Legislature, the Director of the Department of Administration must include the biennial cost of implementing this bill in the Attorney General's cost allocation plan.

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

Section 1. Chapter 41 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 3.3, inclusive, of this act.

Sec. 2. *As used in NRS 41.0338 to 41.0347, inclusive, and sections 2 to 3.3, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 41.0338 and sections 2.5 and 3 of this act have the meanings ascribed to them in those sections.*

Sec. 2.5. *“Local judicial officer” means a justice of the peace, senior justice of the peace, municipal judge or senior municipal judge.*

Sec. 3. *“State judicial officer” means a justice of the Supreme Court, senior justice, judge of a district court or senior judge.*

Sec. 3.3. *The provisions of NRS 41.0338 to 41.0347, inclusive, and sections 2 to 3.3, inclusive, of this act do not abrogate or otherwise alter or affect any immunity from, or protection against, any civil action or civil liability which is provided by law to a local judicial officer, state judicial officer, officer or employee of this State or a political subdivision of this State, immune contractor, State Legislator, member of a state board or commission or member of a local board or commission for any act or omission relating to the person’s public duties or employment.*

Sec. 3.7. NRS 41.0337 is hereby amended to read as follows:

41.0337 **1.** No tort action arising out of an act or omission within the scope of a person’s public duties or employment may be brought against any present or former:

~~{1}~~ (a) *Local judicial officer or state judicial officer;*

(b) *Officer or employee of the State or of any political subdivision;*

~~{2}~~ (c) *Immune contractor; or*

~~{3}~~ (d) *State Legislator,*

↪ unless the State or appropriate political subdivision is named a party defendant under NRS 41.031.

2. *No tort action may be brought against a person who is named as a defendant in the action solely because of an alleged act or omission relating to the public duties or employment of any present or former:*

(a) *Local judicial officer or state judicial officer;*

(b) *Officer or employee of the State or of any political subdivision;*

(c) *Immune contractor; or*

(d) *State Legislator,*

↪ unless the State or appropriate political subdivision is named a party defendant under NRS 41.031.

3. *As used in this section:*

(a) *“Local judicial officer” has the meaning ascribed to it in section 2.5 of this act.*

(b) *“State judicial officer” has the meaning ascribed to it in section 3 of this act.*

Sec. 4. NRS 41.0338 is hereby amended to read as follows:

41.0338 ~~As used in NRS 41.0338 to 41.0347, inclusive, unless the context otherwise requires, “official~~ **“Official** attorney” means:

1. The Attorney General, in an action which involves ~~§~~:

(a) A present or former **state judicial officer**, State Legislator, officer or employee of this State, immune contractor or member of a state board or commission ~~§~~; **or**

(b) **A person who is named as a defendant in the action solely because of an alleged act or omission relating to the public duties or employment of a person listed in paragraph (a).**

2. The chief legal officer or other authorized legal representative of a political subdivision, in an action which involves ~~§~~:

(a) A present or former **local judicial officer of that political subdivision, a present or former** officer or employee of that political subdivision or a present or former member of a local board or commission ~~§~~; **or**

(b) **A person who is named as a defendant in the action solely because of an alleged act or omission relating to the public duties or employment of a person listed in paragraph (a).**

Sec. 5. NRS 41.0339 is hereby amended to read as follows:

41.0339 **1.** The official attorney shall provide for the defense, including the defense of cross-claims and counterclaims, of any present or former **local judicial officer, state judicial officer**, officer or employee of the State or a political subdivision, immune contractor or State Legislator in any civil action brought against that person based on any alleged act or omission relating to the person’s public duties or employment , **or any other person who is named as a defendant in a civil action solely because of an alleged act or omission relating to the public duties or employment of a local judicial officer, state judicial officer, officer or employee of the State or a political subdivision, immune contractor or State Legislator**, if:

~~§~~ (a) Within 15 days after service of a copy of the summons and complaint or other legal document commencing the action, the person submits a written request for defense:

~~§(a)~~ (1) To the official attorney; or

~~§(b)~~ (2) If the officer, employee or immune contractor has an administrative superior, to the administrator of the person’s agency and the official attorney; and

~~§~~ (b) The official attorney has determined that the act or omission on which the action is based appears to be within the course and scope of public duty or employment and appears to have been performed or omitted in good faith.

2. If the official attorney determines that it is impracticable, uneconomical or could constitute a conflict of interest for the legal service

to be rendered by the official attorney or a deputy of the official attorney, the official attorney must employ special counsel pursuant to NRS 41.03435 or 41.0344, whichever is applicable.

Sec. 6. NRS 41.0341 is hereby amended to read as follows:

41.0341 If the complaint is filed in a court of this state:

1. The *local judicial officer, state judicial officer*, officer, employee, board or commission member, ~~or~~ State Legislator ~~or~~ *or other person for whom the official attorney is required to provide a defense pursuant to NRS 41.0339*; and

2. The state or any political subdivision named as a party defendant,
 ↪ each has 45 days after their respective dates of service to file an answer or other responsive pleading.

Sec. 7. NRS 41.0346 is hereby amended to read as follows:

41.0346 1. At any time after the official attorney has appeared in any civil action and commenced to defend any person sued as a *local judicial officer, state judicial officer*, public officer, employee, immune contractor, member of a board or commission, ~~or~~ State Legislator ~~or~~ *or any other person defended by the official attorney pursuant to NRS 41.0339*, the official attorney may apply to any court to withdraw as the attorney of record for that person based upon:

(a) Discovery of any new material fact which was not known at the time the defense was tendered and which would have altered the decision to tender the defense;

(b) Misrepresentation of any material fact by the person requesting the defense, if that fact would have altered the decision to tender the defense if the misrepresentation had not occurred;

(c) Discovery of any mistake of fact which was material to the decision to tender the defense and which would have altered the decision but for the mistake;

(d) Discovery of any fact which indicates that the act or omission on which the civil action is based was not within the course and scope of public duty or employment or was wanton or malicious;

(e) Failure of the defendant to cooperate in good faith with the defense of the case; or

(f) If the action has been brought in a court of competent jurisdiction of this state, failure to name the State or political subdivision as a party defendant, if there is sufficient evidence to establish that the civil action is clearly not based on any act or omission relating to the ~~defendant's~~ public ~~duty~~ *duties* or employment ~~or~~ *of a local judicial officer, state judicial officer, public officer, employee, immune contractor, member of a board or commission or State Legislator.*

2. If any court grants a motion to withdraw on any of the grounds set forth in subsection 1 brought by the official attorney, the State or political subdivision has no duty to continue to defend any person who is the subject of the motion to withdraw.

Sec. 8. NRS 41.0347 is hereby amended to read as follows:

41.0347 **1.** If the official attorney does not provide for the defense of a present or former *local judicial officer, state judicial officer*, officer, employee, immune contractor, member of a board or commission of the State or any political subdivision or ~~of a~~ State Legislator in any civil action in which the State or political subdivision is also a named defendant, or which was brought in a court other than a court of competent jurisdiction of this state, and if it is judicially determined that the injuries arose out of an act or omission of that person during the performance of any duty within the course and scope of the person's public duty or employment and that the person's act or omission was not wanton or malicious:

~~1-1~~ **(a)** If the Attorney General was responsible for providing the defense, the State is liable to that person for reasonable expenses in prosecuting the person's own defense, including court costs and attorney's fees. These expenses must be paid, upon approval by the State Board of Examiners, from the Reserve for Statutory Contingency Account.

~~2-1~~ **(b)** If the chief legal officer or attorney of a political subdivision was responsible for providing the defense, the political subdivision is liable to that person for reasonable expenses in carrying on the person's own defense, including court costs and attorney's fees.

2. *If the official attorney does not provide for the defense of a person who is named a defendant in any civil action solely because of an alleged act or omission relating to the public duties or employment of a present or former local judicial officer, state judicial officer, officer or employee of the State or any political subdivision, immune contractor or State Legislator and the State or political subdivision is also named a defendant, or the civil action was brought in a court other than a court of competent jurisdiction of this State, and if it is judicially determined that the injuries arose out of an act or omission of a local judicial officer, state judicial officer, officer or employee of the State or any political subdivision, immune contractor or State Legislator during the performance of any duty within the course and scope of such a person's public duty or employment and that the person's act or omission was not wanton or malicious:*

(a) If the Attorney General was responsible for providing the defense, the State is liable to the person for reasonable expenses in prosecuting the person's own defense, including court costs and attorney's fees. These expenses must be paid, upon approval by the State Board of Examiners, from the Reserve for Statutory Contingency Account.

(b) If the chief legal officer or attorney of a political subdivision was responsible for providing the defense, the political subdivision is liable to that person for reasonable expenses in carrying on the person's own defense, including court costs and attorney's fees.

Sec. 8.3. NRS 7.045 is hereby amended to read as follows:

7.045 1. ~~It~~ **Except as otherwise provided in this section, it** shall be unlawful for ~~any person or persons within the State of Nevada, unless the person or persons be an attorney at law or attorneys at law, licensed and entitled to practice law under and by virtue of the laws of the State of Nevada,~~ **a person, in exchange for compensation,** to solicit ~~influence or procure, or aid or participate in soliciting, influencing or procuring any person within this state~~ **a tort victim** to employ, hire or retain any attorney at law ~~[within this state for any legal service whatsoever, when such person or persons first hereinabove mentioned shall have, either before or after so soliciting, influencing or procuring, or aiding or participating therein as aforesaid, accepted or received or have been offered or promised from such attorney last mentioned, either directly or indirectly, any benefit, service, money, commission, property or any other thing of value, as consideration therefor, or compensation therefor, or reward therefor, or remuneration therefor, or in recognition thereof.]~~ **, or to offer, accept or receive any compensation for the solicitation of another person to employ, hire or retain any attorney at law:**

(a) At the scene of a traffic accident that may result in a civil action;

(b) At a county or city jail or detention facility; or

(c) At a health care facility.

2. It is unlawful for a person to conspire with another person, including, without limitation, a health care professional, an employee of a health care professional or health care facility, a body shop licensed pursuant to chapter 487 of NRS, an ambulance service, a tow car operator, an insurance company, or any other person routinely associated with the delivery of legal services, to commit an act which violates the provisions of subsection 1.

3. This section does not prohibit or restrict:

(a) A recommendation for the employment, hiring or retention of an attorney at law in a manner that complies with the Nevada Rules of Professional Conduct.

(b) The solicitation of motor vehicle repair or storage services by a tow car operator.

(c) Any activity engaged in by police, fire or emergency medical personnel acting in the normal course of duty.

(d) A communication by a tort victim with the tort victim's insurer concerning the investigation of a claim or settlement of a claim for property damage.

(e) Any inquiries or advertisements performed in the ordinary course of a person's business.

4. A tort victim may void any contract, agreement or obligation that is made, obtained, procured or incurred in violation of this section.

5. Any person who violates any of the provisions of ~~subsection 1 shall be~~ this section:

(a) For the first offense, is guilty of a misdemeanor.

(b) For a second or subsequent offense, is guilty of a gross misdemeanor.

6. As used in this section:

(a) "Compensation" means the direct or indirect promise or payment of any fee, salary, wage, commission, bonus, rebate, refund, dividend or discount.

(b) "Solicit" or "solicitation" means directly or indirectly:

(1) Touting, promoting, recommending, suggesting or offering goods or services; or

(2) Selecting, obtaining or procuring goods or services.

(c) "Tort victim" means a person:

(1) Whose property has been damaged as a result of any accident that may result in a civil action, criminal action or claim for tort damages by or against another person;

(2) Who has been injured or killed as a result of any accident that may result in a civil action, criminal action or claim for tort damages by or against another person; or

(3) A parent, guardian, spouse, sibling or child of a person who has died as a result of any accident that may result in a civil action, criminal action or claim for tort damages by or against another person.

Sec. 8.5. For the 78th Session of the Nevada Legislature, in accordance with the provisions of subsection 2 of NRS 228.113, the Director of the Department of Administration shall include the biennial cost of implementing the provisions of this act in the Attorney General's cost allocation plan.

Sec. 9. This act becomes effective on July 1, 2013.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 344.

Bill read third time.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

Assembly Bill 344 requires the State Board of Health to adopt a Physician Order for Life-Sustaining Treatment [POLST] form. The bill prescribes who may execute and revoke a POLST form, resolves potential conflicts between the form and other advance directives, and provides similar immunities and protections to health care providers as with other advance directives.

Physicians must explain to a patient the availability of the POLST form and how it differs from an advance directive if: (1) a physician diagnoses a patient with a terminal condition; (2) a patient's life expectancy is less than 5 years; or (3) a patient requests it.

This Legislature has a long record of passing proactive policy that gets ahead of the tragedies and the controversies that can surround end-of-life issues, and this is the next chapter. I urge passage.

Roll call on Assembly Bill No. 344:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Assembly Bill No. 344 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 97.

Bill read third time.

Remarks by Assemblyman Duncan.

ASSEMBLYMAN DUNCAN:

Senate Bill 97 specifies that a petition alleging a child is in need of protection must include the address of the primary residence of the child at the time of removal, rather than the address of the location where the child is placed after removal.

The measure clarifies that certain persons have the right to be heard at semiannual or annual court proceedings. Finally, in an annual review concerning the permanent placement of a child, the court is required to make certain determinations regarding out-of-state placement and transition services.

Roll call on Senate Bill No. 97:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 97 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 98.

Bill read third time.

Remarks by Assemblywoman Dondero Loop.

ASSEMBLYWOMAN DONDERO LOOP:

Senate Bill 98 makes various changes related to child welfare services. Specifically, this measure revises the criteria a court uses to determine whether a child welfare agency is required to make reasonable efforts to preserve and reunify the family of a child; revises the definition of “reasonable efforts”; requires the court, when determining whether reasonable efforts have been made, to consider certain matters related to the health and safety of the child, certain efforts to prevent the need to remove the child from the home, and efforts to finalize the plan for the permanent placement of the child; and requires the court to make certain determinations about whether a child welfare agency is required to make reasonable efforts or whether the child welfare agency has made those efforts on a case-by-case basis, based on specific evidence, and to expressly state each determination in the court order.

Roll call on Senate Bill No. 98:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 98 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 102.

Bill read third time.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Senate Bill 102 is the Kenny C. Guinn Memorial Millennium Scholarship. The bill expands the scholarship from one to two—one from the north and one from the south.

Roll call on Senate Bill No. 102:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 102 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 103.

Bill read third time.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Senate Bill 103 revises the period of limitation for crimes relating to the sexual abuse of a child. The measure provides that an indictment must be found or an information or complaint must be filed before the victim of child sexual abuse is 36 years old if the victim discovers or reasonably should have discovered the sexual abuse by that age, and 43 years old if the victim does not discover and reasonably should not have discovered the sexual abuse by 36 years of age.

Roll call on Senate Bill No. 103:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 103 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 104.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Senate Bill 104 replaces the requirement for prisoners convicted of sexual offenses to be evaluated by a panel with a new requirement for such prisoners to be assessed by the Nevada Department of Corrections [NDOC] before their parole is granted or continued. The measure requires the NDOC to assess such prisoners with a currently accepted standard of assessment that will return a risk level to reoffend in a sexual manner using low, moderate, or high categories. The completed assessment must be provided to the Parole Board not sooner than 120 days before a scheduled parole hearing and the findings must be considered by the Board before determining whether to grant or revoke the parole of the prisoner.

The measure requires training for any employee of the Nevada Department of Corrections who completes the assessment, and it requires procedures be established to ensure the accuracy of each completed assessment and to correct any errors prior to submitting the assessment to the Parole Board.

Roll call on Senate Bill No. 104:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 104 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 105.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Senate Bill 105 enacts the Uniform Electronic Legal Material Act to provide for the authentication, preservation, and security of an electronic record of certain legal materials. The measure defines legal materials as the *Nevada Constitution*; the *Statutes of Nevada*; the *Nevada Revised Statutes*; and the *Nevada Administrative Code*. The measure defines the official publisher of these documents as the Legislative Counsel Bureau.

Roll call on Senate Bill No. 105:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 105 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 108.

Bill read third time.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Senate Bill 108 provides that a child who violates curfews is deemed a child in need of supervision rather than a delinquent child. It decreases from eight to four days the length of time a child may remain in custody unless the district attorney shows good cause. Finally, it allows the court to order the Department of Motor Vehicles to issue restricted drivers' licenses to minors who have had their licenses suspended.

Roll call on Senate Bill No. 108:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 108 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 110.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Senate Bill 110 enacts an amendment to Article 4A of the Uniform Commercial Code [UCC], which was promulgated by the Uniform Law Commission and the American Law Institute. The amendment provides that Article 4A applies to a remittance transfer that is not an electronic funds transfer under the federal Electronic Funds Transfer Act [EFTA]. In addition, the amendment to the UCC clarifies that the federal statute governs in the case of any inconsistency between the applicable provision of Article 4A and the EFTA.

Roll call on Senate Bill No. 110:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 110 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 114.

Bill read third time.

Remarks by Assemblyman Hardy.

