

ASSEMBLY BILL NO. 207—ASSEMBLYMEN FUMO, MILLER, OHRENSCHALL, THOMPSON; MCCURDY II, MONROE-MORENO AND YEAGER

PREFILED FEBRUARY 13, 2017

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing juries. (BDR 1-648)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes.

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

AN ACT relating to juries; revising the provisions governing the selection of jurors; requiring the jury commissioner to report certain information about trial jurors to the Court Administrator; prohibiting certain conduct relating to the use of certain employment information; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, a district court is authorized to assign a jury commissioner
2 to select trial jurors. Existing law provides that the jury commissioner assigned to
3 select trial jurors is required to select jurors from qualified electors of the county
4 not exempt from jury duty, whether registered as voters or not. (NRS 6.045)
5 Existing law further requires the Department of Motor Vehicles to provide a list of
6 registered owners of motor vehicles and a list of licensed drivers for use in
7 selecting jurors. (NRS 482.171, 483.225) Certain public utilities are also required to
8 provide a list of customers for use in the selection of jurors. (NRS 704.206) **Section**
9 **4.5** of this bill requires the Administrator of the Employment Security Division of
10 the Department of Employment, Training and Rehabilitation to provide a list of
11 persons who receive benefits for use in jury selection.
12 **Section 1** of this bill revises the process for selecting trial jurors by requiring
13 the jury commissioner to compile and maintain a list of qualified electors from
14 information provided by: (1) a list of persons who are registered to vote in the
15 county; (2) the Department of Motor Vehicles; (3) the Employment Security
16 Division of the Department of Employment, Training and Rehabilitation; and (4)
17 certain public utilities. **Section 1** also requires the jury commissioner to: (1) keep a
18 record of the name, occupation, address and race of each trial juror who is selected
19 and of each trial juror who appears for jury service; and (2) report this information
20 once a year to the Court Administrator.



21 Existing law makes confidential the employment information collected by the
22 Employment Security Division of the Department of Employment, Training and
23 Rehabilitation and prohibits the release of such information except for limited
24 purposes. (NRS 612.265) **Section 4.5** provides that if, in addition to those acts
25 prohibited by existing law, certain persons use information collected by the
26 Division for purposes other than those authorized by the Administrator or by law,
27 or fail to protect and prevent the unauthorized use or