ASSEMBLYMAN HARDY:

Senate Bill 114 provides that a rate filing made by an insurer or rate service organization must include a proposed effective date for those rates and be filed with the Commissioner of

Insurance not less than 30 days before the proposed effective date of those rates. A filing for a proposed rate increase or decrease may include a request that the Commissioner authorize an earlier effective date than the date proposed. If within 15 days after a proposal is filed the Commissioner determines that the proposal is incomplete, the Commissioner must notify the insurer or rate service organization of that determination. The bill changes from 60 to 30 the number of days within which the Commissioner must approve or disapprove a proposed rate change after determining the proposal is complete. If the proposal is not approved, the Commissioner must submit a written notice to the insurer or rate service organization of the disapproval within that same 30-day period and provide the reasons why the proposal was disapproved. The insurer or rate service organization may, within 30 days of receiving a notice of disapproval, request a reconsideration of the proposal. The Commissioner must approve or disapprove the reconsidered proposal not later than 30 days after receipt of the request for reconsideration.

Roll call on Senate Bill No. 114:

YEAS—35.

NAYS—Carlton, Fiore, Frierson—3.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 114 having received a constitutional majority,

Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 117.

Bill read third time.

Remarks by Assemblywoman Dondero Loop.

ASSEMBLYWOMAN DONDERO LOOP:

Senate Bill 117 prohibits the Department of Taxation from issuing a subpoena to compel the production of books and papers that contain individually identifiable health information. This measure defines “individually identifiable health information” as information that identifies a natural person or easily provides for the identification of a natural person and relates to the past, present, or future physical or mental health or condition of the person or the provision of health care to the person.

Roll call on Senate Bill No. 117:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 117 having received a constitutional majority,

Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 122.

Bill read third time.

Remarks by Assemblyman Munford.

ASSEMBLYMAN MUNFORD:

Senate Bill 122 increases the number of commissioners of a regional housing authority from 9 to 13, and it provides that 4 of the commissioners must represent tenants and be appointed, respectively, by the governing bodies of the three largest cities in the county. The fourth

representative is to be appointed by Clark County. The bill also staggers the terms of the newly appointed tenant representatives so that their terms will not expire at the same time.

Roll call on Senate Bill No. 122:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 122 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 125.

Bill read third time.

Remarks by Assemblyman Munford.

ASSEMBLYMAN MUNFORD:

Senate Bill 125 requires the Nevada Interscholastic Activities Association (NIAA) to adopt rules and regulations that provide the criteria to be used in determining whether to approve or disapprove all-star events without requiring the approval of any other organization. The NIAA must make these changes on or before June 30, 2014.

Roll call on Senate Bill No. 125:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 125 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 127.

Bill read third time.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

Senate Bill 127 prohibits an employer from conditioning the employment of an employee or prospective employee on the person's consumer credit report or other credit information unless the information contained in the report or other credit information is reasonably related to the position of employment.

The measure establishes civil remedies available to a person affected by a violation committed by an employer. Further, the Labor Commissioner is authorized to impose an administrative penalty against an employer for each violation and to bring a civil action against the employer.

Roll call on Senate Bill No. 127:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 127 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 130.

Bill read third time.

Remarks by Assemblywoman Fiore.

ASSEMBLYWOMAN FIORE:

Senate Bill 130 requires the written notice from a homeowners' association concerning an alleged violation to include specific details of the alleged violation, a proposed solution to remedy the alleged violation, and a clear and detailed photograph of the alleged violation, under certain circumstances. In addition, the measure provides that the person charged with the alleged violation must be provided a reasonable opportunity to resolve the alleged violation or to contest the alleged violation at a hearing.

Roll call on Senate Bill No. 130:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 130 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:41 p.m.

ASSEMBLY IN SESSION

At 2:44 p.m.

Madam Speaker presiding.

Quorum present.

Senate Bill No. 136.

Bill read third time.

Remarks by Assemblywoman Fiore.

ASSEMBLYWOMAN FIORE:

Senate Bill 136 provides that homicide is justifiable when committed by a public officer, or a person acting under the command and in the aid of a public officer, when necessary in protecting against an imminent threat to the life of a person.

Roll call on Senate Bill No. 136:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 136 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 140.

Bill read third time.

Remarks by Assemblywoman Dondero Loop.

ASSEMBLYWOMAN DONDERO LOOP:

Senate Bill 140 provides for the statutory creation, perfection, and attachment of a “retaining lien” for attorney’s fees by providing that the rights under such a lien may be adjudicated by a court at the request of the attorney having the lien or any party who has been served with notice of the lien.

Roll call on Senate Bill No. 140:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 140 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 148.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Senate Bill 148 revises requirements for the use of money in the Pollution Control Account by eliminating the program of grants to local governments derived from funds received in the Account in excess of \$1 million. Instead, this excess money is to be distributed directly, on an annual basis, to local air pollution control agencies in nonattainment or maintenance areas in an amount proportionate to the number of forms issued to emissions testing stations. As with the previously-awarded grant money, this excess money must be used for programs related to the improvement of air quality.

Roll call on Senate Bill No. 148:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 148 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 153.

Bill read third time.

Remarks by Assemblyman Hardy.

ASSEMBLYMAN HARDY:

Senate Bill 153 makes various changes relating to the powers and duties of the Board of Occupational Therapy, including clarifying the authority of the Board to enforce regulations, preparing and maintaining records of administrative proceedings, determining the eligibility of an applicant for a license as an occupational therapist, and investigating complaints against a licensee.

The bill increases the supervised fieldwork requirement for a license as an occupational therapist or occupational therapy assistant from 8 weeks to 16 weeks and removes the requirement limiting the number of times each year examinations may be offered by the Board. The Board may issue a license without examination to a person who is certified by the National Board for Certification in Occupational Therapy or its successor organization.

Senate Bill 153 removes the exemption from licensure for an occupational therapist practicing with a licensed occupational therapist. The bill also revises provisions concerning temporary licensure of an occupational therapist.

Roll call on Senate Bill No. 153:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 153 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 154.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Senate Bill 154 requires the landlord of a manufactured home park to maintain, in good working order, any utility service apparatus located on each manufactured home lot, up to the disconnection point. A landlord is not required to maintain any such apparatus that has been damaged by the tenant of the lot. The measure requires that any maintenance to a utility service apparatus be performed by a person who is properly licensed. This measure is effective upon passage.

Roll call on Senate Bill No. 154:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 154 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Senate Bill No. 155 be placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 157.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 157 requires that the board of trustees of each school district establish criteria for determining budgetary priorities and requires the superintendent of that school district to use the criteria in preparing the budget of the school district. The bill also requires that the expenditures of each school district be prioritized to ensure the budgetary priorities are carried out. This was a non-exempt bill in the Committee on Ways and Means.

Roll call on Senate Bill No. 157:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 157 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 158.

Bill read third time.

Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:

Senate Bill 158 prohibits indemnification clauses in motor carrier transportation contracts that require one party to indemnify and hold harmless another party for that other party's own negligence or wrongful acts. Provisions of this bill do not apply to an agreement that provides for the interchange, use, or possession of intermodal chassis or other intermodal equipment.

Roll call on Senate Bill No. 158:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 158 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 159.

Bill read third time.

Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:

Senate Bill 159 declares the Nevada Legislature's support for a land exchange of the Gypsum Mine property, which is bounded in part by the Red Rock Canyon National Conservation Area, for federal lands of equal value located away from the Conservation Area. The bill urges Nevada's Congressional Delegation to support and facilitate efforts to achieve the land exchange and transfer title of the Gypsum Mine property to the Bureau of Land Management so that it can be managed as part of the Conservation Area.

This is an area that is obviously, for those of us in southern Nevada, is a great recreational area, and we would love to see it preserved for that purpose.

Roll call on Senate Bill No. 159:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 159 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 163.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Senate Bill 163 requires that civics be taught in public and private elementary and secondary schools in Nevada.

Roll call on Senate Bill No. 163:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 163 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 175.

Bill read third time.

Remarks by Assemblywoman Dondero Loop.

ASSEMBLYWOMAN DONDERO LOOP:

Senate Bill 175 revises provisions governing the manner in which a chemical solution or gas is determined to have the chemical composition necessary for accurately calibrating a device for testing a person's breath to determine the concentration of alcohol in a person's breath. Specifically, Senate Bill 175 allows a person who is certified to calibrate a device by the Director of the Department of Public Safety to confirm the concentration of alcohol contained in the solution or gas and make an affidavit or declaration identifying and stating that the solution or gas has the chemical composition that is necessary for use in accurately calibrating or verifying the calibration of, the device.

Roll call on Senate Bill No. 175:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 175 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 189.

Bill read third time.

Remarks by Assemblyman Duncan.

ASSEMBLYMAN DUNCAN:

Senate Bill 189 expands the definition of a "provider of health care" to include a medical student, dental student, dental hygienist student, and pharmacy student for purposes of enhanced penalties for the crimes of assault and battery against such a person.

Roll call on Senate Bill No. 189:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 189 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 215.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Senate Bill 215 provides for the following changes to the provisions governing county assessors: changing the amount of training required for an appraiser certified by the Department of Taxation to perform the duties of a property tax appraiser from 36 hours every five years to 36 hours every three years; authorizing the county assessor to waive the 10 percent penalty for the failure to report a mobile or manufactured home to the county assessor within 30 days, under extenuating circumstances; and some other provisions.

Roll call on Senate Bill No. 215:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 215 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 216.

Bill read third time.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Senate Bill 216 provides for the following changes to the provisions governing county treasurers: it authorizes them to provide tax bills in an electronic format; it clarifies that the notification required prior to the auction of property held in trust by the county treasurer be published in a newspaper at least once a week for four consecutive weeks; and it provides that the county treasurer may accept payment for delinquent taxes on a property up until three days prior to the auction.

Roll call on Senate Bill No. 216:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 216 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 227.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Senate Bill 227 adds a natural gas and a propane gas project to those projects that the governing body of a municipality is authorized to acquire, improve, equip, operate, and maintain. Additionally, the governing body may defray the costs of such a project, in whole or in part, through the issuance of general obligation bonds.

Roll call on Senate Bill No. 227:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 227 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 264.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Senate Bill 264 requires the Advisory Commission on the Administration of Justice to include the following items relating to over-criminalization on an agenda for discussion: a review of all criminal sentences; a review of all criminal offenses; an evaluation of the reclassification of certain misdemeanor offenses to determine whether jail time is necessary; and an evaluation of certain felony offenses to determine whether misdemeanor punishment may be more appropriate given the disparate impacts a felony conviction may carry.

Roll call on Senate Bill No. 264:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 264 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 268.

Bill read third time.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

Senate Bill 268 requires a wireless telecommunications provider to provide, upon the request of a law enforcement agency, the most accurate call location information concerning the telecommunications device of a user to assist the law enforcement agency in an emergency situation that involves the immediate risk of death or serious physical harm. The measure requires a wireless telecommunications provider to submit its emergency contact information to the Department of Public Safety to facilitate such requests from law enforcement agencies. The Department is required to maintain a database of the information and provide it to a law

enforcement agency immediately upon request. Further, the Department is authorized to adopt regulations to carry out these provisions.

Roll call on Senate Bill No. 268:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 268 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 272.

Bill read third time.

Remarks by Assemblyman Livermore and Madam Speaker.

ASSEMBLYMAN LIVERMORE:

Senate Bill 272 provides for two separate revisions of the boundary line between Storey County and Washoe County upon the adoption of resolutions by the Board of County Commissioners of Storey County and the Board of County Commissioners of Washoe County approving the revisions.

The bill is effective upon the adoption of resolutions by the Board of County Commissioners of Storey County and by the Board of County Commissioners of Washoe County approving the boundary line revisions. The provisions of the bill expire by limitation on June 30, 2015, should either or both of the counties fail to adopt resolutions approving the boundary line revisions.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

Was there map provided on the record?

ASSEMBLYMAN LIVERMORE:

Yes, in committee.

Roll call on Senate Bill No. 272:

YEAS—37.

NAYS—Neal.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 272 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 274.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Senate Bill 274 adds the Division of Welfare and Supportive Services, the Aging and Disability Service Division, and the Health Division of the Department of Health and Human Services to the entities authorized to execute contracts or agreements with certain governmental or private entities. It also makes additional related provisions.

Roll call on Senate Bill No. 274:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 274 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 281.

Bill read third time.

Remarks by Assemblyman Grady.

ASSEMBLYMAN GRADY:

Senate Bill 281 provides an exemption from property taxes for the buildings, furniture, equipment, and land used by the Thunderbird Lodge Preservation Society until June 30, 2033. They now have the ability to apply and they do get their money. This saves two steps: (1) applying, and (2) they get their money back. This is a good bill, and I do urge your support.

Roll call on Senate Bill No. 281:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 281 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bills Nos. 1, 31, 67, 139, 151, 436, 499; Senate Bills Nos. 4, 55, 60, 73, 78, 80, 100, 101, 111, 112, 133, 134, 143, 155, 162, 167, 170, 176, 178, 180, 181, 185, 191, 198, 202, 206, 217, 233, 237, 258, 267, 276, 284, 285, 286, 287, 288, 304, 305, 309, 310, 315, 317, 318, 325, 335, 338, 342, 343, 344, 345, 347, 350, 351, 356, 365, 371, 382, 388, 392, 393, 402, 404, 409, 419, 420, 432, 433, 434, 437, 438, 441, 443, 448, 449, 453, 457, 458, 459, 460, 476, 488, 489, 496, 497, 503, 505, 506, 507, 509; Senate Joint Resolutions Nos. 1, 12, 13, 14; Senate Joint Resolution No. 15 of the 76th Session be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Horne moved that Senate Bills Nos. 31, 106, and 243, just reported out of committee, be placed on the Second Reading file.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 31.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 659.

AN ACT relating to children; revising provisions concerning the release of certain information relating to a child subject to the jurisdiction of the juvenile court; revising provisions governing the release of certain information maintained by agencies which provide child welfare services; revising provisions concerning certain federal educational assistance for homeless children; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1.2 of this bill authorizes directors of juvenile services, chief juvenile probation officers and the Chief of the Youth Parole Bureau, or his or her designee, to release, upon written request and good cause shown, certain information concerning a child who is within the purview of the juvenile court to certain other persons involved in the juvenile justice system. Under **section 1.2**: (1) any information released must be kept confidential by the recipient of the information and be provided only to a person authorized by **section 1.2** to receive the information; and (2) the information may not be used to deny a child access to any services for which the child would otherwise be eligible.

Section 1.2 also authorizes the release of certain information concerning a child who is within the purview of the juvenile court for the purposes of: (1) certain research concerning juvenile justice services if the information is provided in the aggregate and without the inclusion of personal identifying information; and (2) for the purposes of oversight of an agency, department or office providing services relating to juvenile justice. **Section 1.4** of this bill authorizes the inspection of sealed juvenile justice records for research purposes.

Sections 2 and 4 of this bill enact provisions governing the application of the federal McKinney-Vento Homeless Assistance Act of 1987 to children in the protective custody of an agency which provides child welfare services.

Sections 4.4, 4.6 and 4.8 of this bill authorize an agency which provides child welfare services to release certain information concerning reports or investigations of the alleged abuse or neglect of a child to certain agencies, persons and entities and provide for the confidentiality of such information. **Section 4.8** also authorizes an agency which provides child welfare services to charge a fee for processing costs reasonably necessary to prepare the information for release.

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

Section 1. (Deleted by amendment.)

Sec. 1.2. Chapter 62H of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Juvenile justice information must be maintained in accordance with federal law, and any provision of federal law authorizing the release of juvenile justice information must be construed as broadly as possible in favor of the release of juvenile justice information.*

2. *For the purpose of ensuring the safety, permanent placement, rehabilitation, educational success and well-being of a child, a director of juvenile services or the Chief of the Youth Parole Bureau, or his or her designee, may, upon written request and good cause shown, share appropriate juvenile justice information with:*

~~(a)~~ ~~A judge of the juvenile court or his or her designee;~~

~~(b)~~ ~~A master of the juvenile court or his or her designee;~~

~~(c)~~ ~~A director of juvenile services or his or her designee;~~

~~(d)~~ (b) *The Chief of the Youth Parole Bureau or his or her designee;*

~~(e)~~ (c) *A district attorney or his or her designee;*

~~(f)~~ (d) *An attorney representing the child;*

~~(g)~~ (e) *The director of a state agency which administers juvenile justice or his or her designee;*

~~(h)~~ (f) *A director of a state, regional or local facility for the detention of children or his or her designee;*

~~(i)~~ (g) *The director of an agency which provides child welfare services or his or her designee;*

~~(j)~~ (h) *A guardian ad litem or court appointed special advocate who represents the child;*

~~(k)~~ (i) *A parent or guardian of the child if the release of the information to the parent or guardian is consistent with the purposes of this section; or*

~~(l)~~ (j) *The child to whom the juvenile justice information pertains if the child has reached the age of majority.*

3. *A written request for juvenile justice information pursuant to subsection 2 may be made only for the purpose of determining the appropriate placement of the child pursuant to the provisions of chapter 432B of NRS, the appropriate treatment or services to be provided to the child or the appropriate conditions of probation or parole to be imposed on the child. The written request must state the reason that the juvenile justice information is requested. A written request for juvenile justice information may be refused if:*

(a) *The request does not demonstrate good cause for the release of the information; or*

(b) *The release of the information would cause material harm to the child or would prejudice any court proceeding to which the child is subject.*

↪ *A refusal pursuant to this subsection must be made in writing to the person or entity requesting the information not later than 3 days after receipt of the request, excluding Saturdays, Sundays and holidays.*

4. *Any juvenile justice information provided pursuant to this section is confidential, must be provided only to those persons listed in subsection 2 and must be maintained in accordance with any applicable laws and regulations.*

5. *Any juvenile justice information provided pursuant to this section may not be used to deny a child access to any service for which the child would otherwise be eligible, including, without limitation:*

(a) *Educational services;*

(b) *Social services;*

(c) *Mental health services;*

(d) *Medical services; or*

(e) *Legal services.*

6. *A director of juvenile services or the Chief of the Youth Parole Bureau, or his or her designee, may release juvenile justice information:*

(a) *In the aggregate and without personal identifying information included, to a person engaged in bona fide research that may be used to improve juvenile justice services or secure additional funding for juvenile justice services.*

(b) *As deemed necessary by a legislative body of this State or a local government in this State to conduct an audit or proper oversight of any department, agency or office providing services related to juvenile justice.*

~~7. [A judge of the juvenile court or a master of the juvenile court shall not receive or release any juvenile justice information in a manner which violates any applicable rules adopted by the Supreme Court, the Nevada Code of Judicial Conduct or title 4 of NRS.~~

~~8. "Juvenile" As used in this section, "juvenile justice information" means any information maintained by a director of juvenile services or the Chief of the Youth Parole Bureau, or his or her designee, which is directly related to a child in need of supervision, a delinquent child or any other child who is otherwise subject to the jurisdiction of the juvenile court.~~

Sec. 1.4. NRS 62H.170 is hereby amended to read as follows:

62H.170 1. Except as otherwise provided in this section, if the records of a person are sealed:

(a) All proceedings recounted in the records are deemed never to have occurred; and

(b) The person may reply accordingly to any inquiry concerning the proceedings and the acts which brought about the proceedings.

2. The juvenile court may order the inspection of records that are sealed if:

(a) The person who is the subject of the records petitions the juvenile court to permit the inspection of the records by the persons named in the petition;

(b) An agency charged with the medical or psychiatric care of the person who is the subject of the records petitions the juvenile court to permit the inspection of the records by the agency; ~~{or}~~

(c) A district attorney or an attorney representing a defendant in a criminal action petitions the juvenile court to permit the inspection of the records to obtain information relating to the persons who were involved in the acts detailed in the records ~~{or}~~; *or*

(d) *The juvenile court determines that the inspection of the records is necessary to:*

(1) *Perform bona fide outcome and recidivism studies;*

(2) *Further bona fide research to determine the effectiveness of juvenile justice services;*

(3) *Improve the delivery of juvenile justice services; or*

(4) *Obtain additional resources for the delivery of juvenile justice services.*

↪ *Personal identifying information contained in records inspected pursuant to this paragraph must remain confidential in a manner consistent with any applicable laws and regulations.*

3. Upon its own order, any court of this State may inspect records that are sealed if the records relate to a person who is less than 21 years of age and who is to be sentenced by the court in a criminal proceeding.

Sec. 1.6. NRS 218G.555 is hereby amended to read as follows:

218G.555 1. Except as otherwise provided in subsections 2 and 3, upon request, the Legislative Auditor or the Legislative Auditor's designee shall provide data and information obtained pursuant to NRS 218G.550 concerning a child who suffered a fatality or near fatality who had contact with or who was in the custody of an agency which provides child welfare services. The data or information which must be disclosed includes, without limitation:

(a) A summary of the report of the abuse or neglect of the child and a factual description of the contents of the report;

(b) The date of birth and gender of the child;

(c) The date that the child suffered the fatality or near fatality;

(d) The cause of the fatality or near fatality, if such information has been determined;

(e) Whether the agency which provides child welfare services had any contact with the child or a member of the child's family or household before the fatality or near fatality and, if so:

(1) The frequency of any contact or communication with the child or a member of the child's family or household before the fatality or near fatality and the date on which the last contact or communication occurred before the fatality or near fatality;

(2) Whether the agency which provides child welfare services provided any child welfare services to the child or to a member of the child's family or household before or at the time of the fatality or near fatality;

(3) Whether the agency which provides child welfare services made any referrals for child welfare services for the child or for a member of the child's family or household before or at the time of the fatality or near fatality;

(4) Whether the agency which provides child welfare services took any other actions concerning the welfare of the child before or at the time of the fatality or near fatality; and

(5) A summary of the status of the child's case at the time of the fatality or near fatality, including, without limitation, whether the child's case was closed by the agency which provides child welfare services before the fatality or near fatality and, if so, the reasons that the case was closed; and

(f) Whether the agency which provides child welfare services, in response to the fatality or near fatality:

(1) Has provided or intends to provide child welfare services to the child or to a member of the child's family or household;

(2) Has made or intends to make a referral for child welfare services for the child or for a member of the child's family or household; and

(3) Has taken or intends to take any other action concerning the welfare and safety of the child or a member of the child's family or household.

2. The Legislative Auditor or his or her designee shall not disclose information pursuant to subsection 1 unless the person making the request has requested such information from the agency which provides child welfare services and has been denied access to such information or has not received the information in a timely manner.

3. The Legislative Auditor or his or her designee shall not disclose the following data or information pursuant to subsection 1:

(a) Except as otherwise provided in ~~subsection 3 of~~ NRS 432B.290, data or information concerning the identity of the person responsible for reporting the abuse or neglect of the child to a public agency;

(b) The name of the child who suffered a near fatality or the name of any member of the family or other person who lives in the household of the child who suffered the fatality or near fatality;

(c) A privileged communication between an attorney and client; or

(d) Information that may undermine a criminal investigation or pending criminal prosecution.

Sec. 1.8. NRS 392B.110 is hereby amended to read as follows:

392B.110 1. The legal guardian or custodian of a child may submit to the Department an application to participate in the Program if:

(a) The child has been placed in a foster home; and

(b) The child is enrolled in a public school or is not enrolled in a school because the child has not attained the age required for enrollment.

2. A legal guardian or custodian of a child, as applicable:

(a) Must include in the application the name of the public school in which the child is enrolled, if applicable, and the name of the school in which the legal guardian or custodian of the child wishes to enroll the child. The public school in which the child wishes to enroll does not have to be located in the school district in which the child resides.

(b) May include in the application a statement describing the reason for requesting that the child participate in the Program.

3. Upon receipt of an application pursuant to subsection 1, the Department shall notify the school district in which the child resides and the school district in which the child wishes to enroll, if applicable, that an application to participate in the Program has been submitted on behalf of the child.

4. The Department shall approve an application if the application satisfies the requirements of subsections 1 and 2.

5. Upon approval of an application, the Department shall provide a written statement of approval to the legal guardian or custodian of the child, as applicable, and the public school in which the child will be enrolled. Upon denial of an application, the Department shall provide a written statement of denial to the legal guardian or custodian of the child indicating the reason for the denial.

6. In determining whether to accept or deny an application submitted pursuant to subsection 1, the Department, in coordination with the board of trustees of the school district in which the child resides and the board of trustees of the school district in which the child wishes to attend school, if applicable, shall consider the best interests of the child in continuing the child's education in the public school in which the child was enrolled before the child was placed in a foster home or in transferring to another public school within this State. Every effort must be made to enroll the child in the public school requested by the legal guardian or custodian of the child pursuant to subsection 2.

7. Neither the board of trustees of the school district in which the child resides nor the board of trustees of the school district in which the child

attends school, if applicable, is required to provide transportation for the child to attend a public school which the child is not zoned to attend.

8. A child who is under the care, or in the legal or physical custody, of an agency which provides child welfare services, as defined in NRS 432B.030, is exempt from the provisions of this section and shall attend school in accordance with the federal McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. § 11301 et seq., and any regulations adopted pursuant thereto.

Sec. 2. Chapter 432B of NRS is hereby amended by adding thereto the provisions set forth as sections 2.5, 3 and 4 of this act.

Sec. 2.5. "Information maintained by an agency which provides child welfare services" means data or information concerning reports and investigations made pursuant to this chapter, including, without limitation, the name, address, date of birth, social security number and the image or likeness of any child, family member of any child and reporting party or source, whether primary or collateral.

Sec. 3. (Deleted by amendment.)

Sec. 4. 1. A child who is in the legal ~~and~~ or physical custody of an agency which provides child welfare services and is awaiting foster care placement shall be deemed to be homeless for the purposes of the federal McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. § 11301 et seq., and any regulations adopted pursuant thereto. If a child is legally adopted or ordered by a court of competent jurisdiction to a permanent placement, the child is no longer deemed homeless for the purposes of the federal McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. § 11301 et seq., and any regulations adopted pursuant thereto.

2. For the purpose of this section, "awaiting foster care placement" means the period during which a child is removed from his or her home until he or she is legally adopted or enters a permanent placement.

Sec. 4.2. NRS 432B.010 is hereby amended to read as follows:

432B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 432B.020 to 432B.110, inclusive, **and section 2.5 of this act** have the meanings ascribed to them in those sections.

Sec. 4.4. NRS 432B.175 is hereby amended to read as follows:

432B.175 1. Data or information concerning reports and investigations thereof made pursuant to this chapter must be made available pursuant to this section to any member of the general public upon request if the child who is the subject of a report of abuse or neglect suffered a fatality or near fatality. Any such data and information which is known must be made available not later than 48 hours after a fatality and not later than 5 business days after a near fatality. Except as otherwise provided in subsection 2, the data or information which must be disclosed includes, without limitation:

- (a) A summary of the report of abuse or neglect and a factual description of the contents of the report;
 - (b) The date of birth and gender of the child;
 - (c) The date that the child suffered the fatality or near fatality;
 - (d) The cause of the fatality or near fatality, if such information has been determined;
 - (e) Whether the agency which provides child welfare services had any contact with the child or a member of the child's family or household before the fatality or near fatality and, if so:
 - (1) The frequency of any contact or communication with the child or a member of the child's family or household before the fatality or near fatality and the date on which the last contact or communication occurred before the fatality or near fatality;
 - (2) Whether the agency which provides child welfare services provided any child welfare services to the child or to a member of the child's family or household before or at the time of the fatality or near fatality;
 - (3) Whether the agency which provides child welfare services made any referrals for child welfare services for the child or for a member of the child's family or household before or at the time of the fatality or near fatality;
 - (4) Whether the agency which provides child welfare services took any other actions concerning the welfare of the child before or at the time of the fatality or near fatality; and
 - (5) A summary of the status of the child's case at the time of the fatality or near fatality, including, without limitation, whether the child's case was closed by the agency which provides child welfare services before the fatality or near fatality and, if so, the reasons that the case was closed; and
 - (f) Whether the agency which provides child welfare services, in response to the fatality or near fatality:
 - (1) Has provided or intends to provide child welfare services to the child or to a member of the child's family or household;
 - (2) Has made or intends to make a referral for child welfare services for the child or for a member of the child's family or household; and
 - (3) Has taken or intends to take any other action concerning the welfare and safety of the child or any member of the child's family or household.
2. An agency which provides child welfare services shall not disclose the following data or information pursuant to subsection 1:
- (a) Except as otherwise provided in ~~subsection 3 of~~ NRS 432B.290, data or information concerning the identity of the person responsible for reporting the abuse or neglect of the child to a public agency;
 - (b) The name of the child who suffered a near fatality or the name of any member of the family or other person who lives in the household of the child who suffered the fatality or near fatality;

- (c) A privileged communication between an attorney and client; and
- (d) Information that may undermine a criminal investigation or pending criminal prosecution.

3. The Division of Child and Family Services shall adopt regulations to carry out the provisions of this section.

4. As used in this section, "near fatality" means an act that places a child in serious or critical condition as verified orally or in writing by a physician, a registered nurse or other licensed provider of health care. Such verification may be given in person or by telephone, mail, electronic mail or facsimile.

Sec. 4.6. NRS 432B.280 is hereby amended to read as follows:

432B.280 1. Except as otherwise provided in NRS 239.0115, 432B.165, 432B.175 and 439.538 and except as otherwise authorized or required pursuant to NRS 432B.290, ***information maintained by an agency which provides child welfare services, including, without limitation, reports and investigations*** made pursuant to this chapter, ~~as well as all records concerning these reports and investigations thereof, are~~ **is** confidential.

2. Any person, law enforcement agency or public agency, institution or facility who willfully releases ~~{data}~~ or ~~{information concerning}~~ **disseminates** such ~~{reports and investigations,}~~ **information**, except:

- (a) Pursuant to a criminal prosecution relating to the abuse or neglect of a child;
- (b) As otherwise authorized pursuant to NRS 432B.165 and 432B.175;
- (c) As otherwise authorized or required pursuant to NRS 432B.290;
- (d) As otherwise authorized or required pursuant to NRS 439.538; or
- (e) As otherwise required pursuant to NRS 432B.513,

↪ is guilty of a **gross** misdemeanor.

Sec. 4.8. NRS 432B.290 is hereby amended to read as follows:

432B.290 1. ***Information maintained by an agency which provides child welfare services must be maintained by the agency which provides child welfare services as required by federal law as a condition of the allocation of federal money to this State.***

2. Except as otherwise provided in ~~{subsections 2 and 3}~~ **this section** and NRS 432B.165, 432B.175 and 432B.513, ~~{data or}~~ information ~~{concerning reports and investigations thereof made pursuant to this chapter}~~ **maintained by an agency which provides child welfare services** may, **at the discretion of the agency which provides child welfare services**, be made available only to:

- (a) A physician, if the physician has before him or her a child who the physician has reasonable cause to believe has been abused or neglected;
- (b) A person authorized to place a child in protective custody, if the person has before him or her a child who the person has reasonable cause to

believe has been abused or neglected and the person requires the information to determine whether to place the child in protective custody;

(c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:

(1) The child; or

(2) The person responsible for the welfare of the child;

(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the abuse or neglect of a child;

(e) Except as otherwise provided in paragraph (f), a court ~~is~~ ***other than a juvenile ~~[dependency] court,~~*** for in camera inspection only, unless the court determines ~~[in a written finding provided to the agency which provides child welfare services]~~ that public disclosure of the information is necessary for the determination of an issue before it;

(f) A court as defined in NRS 159.015 ~~[, for in camera inspection only,]~~ to determine whether a guardian or successor guardian of a child should be appointed pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive;

(g) A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to the person;

(h) The attorney and the guardian ad litem of the child ~~is~~ , ***if the information is reasonably necessary to promote the safety, permanency and well-being of the child;***

(i) A person who files or intends to file a petition for the appointment of a guardian or successor guardian of a child pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential ~~is~~ ***and the information is reasonably necessary to promote the safety, permanency and well-being of the child;***

(j) The proposed guardian or proposed successor guardian of a child over whom a guardianship is sought pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential ~~is~~ ***and the information is reasonably necessary to promote the safety, permanency and well-being of the child;***

(k) A grand jury upon its determination that access to these records and the information is necessary in the conduct of its official business;

(l) A federal, state or local governmental entity, or an agency of such an entity, ***or a juvenile ~~[dependency] court,~~*** that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect;

(m) A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments or services and that has been trained to make such assessments or provide such services;

(n) A team organized pursuant to NRS 432B.350 for the protection of a child;

(o) A team organized pursuant to NRS 432B.405 to review the death of a child;

(p) A parent or legal guardian of the child and an attorney of a parent or guardian of the child, including, without limitation, the parent or guardian of a child over whom a guardianship is sought pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential [;] ***and the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning that parent or guardian;***

(q) The child over whom a guardianship is sought pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if:

(1) The child is 14 years of age or older; and

(2) The identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential [;] ***and the information is reasonably necessary to promote the safety, permanency and well-being of the child;***

(r) The persons ***or agent of the persons*** who are the subject of a report [;], ***if the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning those persons;***

(s) An agency that is authorized by law to license foster homes or facilities for children or to investigate persons applying for approval to adopt a child, if the agency has before it an application for that license or is investigating an applicant to adopt a child;

(t) Upon written consent of the parent, any officer of this State or a city or county thereof or Legislator authorized [;] by the agency or department having jurisdiction or by the Legislature, acting within its jurisdiction, to investigate the activities or programs of an agency which provides child welfare services if :

(1) The identity of the person making the report is kept confidential;
and

(2) The ~~the~~ officer, Legislator or a member of the family of the officer or Legislator is not the person alleged to have committed the abuse or neglect;

(u) The Division of Parole and Probation of the Department of Public Safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court or pursuant to NRS 176.151 in making a general investigation and report;

(v) Any person who is required pursuant to NRS 432B.220 to make a report to an agency which provides child welfare services or to a law enforcement agency;

(w) The Rural Advisory Board to Expedite Proceedings for the Placement of Children created pursuant to NRS 432B.602 or a local advisory board to expedite proceedings for the placement of children created pursuant to NRS 432B.604;

(x) The panel established pursuant to NRS 432B.396 to evaluate agencies which provide child welfare services;

(y) An employer in accordance with subsection 3 of NRS 432.100; or

(z) A team organized or sponsored pursuant to NRS 217.475 or 228.495 to review the death of the victim of a crime that constitutes domestic violence.

~~{2.}~~ **3.** An agency investigating a report of the abuse or neglect of a child shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of the child:

(a) A copy of:

(1) Any statement made in writing to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(b) A written summary of the allegations made against the person who is named in the report as allegedly causing the abuse or neglect of the child. The summary must not identify the person responsible for reporting the alleged abuse or neglect ~~[-~~

~~—3.— An agency which provides child welfare services shall disclose the identity of a person who makes a report or otherwise initiates an investigation pursuant to this chapter if a court, after reviewing the record in camera and determining that there is reason to believe that the person knowingly made a false report, orders the disclosure.] or any collateral sources and reporting parties.~~

4. Except as otherwise provided by subsection 6, before releasing any information maintained by an agency which provides child welfare services pursuant to this section, an agency which provides child welfare services shall take whatever precautions it determines are reasonably necessary to protect the identity and safety of any person who reports child abuse or neglect and to protect any other person if the agency which provides child

welfare services reasonably believes that disclosure of the information would cause a specific and material harm to an investigation of the alleged abuse or neglect of a child or the life or safety of any person.

5. *The provisions of this section must not be construed to require an agency which provides child welfare services to disclose information maintained by the agency which provides child welfare services if, after consultation with the attorney who represents the agency, the agency determines that such disclosure would cause a specific and material harm to a criminal investigation.*

6. *A person who is the subject of an unsubstantiated report of child abuse or neglect made pursuant to this chapter and who believes that the report was made in bad faith or with malicious intent may petition a district court to order the agency which provides child welfare services to release information maintained by the agency which provides child welfare services. The petition must specifically set forth the reasons supporting the belief that the report was made in bad faith or with malicious intent. The petitioner shall provide notice to the agency which provides child welfare services so that the agency may participate in the action through its counsel. The district court shall review the information which the petitioner requests to be released and the petitioner shall be allowed to present evidence in support of the petition. If the court determines that there is a reasonable question of fact as to whether the report was made in bad faith or with malicious intent and that the disclosure of the identity of the person who made the report would not be likely to endanger the life or safety of the person who made the report, the court shall provide a copy of the information to the petitioner and the original information is subject to discovery in a subsequent civil action regarding the making of the report.*

7. *If an agency which provides child welfare services receives any information that is deemed confidential by law, the agency which provides child welfare services shall maintain the confidentiality of the information as prescribed by applicable law.*

8. *Pursuant to this section, a person may authorize the release of information maintained by an agency which provides child welfare services about himself or herself, but may not waive the confidentiality of such information concerning any other person.*

9. *An agency which provides child welfare services may provide a summary of the outcome of an investigation of the alleged abuse or neglect of a child to the person who reported the suspected abuse or neglect.*

10. Any person, except for:

(a) ~~the subject of a report;~~

~~(b)}~~ A district attorney or other law enforcement officer initiating legal proceedings; or

~~[(c)]~~ (b) An employee of the Division of Parole and Probation of the Department of Public Safety making a presentence investigation and report to the district court pursuant to NRS 176.135 or making a general investigation and report pursuant to NRS 176.151,

↪ who is ~~[given access, pursuant to subsection 1, to]~~ **provided with information [identifying the subjects of a report] maintained by an agency which provides child welfare services and further disseminates this information, or** who makes this information public, is guilty of a **gross** misdemeanor.

~~[5.—The Division of Child and Family Services]~~

11. An agency which provides child welfare services may charge a fee for processing costs reasonably necessary to prepare information maintained by the agency which provides child welfare services for release pursuant to this section.

12. An agency which provides child welfare services shall adopt rules, policies or regulations to carry out the provisions of this section.

Sec. 5. This act becomes effective on July 1, 2013.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 106.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 624.

AN ACT relating to judicial administration; revising provisions governing the collection of delinquent fines, administrative assessments, fees, restitution and other payments imposed in criminal and juvenile court proceedings; revising provisions governing the appointment of an attorney in juvenile court proceedings; authorizing a juvenile court to establish a restitution contribution fund; ~~[authorizing the waiver of all or part of any community service imposed by the juvenile court in exchange for a monetary contribution to a restitution contribution fund;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a court to impose a collection fee for certain delinquent fines, administrative assessments, fees and restitution and authorizes the court to take certain actions to collect such delinquent payments. (NRS 176.064) **Section 1** of this bill authorizes the court to enter a civil judgment for the amount of any unpaid fines, administrative assessments, fees and restitution imposed against a criminal defendant.

Under **section 1**, the civil judgment may be enforced and renewed in the same manner as a judgment for money rendered in a civil action, and a person who is not indigent and who has not satisfied the civil judgment within a certain period may be punished for contempt. **Section 1** also revises the purposes for which money collected from collection fees imposed by a court may be used. **Section 4** of this bill authorizes a juvenile court to impose the same collection fees for delinquent fines, administrative assessments, fees, restitution and certain other payments as a court may impose against a criminal defendant pursuant to **section 1**. **Section 4** authorizes a juvenile court to enter a civil judgment against a child or the parent or guardian of the child for any delinquent fines, administrative assessments, fees, restitution or other payments required in a juvenile court proceeding and authorizes the juvenile court to take certain actions if the juvenile court has entered such a civil judgment. Moreover, if the juvenile court has entered a civil judgment against a person who is not indigent and the juvenile court determines that the person has failed to make reasonable efforts to satisfy the civil judgment, **section 4** authorizes the juvenile court to punish the person for contempt. **Section 4** also provides that if a civil judgment entered by the juvenile court is unsatisfied and the person against whom the judgment is entered is convicted of a crime, the unsatisfied portion of the civil judgment must be included in the sentence for that crime.

Existing law requires a juvenile court to appoint an attorney to represent a child who is alleged to be delinquent or in need of supervision under certain circumstances. If the parent or guardian of a child for whom the juvenile court has appointed an attorney is not indigent, the parent or guardian is required to pay the reasonable fees and expenses of the attorney. If the parent or guardian of the child is indigent, the juvenile court may order the parent or guardian to reimburse the county or State in accordance with his or her ability to pay. (NRS 62D.030) Under **section 7** of this bill, the juvenile court is required to find that the parent or guardian of a child is indigent if the parent or guardian: (1) receives public assistance, resides in public housing, has an income that is less than 200 percent of the federally designated poverty standard, is incarcerated or is housed in a public or private mental health facility; or (2) is financially unable, without substantial hardship to the parent or guardian or his or her dependents, to obtain qualified and competent legal counsel.

Section 9 of this bill authorizes a juvenile court to establish a restitution contribution fund. Under **section 9**, all expenditures from the restitution contribution fund: (1) must be authorized by the juvenile court; and (2) must provide restitution to victims of unlawful acts committed by children or, if the source of the money is a grant, gift, donation, bequest or devise, must be made in accordance with the terms of the grant, gift, donation, bequest or

devise. ~~[Section 10 of this bill authorizes the juvenile court to waive all or part of any community service imposed against a child by the juvenile court upon good cause shown in exchange for a monetary contribution to the restitution contribution fund and requires the juvenile court to set forth in an administrative order that is available for public inspection a formula for determining the amount of a contribution to the fund and the manner in which the contribution must be made.]~~ Section 6 of this bill authorizes an agreement for the informal supervision of a child to require the child to make a monetary contribution to a restitution contribution fund.

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

Section 1. NRS 176.064 is hereby amended to read as follows:

176.064 1. If a fine, administrative assessment, fee or restitution is imposed upon a defendant pursuant to this chapter, whether or not the fine, administrative assessment, fee or restitution is in addition to any other punishment, and the fine, administrative assessment, fee or restitution or any part of it remains unpaid after the time established by the court for its payment, the defendant is liable for a collection fee, to be imposed by the court at the time it finds that the fine, administrative assessment, fee or restitution is delinquent, of:

- (a) Not more than \$100, if the amount of the delinquency is less than \$2,000.
- (b) Not more than \$500, if the amount of the delinquency is \$2,000 or greater, but is less than \$5,000.
- (c) Ten percent of the amount of the delinquency, if the amount of the delinquency is \$5,000 or greater.

2. A state or local entity that is responsible for collecting a delinquent fine, administrative assessment, fee or restitution may, in addition to attempting to collect the fine, administrative assessment, fee or restitution through any other lawful means, take any or all of the following actions:

- (a) Report the delinquency to reporting agencies that assemble or evaluate information concerning credit.
- (b) Request that the court take appropriate action pursuant to subsection 3.
- (c) Contract with a collection agency licensed pursuant to NRS 649.075 to collect the delinquent amount and the collection fee. The collection agency must be paid as compensation for its services an amount not greater than the amount of the collection fee imposed pursuant to subsection 1, in accordance with the provisions of the contract.

3. The court may, on its own motion or at the request of a state or local entity that is responsible for collecting the delinquent fine, administrative

assessment, fee or restitution, take any or all of the following actions, in the following order of priority if practicable:

(a) *Enter a civil judgment for the amount due in favor of the state or local entity that is responsible for collecting the delinquent fine, administrative assessment, fee or restitution. A civil judgment entered pursuant to this paragraph may be enforced and renewed in the manner provided by law for the enforcement and renewal of a judgment for money rendered in a civil action. If the court has entered a civil judgment pursuant to this paragraph and the person against whom the judgment is entered is not indigent and has not satisfied the judgment within the time established by the court, the person may be dealt with as for contempt of court.*

(b) Request that a prosecuting attorney undertake collection of the delinquency, including, without limitation, the original amount *of the civil judgment entered pursuant to paragraph (a)* and the collection fee, by attachment or garnishment of the defendant's property, wages or other money receivable.

~~[(b)]~~ (c) Order the suspension of the driver's license of the defendant. If the defendant does not possess a driver's license, the court may prohibit the defendant from applying for a driver's license for a specified period. If the defendant is already the subject of a court order suspending or delaying the issuance of the defendant's driver's license, the court may order the additional suspension or delay, as appropriate, to apply consecutively with the previous order. At the time the court issues an order suspending the driver's license of a defendant pursuant to this paragraph, the court shall require the defendant to surrender to the court all driver's licenses then held by the defendant. The court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles the licenses, together with a copy of the order. At the time the court issues an order pursuant to this paragraph delaying the ability of a defendant to apply for a driver's license, the court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles a copy of the order. The Department of Motor Vehicles shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the defendant's driving record, but such a suspension must not be considered for the purpose of rating or underwriting.

~~[(c)]~~ (d) For a delinquent fine or administrative assessment, order the confinement of the person in the appropriate prison, jail or detention facility, as provided in NRS 176.065 and 176.075.

4. Money collected from a collection fee imposed pursuant to subsection 1 must be distributed in the following manner:

(a) Except as otherwise provided in paragraph (d), if the money is collected by or on behalf of a municipal court, the money must be deposited in a special fund in the appropriate city treasury. The city may use the money in the fund only to develop and implement a program for the collection of fines, administrative assessments, fees and restitution ~~{ }~~ **and to hire additional personnel necessary for the success of such a program.**

(b) Except as otherwise provided in paragraph (d), if the money is collected by or on behalf of a justice court or district court, the money must be deposited in a special fund in the appropriate county treasury. The county may use the money in the special fund only to ~~{develop}~~ :

(1) **Develop** and implement a program for the collection of fines, administrative assessments, fees and restitution ~~{ }~~ **and to hire additional personnel necessary for the success of such a program; or**

(2) **Improve the operations of a court by providing funding for:**

(I) **A civil law self-help center; or**

(II) **Court security personnel and equipment for a regional justice center that includes the justice courts of that county.**

(c) Except as otherwise provided in paragraph (d), if the money is collected by a state entity, the money must be deposited in an account, which is hereby created in the State Treasury. The Court Administrator may use the money in the account only to develop and implement a program for the collection of fines, administrative assessments, fees and restitution in this State ~~{ }~~ **and to hire additional personnel necessary for the success of such a program.**

(d) If the money is collected by a collection agency, after the collection agency has been paid its fee pursuant to the terms of the contract, any remaining money must be deposited in the state, city or county treasury, whichever is appropriate, to be used only for the purposes set forth in paragraph (a), (b) or (c) of this subsection.

Sec. 2. NRS 176.065 is hereby amended to read as follows:

176.065 1. Except as otherwise provided in subsection 2, when a person is sentenced to both fine and imprisonment, or to pay a forfeiture in addition to imprisonment, the court may, pursuant to NRS 176.064, **or section 4 of this act**, order that the person be confined in the state prison, the city or county jail or a detention facility, whichever is designated in the person's sentence of imprisonment, for an additional period of 1 day for each \$75 of the amount until the administrative assessment and the fine or forfeiture are satisfied or the maximum term of imprisonment prescribed by law for the offense committed has elapsed, whichever is earlier, but the person's eligibility for parole is governed only by the person's sentence of imprisonment.

2. The provisions of this section do not apply to indigent persons.

Sec. 3. NRS 176.075 is hereby amended to read as follows:

176.075 1. Except as otherwise provided in subsection 2, when a person is sentenced to pay a fine or forfeiture without an accompanying sentence of imprisonment, the court may, pursuant to NRS 176.064, *or section 4 of this act*, order that the person be confined in the city or county jail or detention facility for a period of not more than 1 day for each \$75 of the amount until the administrative assessment and the fine or forfeiture are satisfied.

2. The provisions of this section do not apply to indigent persons.

Sec. 4. Chapter 62B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this subsection, if, pursuant to this title, a child or a parent or guardian of a child is ordered by the juvenile court to pay a fine, administrative assessment, fee or restitution or to make any other payment and the fine, administrative assessment, fee, restitution or other payment or any part of it remains unpaid after the time established by the juvenile court for its payment, the juvenile court may enter a civil judgment against the child or the parent or guardian of the child for the amount due in favor of the victim, the state or local entity to whom the amount is owed or both. The juvenile court may not enter a civil judgment against a person who is a child unless the person has attained the age of 18 years, the person is a child who is determined to be outside the jurisdiction of the juvenile court pursuant to NRS 62B.330 or 62B.335 or the person is a child who is certified for proper criminal proceedings as an adult pursuant to NRS 62B.390.

2. Notwithstanding the termination of the jurisdiction of the juvenile court pursuant to NRS 62B.410 or the termination of any period of supervision or probation ordered by the juvenile court, the juvenile court retains jurisdiction over any civil judgment entered pursuant to subsection 1 and retains jurisdiction over the person against whom a civil judgment is entered pursuant to subsection 1. The juvenile court may supervise the civil judgment and take any of the actions authorized by the laws of this State.

3. A civil judgment entered pursuant to subsection 1 may be enforced and renewed in the manner provided by law for the enforcement and renewal of a judgment for money rendered in a civil action.

4. If the juvenile court enters a civil judgment pursuant to subsection 1, the person or persons against whom the judgment is issued is liable for a collection fee, to be imposed by the juvenile court at the time the civil judgment is issued, of:

(a) Not more than \$100, if the amount of the judgment is less than \$2,000.

(b) Not more than \$500, if the amount of the judgment is \$2,000 or greater, but is less than \$5,000.

(c) Ten percent of the amount of the judgment, if the amount of the judgment is \$5,000 or greater.

5. In addition to attempting to collect the judgment through any other lawful means, a victim, a representative of the victim or a state or local entity that is responsible for collecting a civil judgment entered pursuant to subsection 1 may take any or all of the following actions:

(a) Except as otherwise provided in this paragraph, report the judgment to reporting agencies that assemble or evaluate information concerning credit. If the judgment was entered against a person who was less than 21 years of age at the time the judgment was entered, the judgment cannot be reported pursuant to this paragraph until the person reaches 21 years of age.

(b) Request that the juvenile court take appropriate action pursuant to subsection 6.

(c) Contract with a collection agency licensed pursuant to NRS 649.075 to collect the judgment and the collection fee. The collection agency must be paid as compensation for its services an amount not greater than the amount of the collection fee imposed pursuant to subsection 4, in accordance with the provisions of the contract.

6. If the juvenile court determines that a child or the parent or guardian of a child against whom a civil judgment has been entered pursuant to subsection 1 has failed to make reasonable efforts to satisfy the civil judgment, the juvenile court may take any of the following actions:

(a) Order the suspension of the driver's license of a child for a period not to exceed 1 year. If the child is already the subject of a court order suspending the driver's license of the child, the juvenile court may order the additional suspension to apply consecutively with the previous order. At the time the juvenile court issues an order suspending the driver's license of a child pursuant to this paragraph, the juvenile court shall require the child to surrender to the juvenile court all driver's licenses then held by the child. The juvenile court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles the licenses, together with a copy of the order. The Department of Motor Vehicles shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the driving record of a child, but such a suspension must not be considered for the purpose of rating or underwriting.

(b) If a child does not possess a driver's license, prohibit the child from applying for a driver's license for a period not to exceed 1 year. If the child is already the subject of a court order delaying the issuance of a license to drive, the juvenile court may order any additional delay in the ability of the

child to apply for a driver's license to apply consecutively with the previous order. At the time the juvenile court issues an order pursuant to this paragraph delaying the ability of a child to apply for a driver's license, the juvenile court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles a copy of the order.

(c) If the civil judgment was issued for a delinquent fine or administrative assessment, order the confinement of the person in the appropriate prison, jail or detention facility, as provided in NRS 176.065 and 176.075.

(d) Enter a finding of contempt against a child or the parent or guardian of a child and punish the child or the parent or guardian for contempt in the manner provided in NRS 62E.040. A person who is indigent may not be punished for contempt pursuant to this subsection.

7. Money collected from a collection fee imposed pursuant to subsection 4 must be deposited and used in the manner set forth in subsection 4 of NRS 176.064.

8. If the juvenile court enters a civil judgment pursuant to subsection 1 and the person against whom the judgment is entered is convicted of a crime before he or she satisfies the civil judgment, the court sentencing the person for that crime shall include in the sentence the civil judgment or such portion of the civil judgment that remains unpaid.

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 62C.210 is hereby amended to read as follows:

62C.210 1. An agreement for informal supervision may require the child to:

(a) Perform community service, ~~or~~ provide restitution to any victim of the acts for which the child was referred to the probation officer ~~or~~ *or make a monetary contribution to a restitution contribution fund established pursuant to section 9 of this act;*

(b) Participate in a program of restitution through work that is established pursuant to NRS 62E.580 if the child:

(1) Is 14 years of age or older;

(2) Has never been found to be within the purview of this title for an unlawful act that involved the use or threatened use of force or violence against a victim and has never been found to have committed such an unlawful act in any other jurisdiction, unless the probation officer determines that the child would benefit from the program;

(3) Is required to provide restitution to a victim; and

(4) Voluntarily agrees to participate in the program of restitution through work;

(c) Complete a program of cognitive training and human development pursuant to NRS 62E.220 if:

(1) The child has never been found to be within the purview of this title; and

(2) The unlawful act for which the child is found to be within the purview of this title did not involve the use or threatened use of force or violence against a victim; or

(d) Engage in any combination of the activities set forth in this subsection.

2. If the agreement for informal supervision requires the child to participate in a program of restitution through work or complete a program of cognitive training and human development, the agreement may also require any or all of the following, in the following order of priority if practicable:

(a) The child or the parent or guardian of the child, or both, to the extent of their financial ability, to pay the costs associated with the participation of the child in the program, including, but not limited to:

(1) A reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property during those periods in which the child participates in the program or performs work; and

(2) In the case of a program of restitution through work, for industrial insurance, unless the industrial insurance is provided by the employer for which the child performs the work; or

(b) The child to work on projects or perform community service for a period that reflects the costs associated with the participation of the child in the program.

Sec. 7. NRS 62D.030 is hereby amended to read as follows:

62D.030 1. If a child is alleged to be delinquent or in need of supervision, the juvenile court shall advise the child and the parent or guardian of the child that the child is entitled to be represented by an attorney at all stages of the proceedings.

2. If a parent or guardian of a child is indigent, the parent or guardian may request the appointment of an attorney to represent the child pursuant to the provisions in NRS 171.188.

3. Except as otherwise provided in this section, the juvenile court shall appoint an attorney for a child if the parent or guardian of the child does not retain an attorney for the child and is not likely to retain an attorney for the child.

4. A child may waive the right to be represented by an attorney if:

(a) A petition is not filed and the child is placed under informal supervision pursuant to NRS 62C.200; or

(b) A petition is filed and the record of the juvenile court shows that the waiver of the right to be represented by an attorney is made knowingly, intelligently, voluntarily and in accordance with any applicable standards established by the juvenile court.

5. Except as otherwise provided in *subsection 6 and* NRS 424.085, if the juvenile court appoints an attorney to represent a child and:

(a) The parent or guardian of the child is not indigent, the parent or guardian shall pay the reasonable fees and expenses of the attorney.

(b) The parent or guardian of the child is indigent, the juvenile court may order the parent or guardian to reimburse the county or State in accordance with the ability of the parent or guardian to pay.

6. *For the purposes of paragraph (b) of subsection 5, the juvenile court shall find that the parent or guardian of the child is indigent if:*

(a) *The parent or guardian:*

(1) *Receives public assistance, as that term is defined in NRS 422A.065;*

(2) *Resides in public housing, as that term is defined in NRS 315.021;*

(3) *Has a household income that is less than 200 percent of the federally designated level signifying poverty;*

(4) *Is incarcerated pursuant to a sentence imposed upon conviction of a crime; or*

(5) *Is housed in a public or private mental health facility; or*

(b) *After considering the particular circumstances of the parent or guardian, including, without limitation, the seriousness of the charges against the child, the monthly expenses of the parent or guardian and the rates for attorneys in the area in which the juvenile court is located, the juvenile court determines that the parent or guardian is financially unable, without substantial hardship to the parent or guardian or his or her dependents, to obtain qualified and competent legal counsel.*

7. Each attorney, other than a public defender, who is appointed under the provisions of this section is entitled to the same compensation and expenses from the county as is provided in NRS 7.125 and 7.135 for attorneys appointed to represent persons charged with criminal offenses.

Sec. 8. Chapter 62E of NRS is hereby amended by adding thereto the provisions set forth as sections 9 and 10 of this act.

Sec. 9. 1. *The juvenile court may establish, with the county treasurer as custodian, a special fund to be known as the restitution contribution fund.*

2. *The juvenile court may apply for and accept grants, gifts, donations, bequests or devises which the director of juvenile services shall deposit with the county treasurer for credit to the fund.*

3. *The fund must be a separate and continuing fund, and no money in the fund reverts to the general fund of the county at any time. The interest earned on the money in the fund, after deducting any applicable charges, must be credited to the fund.*

4. *The juvenile court shall:*

(a) Expend money from the fund only to provide restitution to a victim of an unlawful act committed by a child; and

(b) If the source of the money is a grant, gift, donation, bequest or devise, expend the money, to the extent permitted by law, in accordance with the terms of the grant, gift, donation, bequest or devise.

5. The juvenile court must authorize any expenditure from the fund before it is made.

~~Sec. 10. [1. If a juvenile court has established a restitution contribution fund pursuant to section 9 of this act:~~

~~(a) In exchange for a monetary contribution to the restitution contribution fund, the juvenile court may, in its discretion and upon good cause shown, waive all or part of any community service which the juvenile court has ordered a child to perform.~~

~~(b) The juvenile court shall set forth in a written administrative order:~~

~~(1) A formula for determining the amount of the contribution to the restitution contribution fund pursuant to this section; and~~

~~(2) The manner in which the contribution must be made.~~

~~→ The juvenile court shall make available for public inspection the written administrative order described in this paragraph.~~

~~2. The provisions of this section do not:~~

~~(a) Create a right on behalf of a child to the waiver of all or part of any community service to be performed by the child in exchange for a monetary contribution to a restitution contribution fund established pursuant to section 9 of this act; or~~

~~(b) Establish a basis for any cause of action against the State of Nevada or its officers or employees for denial of a waiver of all or part of any community service to be performed by a child in exchange for a monetary contribution to a restitution contribution fund established pursuant to section 9 of this act.] (Deleted by amendment.)~~

Sec. 11. NRS 62E.100 is hereby amended to read as follows:

62E.100 Except as otherwise provided in NRS 62E.100 to 62E.300, inclusive ~~[;]~~, ~~and [sections]~~ section 9 ~~[and 10]~~ of this act:

1. The provisions of NRS 62E.100 to 62E.300, inclusive, ~~and [sections]~~ section 9 ~~[and 10]~~ of this act apply to the disposition of a case involving any child who is found to be within the purview of this title.

2. In addition to any other orders or actions authorized or required by the provisions of this title, if a child is found to be within the purview of this title:

(a) The juvenile court may issue any orders or take any actions set forth in NRS 62E.100 to 62E.300, inclusive, ~~and [sections]~~ section 9 ~~[and 10]~~ of this act that the juvenile court deems proper for the disposition of the case; and

(b) If required by a specific statute, the juvenile court shall issue the appropriate orders or take the appropriate actions set forth in the statute.

Sec. 12. NRS 483.443 is hereby amended to read as follows:

483.443 1. The Department shall, upon receiving notification from a district attorney or other public agency collecting support for children pursuant to NRS 425.510 that a court has determined that a person:

(a) Has failed to comply with a subpoena or warrant relating to a proceeding to establish paternity or to establish or enforce an obligation for the support of a child; or

(b) Is in arrears in the payment for the support of one or more children,
 ↪ send a written notice to that person that his or her driver's license is subject to suspension.

2. The notice must include:

(a) The reason for the suspension of the license;

(b) The information set forth in subsections 3, 5 and 6; and

(c) Any other information the Department deems necessary.

3. If a person who receives a notice pursuant to subsection 1 does not, within 30 days after receiving the notice, comply with the subpoena or warrant or satisfy the arrearage as required in NRS 425.510, the Department shall suspend the license without providing the person with an opportunity for a hearing.

4. The Department shall suspend immediately the license of a defendant if so ordered pursuant to NRS 176.064 ~~[]~~ **or section 4 of this act.**

5. The Department shall reinstate the driver's license of a person whose license was suspended pursuant to this section if it receives:

(a) A notice from the district attorney or other public agency pursuant to NRS 425.510 that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to that section, ~~[or]~~ from a district judge that a delinquency for which the suspension was ordered pursuant to NRS 176.064 has been discharged ~~[]~~ **or from a judge of the juvenile court that an unsatisfied civil judgment for which the suspension was ordered pursuant to section 4 of this act has been satisfied;** and

(b) Payment of the fee for reinstatement of a suspended license prescribed in NRS 483.410.

6. The Department shall not require a person whose driver's license was suspended pursuant to this section to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of the reinstatement of the license.

Sec. 13. This act becomes effective upon passage and approval.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 243.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 661.

AN ACT relating to genetic marker analysis; defining certain terms relating to genetic marker analysis; establishing the State DNA Database; imposing an administrative assessment upon a defendant convicted of any crime; requiring that a biological specimen be obtained from a person arrested for a felony; establishing the Subcommittee to Review Arrestee DNA of the Advisory Commission on the Administration of Justice; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of county commissioners of each county to designate a forensic laboratory to conduct and oversee any genetic marker analysis that is required by law. (NRS 176.0917) **Section 11** of this bill establishes the State DNA Database, which is to be overseen, managed and administered by the Forensic Science Division of the Washoe County Sheriff's Office. **Section 12** of this bill specifies the duties and responsibilities of forensic laboratories with respect to DNA records.

Under existing law, if a defendant is convicted of a felony or certain other specified offenses, the court, as part of the defendant's sentence, must order that a biological specimen be obtained from the defendant and that the specimen be used for analysis to determine the genetic markers of the specimen. (NRS 176.0911-176.0917) **Section 13** of this bill requires that a biological specimen be obtained if a person is arrested for a felony. **Section 13** provides that if the person is convicted of the felony, the biological specimen must be kept, but if the person is not convicted, the biological specimen must be destroyed and all records relating thereto must be purged from all databases.

Existing law prohibits a person from sharing or disclosing certain information relating to another person's biological specimen or genetic marker analysis and makes such conduct punishable as a misdemeanor. (NRS 176.0913, 176.0916) **Sections 13, 21 and 23** of this bill increase the penalty for such conduct from a misdemeanor to a category C felony.

Section 15 of this bill imposes an additional administrative assessment of \$3 on a person convicted of a misdemeanor, gross misdemeanor or felony. **Section 15** also provides that the money collected from the assessments must

be used to defray the costs associated with obtaining biological specimens and conducting genetic marker analysis.

Existing law: (1) establishes the Advisory Commission on the Administration of Justice and the Subcommittees on Juvenile Justice and Victims of Crime; and (2) directs the Commission and Subcommittees, among other duties, to identify and study the elements of this State's system of criminal justice. (NRS 176.0123-176.0125) **Section 16.3** of this bill establishes the Subcommittee to Review Arrestee DNA of the Commission. **Section 16.3** also: (1) requires the Chair of the Commission to appoint the members of the Subcommittee, including certain specified representatives; and (2) requires the Subcommittee to study issues related to arrestee DNA and report to the Commission with recommendations to address such issues.

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

Section 1. Chapter 176 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 16.3, inclusive, of this act.

Sec. 2. *“Agency of criminal justice” has the meaning ascribed to it in NRS 179A.030.*

Sec. 3. *“Biological specimen” means a biological sample, tissue, fluid or other bodily sample suitable for genetic marker analysis, obtained from a person or from physical evidence.*

Sec. 4. *“CODIS” means the Federal Bureau of Investigation’s Combined DNA Index System that allows for the storage and exchange of DNA records submitted by federal, state and local forensic DNA laboratories. The term includes the National DNA Index System administered and operated by the Federal Bureau of Investigation.*

Sec. 5. *“DNA” means deoxyribonucleic acid which is located in the cells of a person and which provides the genetic blueprint of a person.*

Sec. 6. *“DNA profile” means the genetic constitution of a person at defined locations in the DNA of the person.*

Sec. 7. *“DNA record” means a database record, stored in the State DNA Database or CODIS, that includes the DNA profile of a person and data required to manage the record, including, without limitation, the identity of the agency submitting the database record, the identification number of the biological specimen and the names of personnel who conducted the genetic marker analysis.*

Sec. 8. *“Forensic laboratory” means any laboratory designated pursuant to NRS 176.0917.*

Sec. 9. *“Genetic marker analysis” means the analytical testing process of a biological specimen that results in a DNA profile.*

Sec. 10. *“State DNA Database” means the database established pursuant to section 11 of this act.*

Sec. 11. 1. *The State DNA Database is hereby established to serve as this State’s repository for DNA records and to provide DNA records to the Federal Bureau of Investigation.*

2. *The Forensic Science Division of the Washoe County Sheriff’s Office shall oversee, manage and administer the State DNA Database and shall:*

(a) Implement policies for the management and administration of the State DNA Database, including, without limitation, any system for the identification of DNA profiles and DNA records that is necessary to support agencies of criminal justice.

(b) Adopt policies and protocols and enter into any necessary agreements to implement the provisions of NRS 176.0911 to 176.0917, inclusive, and sections 2 to 16, inclusive, of this act.

(c) Ensure that all searches of the State DNA Database are performed in accordance with state and federal law.

(d) Act as a liaison between the Federal Bureau of Investigation and other state agencies of criminal justice relating to this State’s participation in CODIS.

Sec. 12. 1. *A forensic laboratory shall:*

(a) Prescribe protocols and procedures for the collection, submission, identification, genetic marker analysis, storage, maintenance, uploading and disposition of biological specimens, DNA profiles and DNA records.

(b) Securely upload DNA records to the State DNA Database.

(c) Acquire and maintain computer hardware and software necessary to store, maintain and upload DNA profiles and DNA records relating to:

(1) Crime scene evidence and forensic casework;

(2) Persons arrested for a felony and persons convicted of an offense listed in subsection 4 of NRS 176.0913 who are required to provide a biological specimen;

(3) Persons required to register as sex offenders pursuant to NRS 179D.445, 179D.460 or 179D.480;

(4) Unidentified persons or body parts;

(5) Missing persons;

(6) Relatives of missing persons;

(7) Anonymous DNA profiles used for forensic validation, forensic protocol development, quality control purposes or establishment of a population statistics database for use by criminal justice agencies; and

(8) Voluntarily submitted DNA profiles.

2. *A forensic laboratory may:*

(a) Use all or part of the remainder of any biological specimen stored in the forensic laboratory for:

(1) Retesting to confirm or update the original genetic marker analysis; or

(2) Quality control testing of new forensic methods for genetic marker analysis, provided that no personal identifying information is included.

(b) Contract with providers of services to perform a genetic marker analysis or to carry out functions on behalf of the forensic laboratory. Any provider of services who contracts with a forensic laboratory to perform a genetic marker analysis or to carry out functions on behalf of the forensic laboratory is subject to the same restrictions and requirements as the forensic laboratory.

3. A forensic laboratory shall not use any biological specimen, DNA profile or DNA record for the purpose of identification of any medical or genetic disorder.

Sec. 13. 1. If a person is arrested for a felony pursuant to a warrant, the law enforcement agency making the arrest shall:

(a) Submit the name, date of birth, fingerprints and any other information identifying the person to the Central Repository for Nevada Records of Criminal History;

(b) Upon booking the person into a city or county jail or detention facility, and before the person is released from custody, obtain a biological specimen from the person, through a cheek swab, pursuant to the provisions of this section; and

(c) Submit the biological specimen to the appropriate forensic laboratory for genetic marker analysis in accordance with the provisions of this section.

2. If a person is arrested for a felony without a warrant, the law enforcement agency making the arrest shall:

(a) Submit the name, date of birth, fingerprints and any other information identifying the person to the Central Repository for Nevada Records of Criminal History;

(b) Upon booking the person into a city or county jail or detention facility, and before the person is released from custody, obtain a biological specimen from the person, through a cheek swab, pursuant to the provisions of this section;

(c) Submit the biological specimen to the appropriate forensic laboratory for genetic marker analysis in accordance with the provisions of this section after receiving notice that a court or magistrate has determined that probable cause existed for the person's arrest; and

(d) If a court or magistrate determines that probable cause did not exist for the person's arrest, destroy the biological specimen within 5 business days after receiving notice of the determination by the court or magistrate.

3. A law enforcement agency shall not knowingly obtain a biological specimen from a person who has previously submitted such a specimen for an arrest or conviction of a prior offense unless the law enforcement agency or a court or magistrate determines that an additional specimen is necessary.

4. If a law enforcement agency has not already obtained a biological specimen from a person arrested for an offense for which a biological specimen must be obtained pursuant to this section at the time a court or magistrate sets bail or considers releasing a person on his or her own recognizance, the court or magistrate shall:

(a) Require the person to provide a biological specimen as a condition of being admitted to bail or released on his or her own recognizance; and

(b) Require the biological specimen to be provided to the appropriate forensic laboratory.

5. The Attorney General or a district attorney may petition a district court for an order requiring a person arrested for an offense for which a biological specimen must be obtained pursuant to this section to provide a biological specimen:

(a) Through a cheek swab; or

(b) By alternative means, if the person will not cooperate.

↳ Nothing in this subsection shall be construed to prevent the collection of a biological specimen by order of a court of competent jurisdiction or the collection of a biological specimen from a person who is required to provide such a specimen pursuant to this section.

6. Upon receipt of a biological specimen, the forensic laboratory shall proceed with a genetic marker analysis. If the forensic laboratory determines that the biological specimen is inadequate or otherwise unusable, the law enforcement agency may obtain an additional biological specimen from the person arrested unless the person arrested is eligible to request destruction of the biological specimen and purging of his or her DNA profile or DNA record pursuant to this section.

7. Upon completion of a genetic marker analysis of a person pursuant to this section, the forensic laboratory shall inform the Central Repository for Nevada Records of Criminal History that the forensic laboratory has created a DNA profile of the person and will be submitting the DNA profile of the person for inclusion in the State DNA Database and CODIS. The Central Repository for Nevada Records of Criminal History shall include an indication on the criminal history record of the person regarding the collection of a biological specimen and the creation of a DNA profile, but

may not include, in its records, any other information relating to the biological specimen, DNA profile or DNA record of the person.

8. A person whose record of criminal history indicates the collection of a biological specimen and whose DNA profile and DNA record have been included in the State DNA Database and CODIS pursuant to this section may make a written request to the Central Repository for Nevada Records of Criminal History, using the form created pursuant to section 14 of this act, that the biological specimen be destroyed and the DNA profile and DNA record be purged from the forensic laboratory, the State DNA Database and CODIS on the grounds that:

(a) The conviction on which the authority for keeping the biological specimen or the DNA profile or DNA record has been reversed and the case dismissed; or

(b) The arrest which led to the inclusion of the biological specimen or the DNA profile or DNA record:

(1) Has resulted in a felony charge that has been resolved by a dismissal, the successful completion of a preprosecution diversion program, a conditional discharge, ~~or~~ an acquittal ~~or~~ or an agreement entered into by a prosecuting attorney and a defendant in which the defendant, in exchange for a plea of guilty, guilty but mentally ill or nolo contendere, receives a charge other than a felony; or

(2) Has not resulted in any additional criminal charge for a felony within ~~5~~ 3 years after the date of the arrest.

9. Within 6 weeks after receiving a written request pursuant to subsection 8, the Central Repository for Nevada Records of Criminal History shall forward the request and all supporting documentation to the forensic laboratory holding the biological specimen. Except as otherwise provided in subsection 10, upon receipt of the written request, the forensic laboratory shall destroy any biological specimen from the person and purge the DNA profile of the person if the written request is accompanied by:

(a) A certified copy of the court order reversing and dismissing the conviction; or

(b) For any biological specimen obtained pursuant to an arrest for which a biological specimen must be provided pursuant to this section:

(1) A certified copy of the dismissal, the successful completion of a preprosecution diversion program, a conditional discharge, ~~or~~ an acquittal ~~or~~ or the agreement entered into by the prosecuting attorney and the defendant in which the defendant, in exchange for a plea of guilty, guilty but mentally ill or nolo contendere, received a charge other than a felony; or

(2) *A sworn affidavit from the law enforcement agency which submitted the biological specimen that no felony charges arising from the arrest have been filed within 5 years after the date of the arrest.*

10. *The forensic laboratory shall not destroy a biological specimen or purge the DNA profile of a person if the forensic laboratory is notified by a law enforcement agency that the person has a prior felony, a new felony arrest or a pending felony charge for which collection of a biological specimen is authorized pursuant to this section.*

11. *If a forensic laboratory:*

(a) *Determines that the requirements to destroy a biological specimen or purge a DNA profile or DNA record of a person have not been met, the forensic laboratory shall notify the Central Repository of Nevada Records of Criminal History of that fact. The Central Repository shall, as soon as reasonably practicable, notify the person that his or her request has been denied.*

(b) *Destroys a biological specimen and purges a DNA profile pursuant to this section, the forensic laboratory shall take the following actions:*

(1) *Notify the State DNA Database that the DNA profile and DNA record of the person must be purged from the State DNA Database and from CODIS. Upon receipt of such notification, the DNA profile and DNA record of the person must be purged from the State DNA Database and CODIS.*

(2) *Notify the Central Repository for Nevada Records of Criminal History that the forensic laboratory has destroyed the biological specimen and purged the DNA profile of the person and has notified the State DNA Database that the DNA profile and DNA record of the person must be purged from the State DNA Database and CODIS. Upon receipt of such notification, the Central Repository shall, as soon as reasonably practicable, notify the person that his or her request has been granted, his or her biological specimen has been destroyed by the forensic laboratory and his or her DNA profile and DNA record have been purged from the forensic laboratory, the State DNA Database and CODIS.*

12. *Any cost that is incurred to obtain a biological specimen from a person, to destroy a biological specimen or to purge a DNA profile or DNA record from a forensic laboratory, the State DNA Database or CODIS pursuant to this section:*

- (a) *Is a charge against the county in which the person was arrested; and*
- (b) *Must be paid as provided in NRS 176.0915.*

13. *The biological specimen, DNA profile, DNA record and any other information identifying or matching a biological specimen with a person must, at all times, be stored and maintained in the forensic laboratory, State DNA Database or CODIS, as applicable, and may only be made*

available in accordance with the provisions of this section. The biological specimen, DNA profile, DNA record, other information identifying or matching a biological specimen with a person and all computer software used by the forensic laboratory and the State DNA Database for the State DNA Database and for CODIS are confidential and are not public books or records within the meaning of NRS 239.010.

14. If any information related to a biological specimen, DNA profile or DNA record contained in CODIS is requested, the forensic laboratory shall comply with all applicable provisions of federal law and all applicable statutes and regulations governing the release of such information. All requests for any such information must be directed through the casework CODIS administrator of the forensic laboratory. To minimize duplication in the collection of a biological specimen and the conducting of a genetic marker analysis, a forensic laboratory may make information available to any agency of criminal justice to verify whether a biological specimen has been collected from a person and a genetic marker analysis has been conducted.

15. Except as otherwise authorized by this section, by federal law or by another specific statute, a biological specimen obtained pursuant to this section, a DNA profile, a DNA record and any other information identifying or matching a biological specimen with a person must not be shared with or disclosed to any person other than the authorized personnel who have possession and control of the biological specimen, DNA profile, DNA record or other information identifying or matching a biological specimen with a person, except pursuant to:

(a) A court order; or

(b) A request from a law enforcement agency during the course of an investigation.

↪ A person who violates any provision of this subsection is guilty of a category C felony and shall be punished as provided in NRS 193.130.

Sec. 14. 1. The Department of Public Safety shall establish a standard form for use by every law enforcement agency in this State that:

(a) Sets forth the authorized use of a biological specimen pursuant to NRS 176.0911 to 176.0917, inclusive, and sections 2 to 16, inclusive, of this act.

(b) Identifies the circumstances and process under which a person may have his or her biological specimen destroyed and his or her DNA profile or DNA record purged from the forensic laboratory, the State DNA Database and CODIS.

(c) May be completed and submitted to the Central Repository for Nevada Records of Criminal History by a person to request that his or her biological specimen be destroyed and his or her DNA profile or DNA

record be purged from the forensic laboratory, the State DNA Database and CODIS.

2. A law enforcement agency shall provide the form to a person:

(a) Before obtaining a biological specimen;

(b) Upon release from custody if the person has submitted a biological specimen; or

(c) At the request of the person, if the person believes that he or she is eligible to have his or her biological specimen destroyed and his or her DNA profile or DNA record purged from the forensic laboratory, the State DNA Database and CODIS.

Sec. 15. 1. In addition to any other administrative assessment imposed, when a defendant pleads guilty, is found guilty or enters a plea of nolo contendere to a misdemeanor, gross misdemeanor or felony, including the violation of any municipal ordinance, on or after July 1, 2013, the justice or judge of the justice, municipal or district court, as applicable, shall include in the sentence the sum of \$3 as an administrative assessment for obtaining a biological specimen and conducting a genetic marker analysis and shall render a judgment against the defendant for the assessment. If a defendant is sentenced to perform community service in lieu of a fine, the sentence must include the administrative assessment required pursuant to this subsection.

2. The money collected for an administrative assessment for obtaining a biological specimen and conducting a genetic marker analysis must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the bail pursuant to this subsection must be disbursed pursuant to subsection 3. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible, and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment he or she has paid, and the justice or judge shall not recalculate the administrative assessment.

3. If the justice or judge permits the fine and administrative assessment for the provision of genetic marker analysis to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to NRS 176.0611;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs pursuant to NRS 176.0613;

(d) To pay the unpaid balance of an administrative assessment for obtaining a biological specimen and conducting a genetic marker analysis pursuant to this section; and

(e) To pay the fine.

4. The money collected for an administrative assessment for the provision of genetic marker analysis must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month for credit to the fund for genetic marker analysis pursuant to NRS 176.0915.

Sec. 16. Any person authorized to collect a biological specimen pursuant to NRS 176.0911 to 176.0917, and sections 2 to 16, inclusive, of this act, may not be held civilly or criminally liable for any act relating to the collection of a biological specimen if the person performed that act in good faith and in a reasonable manner.

Sec. 16.3. 1. There is hereby created the Subcommittee to Review Arrestee DNA of the Commission.

2. The Chair of the Commission shall appoint the members of the Subcommittee which must include, without limitation:

(a) A member experienced in defending criminal actions.

(b) A member of a minority community organization whose mission includes the protection of civil rights for minorities.

3. The Chair of the Commission shall designate one of the members of the Subcommittee as Chair of the Subcommittee. ~~[The Chair of the Subcommittee must be a member of the Commission.]~~

4. The Subcommittee shall meet at the times and places specified by a call of the Chair. A majority of the members of the Subcommittee constitutes a quorum, and a quorum may exercise any power or authority conferred on the Subcommittee.

5. The Subcommittee shall consider issues relating to DNA of arrested persons and shall evaluate, review and submit a report to the Commission with recommendations concerning such issues. The issues considered by the Subcommittee and the report submitted by the Subcommittee must include, without limitation:

(a) The costs and procedures relating to the methods, implementation and utilization of the provisions for the destruction of biological specimens and purging of DNA profiles and DNA records of arrested persons; and

(b) The collection and review of information concerning the number of requests for the destruction of biological specimens and purging of DNA profiles and DNA records of arrested persons and the number and percentage of such requests that are denied.

6. Any Legislators who are members of the Subcommittee are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the Subcommittee.

7. While engaged in the business of the Subcommittee, to the extent of legislative appropriation, each member of the Subcommittee is entitled to receive the per diem allowance and travel expenses as provided for state officers and employees generally.

8. As used in this section:

(a) "Biological specimen" has the meaning ascribed to it in section 3 of this act.

(b) "DNA" has the meaning ascribed to it in section 5 of this act.

(c) "DNA profile" has the meaning ascribed to it in section 6 of this act.

(d) "DNA record" has the meaning ascribed to it in section 7 of this act.

Sec. 16.7. NRS 176.0121 is hereby amended to read as follows:

176.0121 As used in NRS 176.0121 to 176.0129, inclusive, **and section 16.3 of this act**, "Commission" means the Advisory Commission on the Administration of Justice.

Sec. 17. NRS 176.0611 is hereby amended to read as follows:

176.0611 1. A county or a city, upon recommendation of the appropriate court, may, by ordinance, authorize the justices or judges of the justice or municipal courts within its jurisdiction to impose for not longer than 50 years, in addition to the administrative assessments imposed pursuant to NRS 176.059 and 176.0613, **and section 15 of this act**, an administrative assessment for the provision of court facilities.

2. Except as otherwise provided in subsection 3, in any jurisdiction in which an administrative assessment for the provision of court facilities has been authorized, when a defendant pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of \$10 as an administrative assessment for the provision of court facilities and render a judgment against the defendant for the assessment. If the justice or judge sentences the defendant to perform community service in lieu of a fine, the justice or judge shall include in the sentence the administrative assessment required pursuant to this subsection.

3. The provisions of subsection 2 do not apply to:

(a) An ordinance regulating metered parking; or

(b) An ordinance that is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

4. The money collected for an administrative assessment for the provision of court facilities must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the amount posted for bail pursuant to this subsection must be disbursed in the manner set forth in subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment the defendant has paid and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of court facilities to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to this section;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs pursuant to NRS 176.0613; ~~and~~

(d) To pay the unpaid balance of an administrative assessment for obtaining a biological specimen and conducting a genetic marker analysis pursuant to section 15 of this act; and

(e) To pay the fine.

6. The money collected for administrative assessments for the provision of court facilities in municipal courts must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. The city treasurer shall deposit the money received in a special revenue fund. The city may use the money in the special revenue fund only to:

(a) Acquire land on which to construct additional facilities for the municipal courts or a regional justice center that includes the municipal courts.

(b) Construct or acquire additional facilities for the municipal courts or a regional justice center that includes the municipal courts.

(c) Renovate or remodel existing facilities for the municipal courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the municipal courts or a regional justice center that includes the municipal courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the municipal courts or a regional justice center that includes the municipal courts.

↪ Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the municipal general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The city treasurer shall provide, upon request by a municipal court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

7. The money collected for administrative assessments for the provision of court facilities in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. The county treasurer shall deposit the money received to a special revenue fund. The county may use the money in the special revenue fund only to:

(a) Acquire land on which to construct additional facilities for the justice courts or a regional justice center that includes the justice courts.

(b) Construct or acquire additional facilities for the justice courts or a regional justice center that includes the justice courts.

(c) Renovate or remodel existing facilities for the justice courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the justice courts or a regional justice center that includes the justice courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or

renovation of facilities for the justice courts or a regional justice center that includes the justice courts.

↪ Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the county general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The county treasurer shall provide, upon request by a justice court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

8. If money collected pursuant to this section is to be used to acquire land on which to construct a regional justice center, to construct a regional justice center or to pay debt service on bonds issued for these purposes, the county and the participating cities shall, by interlocal agreement, determine such issues as the size of the regional justice center, the manner in which the center will be used and the apportionment of fiscal responsibility for the center.

Sec. 18. NRS 176.0613 is hereby amended to read as follows:

176.0613 1. The justices or judges of the justice or municipal courts shall impose, in addition to an administrative assessment imposed pursuant to NRS 176.059 and 176.0611, *and section 15 of this act*, an administrative assessment for the provision of specialty court programs.

2. Except as otherwise provided in subsection 3, when a defendant pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of \$7 as an administrative assessment for the provision of specialty court programs and render a judgment against the defendant for the assessment. If a defendant is sentenced to perform community service in lieu of a fine, the sentence must include the administrative assessment required pursuant to this subsection.

3. The provisions of subsection 2 do not apply to:

- (a) An ordinance regulating metered parking; or
- (b) An ordinance which is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

4. The money collected for an administrative assessment for the provision of specialty court programs must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the bail pursuant to this subsection must be disbursed pursuant to subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned

to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment the defendant has paid and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of specialty court programs to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to NRS 176.0611;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs; ~~and~~

(d) ***To pay the unpaid balance of an administrative assessment for obtaining a biological specimen and conducting a genetic marker analysis pursuant to section 15 of this act; and***

(e) To pay the fine.

6. The money collected for an administrative assessment for the provision of specialty court programs in municipal court must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the city treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

7. The money collected for an administrative assessment for the provision of specialty court programs in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the county treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

8. The Office of Court Administrator shall allocate the money credited to the State General Fund pursuant to subsections 6 and 7 to courts to assist with the funding or establishment of specialty court programs.

9. Money that is apportioned to a court from administrative assessments for the provision of specialty court programs must be used by the court to:

(a) Pay for the treatment and testing of persons who participate in the program; and

(b) Improve the operations of the specialty court program by any combination of:

- (1) Acquiring necessary capital goods;
- (2) Providing for personnel to staff and oversee the specialty court program;
- (3) Providing training and education to personnel;
- (4) Studying the management and operation of the program;
- (5) Conducting audits of the program;
- (6) Supplementing the funds used to pay for judges to oversee a specialty court program; or
- (7) Acquiring or using appropriate technology.

10. As used in this section:

(a) "Office of Court Administrator" means the Office of Court Administrator created pursuant to NRS 1.320; and

(b) "Specialty court program" means a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from a mental illness or abuses alcohol or drugs. Such a program includes, without limitation, a program established pursuant to NRS 176A.250, 176A.280 or 453.580.

Sec. 19. NRS 176.0911 is hereby amended to read as follows:

176.0911 As used in NRS 176.0911 to 176.0917, inclusive, *and sections 2 to 16, inclusive, of this act*, unless the context otherwise requires, [~~"CODIS" means the Combined DNA Indexing System operated by the Federal Bureau of Investigation.~~] *the words and terms defined in sections 2 to 10, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 20. NRS 176.0912 is hereby amended to read as follows:

176.0912 1. Except as otherwise provided in this section, upon the conviction of a defendant for a category A or B felony, an agency of criminal justice that has in its possession or custody any biological evidence secured in connection with the investigation or prosecution of the defendant shall preserve such evidence until the expiration of any sentence imposed on the defendant.

2. Biological evidence subject to the requirements of this section may be consumed for testing upon notice to the defendant.

3. An agency of criminal justice may establish procedures for:

(a) Retaining probative samples of biological evidence subject to the requirements of this section; and

(b) Disposing of bulk evidence that does not affect the suitability of such probative samples for testing.

4. The provisions of this section must not be construed to restrict or limit an agency of criminal justice from establishing procedures for the retention, preservation and disposal of biological evidence secured in connection with other criminal cases.

5. As used in this section ~~[-~~

~~(a) “Agency of criminal justice” has the meaning ascribed to it in NRS 179A.030.~~

~~(b) “Biological”~~, **“biological”** evidence” means any semen, blood, saliva, hair, skin tissue or other identified biological material removed from physical evidence.

~~[(c) “Sexual offense” has the meaning ascribed to it in NRS 179D.097.]~~

Sec. 21. NRS 176.0913 is hereby amended to read as follows:

176.0913 1. If a defendant is convicted of an offense listed in subsection 4:

(a) The name, social security number, date of birth, *fingerprints* and any other information identifying the defendant must be submitted to the Central Repository for Nevada Records of Criminal History; and

(b) ~~[A]~~ ***Unless a biological specimen was previously obtained upon arrest pursuant to section 13 of this act, a biological specimen must be obtained from the defendant pursuant to the provisions of this section and the specimen must be used for [an analysis to determine the] a genetic [markers of the specimen.] marker analysis. If a biological specimen was previously obtained upon arrest pursuant to section 13 of this act, the court shall notify the Central Repository for Nevada Records of Criminal History, who in turn shall notify the appropriate forensic laboratory.***

2. If the defendant is committed to the custody of the Department of Corrections, the Department of Corrections shall arrange for the biological specimen to be obtained from the defendant. The Department of Corrections shall provide the specimen to the forensic laboratory that has been designated by the county in which the defendant was convicted to conduct or oversee genetic marker ~~[testing]~~ **analysis** for the county pursuant to NRS 176.0917.

3. If the defendant is not committed to the custody of the Department of Corrections, the Division shall arrange for the biological specimen to be obtained from the defendant. The Division shall provide the specimen to the forensic laboratory that has been designated by the county in which the defendant was convicted to conduct or oversee genetic marker ~~[testing]~~ **analysis** for the county pursuant to NRS 176.0917. Any cost that is incurred to obtain a biological specimen from a defendant pursuant to this subsection is a charge against the county in which the defendant was convicted and must be paid as provided in NRS 176.0915.

4. Except as otherwise provided in subsection 5, the provisions of subsection 1 apply to a defendant who is convicted of:

- (a) A felony;
- (b) A crime against a child as defined in NRS 179D.0357;
- (c) A sexual offense as defined in NRS 179D.097;
- (d) Abuse or neglect of an older person or a vulnerable person pursuant to NRS 200.5099;
- (e) A second or subsequent offense for stalking pursuant to NRS 200.575;
- (f) An attempt or conspiracy to commit an offense listed in paragraphs (a) to (e), inclusive;
- (g) Failing to register with a local law enforcement agency as a convicted person as required pursuant to NRS 179C.100, if the defendant previously was:

(1) Convicted in this State of committing an offense listed in paragraph (a), (d), (e) or (f); or

(2) Convicted in another jurisdiction of committing an offense that would constitute an offense listed in paragraph (a), (d), (e) or (f) if committed in this State;

(h) Failing to register with a local law enforcement agency after being convicted of a crime against a child as required pursuant to NRS 179D.450; or

(i) Failing to register with a local law enforcement agency after being convicted of a sexual offense as required pursuant to NRS 179D.450.

5. If it is determined that a defendant's biological specimen has previously been submitted for conviction of a prior offense, an additional sample is not required.

6. Except as otherwise authorized by federal law or by specific statute, a biological specimen obtained pursuant to this section, the ~~results of a genetic marker analysis~~ **DNA profile, the DNA record** and any **other** information identifying or matching a biological specimen with a person must not be shared with or disclosed to any person other than the authorized personnel who have possession and control of the biological specimen, ~~results of a genetic marker analysis~~ **the DNA profile, the DNA record** or **other** information identifying or matching a biological specimen with a person, except pursuant to:

- (a) A court order; or
- (b) A request from a law enforcement agency during the course of an investigation.

7. A person who violates any provision of subsection 6 is guilty of a ~~misdemeanor~~ **category C felony and shall be punished as provided in NRS 193.130.**

Sec. 22. NRS 176.0915 is hereby amended to read as follows:

176.0915 1. If a biological specimen is obtained from a ~~defendant~~ **person** pursuant to NRS 176.0913, **or section 13 of this act, and the person**

is convicted of the offense for which the biological specimen was obtained, the court, in addition to any other penalty, shall order the ~~defendant,~~ **person**, to the extent of the ~~defendant's~~ **person's** financial ability, to pay the sum of \$150 as a fee for obtaining the specimen and for conducting the ~~analysis to determine the~~ genetic ~~markers of the specimen.~~ **marker analysis.** The fee:

(a) Must be stated separately in the judgment of the court or on the docket of the court;

(b) Must be collected from the ~~defendant~~ **person** before or at the same time that any fine imposed by the court is collected from the ~~defendant;~~ **person;** and

(c) Must not be deducted from any fine imposed by the court.

2. All money that is collected pursuant to subsection 1 must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month.

3. The board of county commissioners of each county shall by ordinance create in the county treasury a fund to be designated as the fund for genetic marker ~~testing.~~ **analysis.** The county treasurer shall deposit money that is collected pursuant to subsection 2 in the fund for genetic marker ~~testing.~~ **analysis.** The money must be accounted for separately within the fund.

4. Each month, the county treasurer shall use the money deposited in the fund for genetic marker ~~testing.~~ **analysis** to pay for the actual amount charged to the county for obtaining a biological specimen from a ~~defendant~~ **person** pursuant to NRS 176.0913 ~~+~~ **or section 13 of this act.**

5. The board of county commissioners of each county may apply for and accept grants, gifts, donations, bequests or devises which the board of county commissioners shall deposit with the county treasurer for credit to the fund for genetic marker ~~testing.~~ **analysis.**

6. If money remains in the fund after the county treasurer makes the payments required by subsection 4, the county treasurer shall pay the remaining money each month to the forensic laboratory that is designated by the county pursuant to NRS 176.0917 to conduct or oversee genetic marker ~~testing.~~ **analysis** for the county. A forensic laboratory that receives money pursuant to this subsection shall use the money to cover any expense related to genetic marker ~~testing.~~ **analysis.**

Sec. 23. NRS 176.0916 is hereby amended to read as follows:

176.0916 1. If the Division is supervising a probationer or parolee pursuant to an interstate compact and the probationer or parolee is or has been convicted in another jurisdiction of violating a law that prohibits the same or similar conduct as an offense listed in subsection 4 of NRS 176.0913, **unless a biological specimen was previously obtained upon**

arrest pursuant to section 13 of this act, the Division shall arrange for a biological specimen to be obtained from the probationer or parolee.

2. After a biological specimen is obtained from a probationer or parolee pursuant to this section, the Division shall:

(a) Provide the biological specimen to the forensic laboratory that has been designated by the county in which the probationer or parolee is residing to conduct or oversee genetic marker ~~testing~~ **analysis** for the county pursuant to NRS 176.0917; and

(b) Submit the name, social security number, date of birth, *fingerprints* and any other information identifying the probationer or parolee to the Central Repository.

3. Except as otherwise authorized by federal law or by specific statute, a biological specimen obtained pursuant to this section, the ~~results of a genetic marker analysis~~ **DNA profile, the DNA record** and any *other* information identifying or matching a biological specimen with a person must not be shared with or disclosed to any person other than the authorized personnel who have possession and control of the biological specimen, ~~results of a genetic marker analysis~~ **the DNA profile, the DNA record** or *other* information identifying or matching a biological specimen with a person, except pursuant to:

(a) A court order; or

(b) A request from a law enforcement agency during the course of an investigation.

4. A person who violates any provision of subsection 3 is guilty of a ~~misdemeanor~~ **category C felony and shall be punished as provided in NRS 193.130.**

5. A probationer or parolee, to the extent of his or her financial ability, shall pay the sum of \$150 to the Division as a fee for obtaining the biological specimen and for conducting the *genetic marker* analysis. ~~to determine the genetic markers of the biological specimen.~~ Except as otherwise provided in subsection 6, the fee required pursuant to this subsection must be collected from a probationer or parolee at the time the biological specimen is obtained from the probationer or parolee.

6. A probationer or parolee may arrange to make monthly payments of the fee required pursuant to subsection 5. If such arrangements are made, the Division shall provide a probationer or parolee with a monthly statement that specifies the date on which the next payment is due.

7. Any unpaid balance for a fee required pursuant to subsection 5 is a charge against the Division.

8. The Division shall deposit money that is collected pursuant to this section in the Fund for Genetic Marker ~~Testing~~ **Analysis**, which is hereby created in the State General Fund. The money deposited in the Fund for

Genetic Marker ~~[Testing]~~ **Analysis** must be used to pay for the actual amount charged to the Division for obtaining biological specimens from probationers and parolees, and for conducting ~~[an analysis to determine the genetic markers]~~ **genetic marker analysis** of the **biological** specimens.

Sec. 24. NRS 176.0917 is hereby amended to read as follows:

176.0917 1. The board of county commissioners of each county shall designate a forensic laboratory to conduct or oversee for the county any genetic marker ~~[testing]~~ **analysis** that is ~~[ordered or arranged]~~ **required** pursuant to NRS 176.0913 or 176.0916 ~~[.]~~ **or section 13 of this act.**

2. The forensic laboratory designated by the board of county commissioners pursuant to subsection 1:

- (a) Must be operated by this State or one of its political subdivisions; and
- (b) Must satisfy or exceed the standards for quality assurance that are established by the Federal Bureau of Investigation for participation in CODIS.

Sec. 25. NRS 179.225 is hereby amended to read as follows:

179.225 1. If the punishment of the crime is the confinement of the criminal in prison, the expenses must be paid from money appropriated to the Office of the Attorney General for that purpose, upon approval by the State Board of Examiners. After the appropriation is exhausted, the expenses must be paid from the Reserve for Statutory Contingency Account upon approval by the State Board of Examiners. In all other cases, they must be paid out of the county treasury in the county wherein the crime is alleged to have been committed. The expenses are:

- (a) If the prisoner is returned to this State from another state, the fees paid to the officers of the state on whose governor the requisition is made;
- (b) If the prisoner is returned to this State from a foreign country or jurisdiction, the fees paid to the officers and agents of this State or the United States; or
- (c) If the prisoner is temporarily returned for prosecution to this State from another state pursuant to this chapter or chapter 178 of NRS and is then returned to the sending state upon completion of the prosecution, the fees paid to the officers and agents of this State,
➤ and the per diem allowance and travel expenses provided for state officers and employees generally incurred in returning the prisoner.

2. If a person is returned to this State pursuant to this chapter or chapter 178 of NRS and is convicted of, or pleads guilty, guilty but mentally ill or nolo contendere to, the criminal charge for which the person was returned or a lesser criminal charge, the court shall conduct an investigation of the financial status of the person to determine the ability to make restitution. In conducting the investigation, the court shall determine if the person is able to pay any existing obligations for:

(a) Child support;
 (b) Restitution to victims of crimes; and
 (c) Any administrative assessment required to be paid pursuant to NRS 62E.270, 176.059, 176.0611, 176.0613 and 176.062 ~~[-]~~ **and section 15 of this act.**

3. If the court determines that the person is financially able to pay the obligations described in subsection 2, it shall, in addition to any other sentence it may impose, order the person to make restitution for the expenses incurred by the Attorney General or other governmental entity in returning the person to this State. The court shall not order the person to make restitution if payment of restitution will prevent the person from paying any existing obligations described in subsection 2. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of the completion of the sentence.

4. The Attorney General may adopt regulations to carry out the provisions of this section.

Sec. 26. 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 Records and Technology 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 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]~~ **DNA profile** of a person ~~[who is convicted of an offense listed in subsection 4 of]~~ **from whom a biological specimen is obtained pursuant to** NRS 176.0913, **or section 13 of this act**, to the Division. The information must be submitted to the Division:

(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 shall delete all references in the Central Repository relating to that particular arrest.

4. The Division 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~~ **DNA profile** of a person ~~[who is convicted of an offense listed in subsection 4 of]~~ **from whom a biological specimen is obtained pursuant to NRS 176.0913 [] or section 13 of this act.**

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

(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 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 repositories of the United States and other states 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) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required to be obtained pursuant to NRS 62B.270, 424.031, 427A.735, 432A.170, 433B.183 and 449.123; or

(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

➡ 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 the issuance or renewal of a license;

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

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

→ and notify the superintendent of each county school district, the governing body of each charter school 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, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:

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

(2) Employed by a county school district, charter school 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, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits fingerprints or has fingerprints submitted pursuant to NRS 62B.270, 424.031, 427A.735, 432A.170, 433B.183, 449.122 or 449.123.

(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 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 to 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) 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) “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.

(b) “Private school” has the meaning ascribed to it in NRS 394.103.

Sec. 27. NRS 179D.151 is hereby amended to read as follows:

179D.151 *I.* A record of registration must include, if the information is available:

~~1-1~~ (a) Information identifying the offender or sex offender, including, but not limited to:

~~1-1(a)~~ (1) The name of the offender or sex offender and all aliases that the offender or sex offender has used or under which he or she has been known;

~~1-1(b)~~ (2) A complete physical description of the offender or sex offender, a current photograph of the offender or sex offender and the fingerprints and palm prints of the offender or sex offender;

~~1-1(c)~~ (3) The date of birth and the social security number of the offender or sex offender;

~~1-1(d)~~ (4) The identification number from a driver's license or an identification card issued to the offender or sex offender by this State or any other jurisdiction and a photocopy of such driver's license or identification card;

~~1-1(e)~~ A report of the analysis of the genetic markers of the specimen obtained from the offender or sex offender pursuant to NRS 176.0913;

(5) **Information indicating whether the DNA profile and DNA record of the offender or sex offender has been entered in CODIS;** and

~~1-1(f)~~ (6) Any other information that identifies the offender or sex offender.

~~2-1~~ (b) Except as otherwise provided in ~~subsection 3,~~ **paragraph (c)**, information concerning the residence of the offender or sex offender, including, but not limited to:

~~2-1(a)~~ (1) The address at which the offender or sex offender resides;

~~2-1(b)~~ (2) The length of time the offender or sex offender has resided at that address and the length of time the offender or sex offender expects to reside at that address;

~~2-1(c)~~ (3) The address or location of any other place where the offender or sex offender expects to reside in the future and the length of time the offender or sex offender expects to reside there; and

~~2-1(d)~~ (4) The length of time the offender or sex offender expects to remain in the county where the offender or sex offender resides and in this State.

~~3-1~~ (c) If the offender or sex offender has no fixed residence, the address of any dwelling that is providing the offender or sex offender temporary shelter, or any other location where the offender or sex offender habitually sleeps, including, but not limited to, the cross streets, intersection, direction and identifiable landmarks of the city, county, state and zip code of that location.

~~4-1~~ (d) Information concerning the offender's or sex offender's occupations, employment or work or expected occupations, employment or work, including, but not limited to, the name, address and type of business of all current and expected future employers of the offender or sex offender.

~~{5-}~~ (e) Information concerning the offender's or sex offender's volunteer service or expected volunteer service in connection with any activity or organization within this State, including, but not limited to, the name, address and type of each such activity or organization.

~~{6-}~~ (f) Information concerning the offender's or sex offender's enrollment or expected enrollment as a student in any public or private educational institution or school within this State, including, but not limited to, the name, address and type of each such educational institution or school.

~~{7-}~~ (g) Information concerning whether:

~~{(a)}~~ (1) The offender or sex offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of the offender's or sex offender's enrollment at an institution of higher education; or

~~{(b)}~~ (2) The offender or sex offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of the offender's or sex offender's work at an institution of higher education,

↪ including, but not limited to, the name, address and type of each such institution of higher education.

~~{8-}~~ (h) The license plate number and a description of all motor vehicles registered to or frequently driven by the offender or sex offender.

~~{9-}~~ (i) The level of registration and community notification of the offender or sex offender.

~~{10-}~~ (j) The criminal history of the offender or sex offender, including, without limitation:

~~{(a)}~~ (1) The dates of all arrests and convictions of the offender or sex offender;

~~{(b)}~~ (2) The status of parole, probation or supervised release of the offender or sex offender;

~~{(c)}~~ (3) The status of the registration of the offender or sex offender; and

~~{(d)}~~ (4) The existence of any outstanding arrest warrants for the offender or sex offender.

~~{11-}~~ (k) The following information for each offense for which the offender or sex offender has been convicted:

~~{(a)}~~ (1) The court in which the offender or sex offender was convicted;

~~{(b)}~~ (2) The text of the provision of law defining each offense;

~~{(c)}~~ (3) The name under which the offender or sex offender was convicted;

~~{(d)}~~ (4) The name and location of each penal institution, school, hospital, mental facility or other institution to which the offender or sex offender was committed;

~~{(e)}~~ (5) The specific location where the offense was committed;

~~[(6)]~~ (6) The age, the gender, the race and a general physical description of the victim; and

~~[(7)]~~ (7) The method of operation that was used to commit the offense, including, but not limited to:

~~[(1)]~~ (I) Specific sexual acts committed against the victim;

~~[(2)]~~ (II) The method of obtaining access to the victim, such as the use of enticements, threats, forced entry or violence against the victim;

~~[(3)]~~ (III) The type of injuries inflicted on the victim;

~~[(4)]~~ (IV) The types of instruments, weapons or objects used;

~~[(5)]~~ (V) The type of property taken; and

~~[(6)]~~ (VI) Any other distinctive characteristic of the behavior or personality of the offender or sex offender.

~~[(2)]~~ (I) Any other information required by federal law.

2. *As used in this section:*

(a) *“CODIS” has the meaning ascribed to it in section 4 of this act.*

(b) *“DNA profile” has the meaning ascribed to it in section 6 of this act.*

(c) *“DNA record” has the meaning ascribed to it in section 7 of this act.*

Sec. 28. NRS 179D.443 is hereby amended to read as follows:

179D.443 1. When an offender convicted of a crime against a child or a sex offender registers with a local law enforcement agency as required pursuant to NRS 179D.445, 179D.460 or 179D.480, or updates the registration as required pursuant to NRS 179D.447:

~~[(a)]~~ (a) The offender or sex offender shall provide the local law enforcement agency with the following:

~~[(a)]~~ (1) The name of the offender or sex offender and all aliases that the offender or sex offender has used or under which the offender or sex offender has been known;

~~[(b)]~~ (2) The social security number of the offender or sex offender;

~~[(c)]~~ (3) The address of any residence or location at which the offender or sex offender resides or will reside;

~~[(d)]~~ (4) The name and address of any place where the offender or sex offender is a worker or will be a worker;

~~[(e)]~~ (5) The name and address of any place where the offender or sex offender is a student or will be a student;

~~[(f)]~~ (6) The license plate number and a description of all motor vehicles registered to or frequently driven by the offender or sex offender; and

~~[(g)]~~ (7) Any other information required by federal law.

~~[(2)]~~ (b) If the offender or sex offender has not previously provided a biological specimen pursuant to NRS 176.0913 or 176.0916, **or section 13 of this act**, the offender or sex offender shall provide a biological specimen to the local law enforcement agency. The local law enforcement agency shall provide the specimen to the forensic laboratory that has been designated by

the county in which the offender or sex offender resides, is present or is a worker or student to conduct or oversee genetic marker ~~testing~~ **analysis** for the county pursuant to NRS 176.0917.

~~3.~~ (c) The local law enforcement agency shall ensure that the record of registration of the offender or sex offender includes, without limitation:

~~(a)~~ (I) A complete physical description of the offender or sex offender, a current photograph of the offender or sex offender and the fingerprints and palm prints of the offender or sex offender;

~~(b)~~ (2) The text of the provision of law defining each offense for which the offender or sex offender is required to register;

~~(c)~~ (3) The criminal history of the offender or sex offender, including, without limitation:

~~(1)~~ (I) The dates of all arrests and convictions of the offender or sex offender;

~~(2)~~ (II) The status of parole, probation or supervised release of the offender or sex offender;

~~(3)~~ (III) The status of the registration of the offender or sex offender; and

~~(4)~~ (IV) The existence of any outstanding arrest warrants for the offender or sex offender;

~~(d)~~ A report of the analysis of the genetic markers of the specimen obtained from the offender or sex offender;

~~(e)~~ (4) **Informing whether the DNA profile and DNA record of the offender or sex offender has been entered in CODIS;**

(5) The identification number from a driver's license or an identification card issued to the offender or sex offender by this State or any other jurisdiction and a photocopy of such driver's license or identification card; and

~~(f)~~ (6) Any other information required by federal law.

2. As used in this section:

(a) **"CODIS" has the meaning ascribed to it in section 4 of this act.**

(b) **"DNA profile" has the meaning ascribed to it in section 6 of this act.**

(c) **"DNA record" has the meaning ascribed to it in section 7 of this act.**

Sec. 29. NRS 209.247 is hereby amended to read as follows:

209.247 Except as otherwise provided in NRS 209.2475, the Director may make the following deductions, in the following order of priority, from any money deposited in the individual account of an offender from any source other than the offender's wages:

1. An amount the Director deems reasonable for deposit with the State Treasurer for credit to the Fund for the Compensation of Victims of Crime created pursuant to NRS 217.260.

2. An amount the Director considers reasonable to meet an existing obligation of the offender for the support of the offender's family.

3. An amount determined by the Director, with the approval of the Board, to offset the cost of maintaining the offender in the institution, as reflected in the budget of the Department. An amount deducted pursuant to this subsection may include, but is not limited to, an amount to offset the cost of participation by the offender pursuant to NRS 209.4231 to 209.4244, inclusive, in a therapeutic community or a program of aftercare, or both.

4. A deduction pursuant to NRS 209.246.

5. An amount determined by the Director for deposit in a savings account for the offender, in which interest on the money deposited does not accrue, to be used for the payment of the expenses of the offender related to his or her release or, if the offender dies before his or her release, to defray expenses related to arrangements for the offender's funeral.

6. An amount the Director considers reasonable to meet an existing obligation of the offender for restitution to a victim of his or her crime.

7. An amount the Director considers reasonable to pay the balance of an administrative assessment included in the judgment entered against the offender for each crime for which the offender is incarcerated and the balance of an unpaid administrative assessment included in a judgment entered against the offender for a crime committed in this state for which the offender was previously convicted. An amount deducted from a source other than the wages earned by the offender during his or her incarceration, pursuant to this subsection, must be submitted:

(a) If the offender does not have an administrative assessment owing from a judgment entered for a crime previously committed in this state, to the court that entered the judgment against the offender for which he or she is incarcerated.

(b) If the offender has an administrative assessment owing from a judgment entered for a crime previously committed in this state, to the court that first entered a judgment for which an administrative assessment is owing, until the balance owing has been paid.

8. An amount the Director considers reasonable to pay the balance of a fine included in the judgment entered against the offender for each crime for which the offender is incarcerated and the balance of an unpaid fine included in a judgment entered against the offender for a crime committed in this state for which the offender was previously convicted. An amount deducted from any source other than the wages earned by the offender during his or her incarceration, pursuant to this subsection, must be submitted:

(a) If the offender does not have a fine owing from a judgment entered for a crime previously committed in this state, to the court that entered the judgment against the offender for which he or she is incarcerated.

(b) If the offender has a fine owing from a judgment entered for a crime previously committed in this state, to the court that first entered a judgment for which any fine or administrative assessment is owing, until the balance owing has been paid.

9. An amount the Director considers reasonable to pay the balance of any fee imposed upon the offender for genetic marker ~~testing~~ **analysis** and included in the judgment entered against the offender pursuant to NRS 176.0915.

↪ The Director shall determine the priority of any other deduction authorized by law from any source other than the wages earned by the offender during his or her incarceration.

Sec. 30. NRS 209.463 is hereby amended to read as follows:

209.463 Except as otherwise provided in NRS 209.2475, the Director may make the following deductions, in the following order of priority, from the wages earned by an offender from any source during the offender's incarceration:

1. If the hourly wage of the offender is equal to or greater than the federal minimum wage:

(a) An amount the Director deems reasonable for deposit with the State Treasurer for credit to the Fund for the Compensation of Victims of Crime.

(b) An amount the Director considers reasonable to meet an existing obligation of the offender for the support of his or her family.

(c) An amount determined by the Director, with the approval of the Board, for deposit in the State Treasury for credit to the Fund for New Construction of Facilities for Prison Industries, but only if the offender is employed through a program for prison industries.

(d) An amount determined by the Director for deposit in the individual account of the offender in the Prisoners' Personal Property Fund.

(e) An amount determined by the Director, with the approval of the Board, to offset the cost of maintaining the offender in the institution, as reflected in the budget of the Department. An amount deducted pursuant to this paragraph may include, but is not limited to, an amount to offset the cost of participation by the offender pursuant to NRS 209.4231 to 209.4244, inclusive, in a therapeutic community or a program of aftercare, or both.

(f) A deduction pursuant to NRS 209.246.

(g) An amount determined by the Director for deposit in a savings account for the offender, in which interest on the money deposited does not accrue, to be used for the payment of the expenses of the offender related to his or her release, or if the offender dies before his or her release, to defray expenses related to arrangements for his or her funeral.

(h) An amount the Director considers reasonable to meet an existing obligation of the offender for restitution to any victim of his or her crime.

(i) An amount the Director considers reasonable to pay the balance of any fee imposed upon the offender for genetic marker ~~testing~~ *analysis* and included in the judgment entered against the offender pursuant to NRS 176.0915.

(j) An amount the Director considers reasonable to pay the balance of an administrative assessment included in the judgment entered against the offender for each crime for which the offender is incarcerated and the balance of an unpaid administrative assessment included in a judgment entered against the offender for a crime committed in this state for which the offender was previously convicted. An amount deducted from the wages of the offender pursuant to this paragraph must be submitted:

(1) If the offender does not have an administrative assessment owing from a judgment entered for a crime previously committed in this state, to the court that entered the judgment against the offender for which the offender is incarcerated.

(2) If the offender has an administrative assessment owing from a judgment entered for a crime previously committed in this state, to the court that first entered a judgment for which an administrative assessment is owing, until the balance owing has been paid.

(k) An amount the Director considers reasonable to pay the balance of a fine included in the judgment entered against the offender for each crime for which the offender is incarcerated and the balance of an unpaid fine included in a judgment entered against the offender for a crime committed in this state for which the offender was previously convicted. An amount deducted from the wages of the offender pursuant to this paragraph must be submitted:

(1) If the offender does not have a fine owing from a judgment entered for a crime previously committed in this state, to the court that entered the judgment against the offender for which the offender is incarcerated.

(2) If the offender has a fine owing from a judgment entered for a crime previously committed in this state, to the court that first entered a judgment for which a fine or administrative assessment is owing, until the balance owing has been paid.

↪ The Director shall determine the priority of any other deduction authorized by law from the wages earned by the offender from any source during the offender's incarceration.

2. If the hourly wage of the offender is less than the federal minimum wage:

(a) An amount the Director deems reasonable for deposit with the State Treasurer for credit to the Fund for the Compensation of Victims of Crime.

(b) An amount determined by the Director, with the approval of the Board, for deposit in the State Treasury for credit to the Fund for New

Construction of Facilities for Prison Industries, but only if the offender is employed through a program for prison industries.

(c) An amount determined by the Director for deposit in the individual account of the offender in the Prisoners' Personal Property Fund.

(d) An amount determined by the Director, with the approval of the Board, to offset the cost of maintaining the offender in the institution, as reflected in the budget of the Department. An amount deducted pursuant to this paragraph may include, but is not limited to, an amount to offset the cost of participation by the offender pursuant to NRS 209.4231 to 209.4244, inclusive, in a therapeutic community or a program of aftercare, or both.

(e) A deduction pursuant to NRS 209.246.

(f) An amount the Director considers reasonable to pay the balance of any fee imposed upon the offender for genetic marker ~~testing~~ *analysis* and included in the judgment entered against the offender pursuant to NRS 176.0915.

(g) An amount determined by the Director for deposit in a savings account for the offender, in which interest on the money deposited does not accrue, to be used for the payment of the expenses of the offender related to the offender's release, or if the offender dies before the offender's release, to defray expenses related to arrangements for the offender's funeral.

↪ The Director shall determine the priority of any other deduction authorized by law from the wages earned by the offender from any source during the offender's incarceration.

Sec. 31. NRS 211.245 is hereby amended to read as follows:

211.245 1. If a prisoner fails to make a payment within 10 days after it is due, the district attorney for a county or the city attorney for an incorporated city may file a civil action in any court of competent jurisdiction within this State seeking recovery of:

- (a) The amount of reimbursement due;
- (b) Costs incurred in conducting an investigation of the financial status of the prisoner; and
- (c) Attorney's fees and costs.

2. A civil action brought pursuant to this section must:

- (a) Be instituted in the name of the county or city in which the jail, detention facility or alternative program is located;
- (b) Indicate the date and place of sentencing, including, without limitation, the name of the court which imposed the sentence;
- (c) Include the record of judgment of conviction, if available;
- (d) Indicate the length of time served by the prisoner and, if the prisoner has been released, the date of his or her release; and
- (e) Indicate the amount of reimbursement that the prisoner owes to the county or city.

3. The county or city treasurer of the county or incorporated city in which a prisoner is or was confined shall determine the amount of reimbursement that the prisoner owes to the city or county. The county or city treasurer may render a sworn statement indicating the amount of reimbursement that the prisoner owes and submit the statement in support of a civil action brought pursuant to this section. Such a statement is prima facie evidence of the amount due.

4. A court in a civil action brought pursuant to this section may award a money judgment in favor of the county or city in whose name the action was brought.

5. If necessary to prevent the disposition of the prisoner's property by the prisoner, or the prisoner's spouse or agent, a county or city may file a motion for a temporary restraining order. The court may, without a hearing, issue ex parte orders restraining any person from transferring, encumbering, hypothecating, concealing or in any way disposing of any property of the prisoner, real or personal, whether community or separate, except for necessary living expenses.

6. The payment, pursuant to a judicial order, of existing obligations for:

- (a) Child support or alimony;
- (b) Restitution to victims of crimes; and

(c) Any administrative assessment required to be paid pursuant to NRS 62E.270, 176.059, 176.0611, 176.0613 and 176.062, **and section 15 of this act,**

↪ has priority over the payment of a judgment entered pursuant to this section.

Sec. 32. NRS 249.085 is hereby amended to read as follows:

249.085 On or before the 15th day of each month, the county treasurer shall report to the State Controller the amount of the administrative assessments paid by each justice court for the preceding month pursuant to NRS 176.059 and 176.0613 ~~and section 15 of this act.~~

Sec. 33. 1. If a person is convicted of an offense listed in subsection 4 of NRS 176.0913, regardless of the date upon which the conviction is entered, and the person has not previously submitted a biological specimen ~~to~~ ~~(a) The~~, **the** Department of Corrections shall arrange for a biological specimen to be obtained before the person is released from custody, if the person is in the custody of the Department of Corrections.

~~[(b) The Division of Parole and Probation of the Department of Public Safety shall arrange for a biological specimen to be obtained from the person, if the person is located in this State but is not in the custody of the Department of Corrections.]~~

2. For the purposes of NRS 176.0911 to 176.0917, inclusive, as amended by this act, a biological specimen obtained pursuant to this section shall be

deemed to be a biological specimen obtained pursuant to NRS 176.0913, must be treated as a biological specimen obtained pursuant to NRS 176.0913 and is subject to the provisions of NRS 176.0913 as if the biological specimen were obtained pursuant to NRS 176.0913.

Sec. 34. 1. Except as otherwise provided in subsection 2, the amendatory provisions of this act apply to a person who is arrested on or after July 1, 2014.

2. The provisions of:

(a) Section 15 of this act apply to a person who pleads guilty, is found guilty or enters a plea of nolo contendere to a misdemeanor, gross misdemeanor or felony, including the violation of any municipal ordinance, on or after July 1, 2013.

(b) Section 33 of this act apply to a person who is convicted of an offense listed in subsection 4 of NRS 176.0913 before, on or after July 1, 2014.

Sec. 35. This act becomes effective on July 1, 2013.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Celssie Hardy.

At the request of Assemblyman Thompson the Assembly observed a moment of silence in memory of Jahlonn Williams, a 17-year-old honor student and basketball player at Mojave High School from District No. 17 who was killed on Mother's Day by an alleged drunk driver.

Assemblyman Horne moved that the Assembly adjourn until Monday, May 20, 2013, at 12:30 p.m.

Motion carried.

Assembly adjourned at 3:25 p.m.

Approved:

MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly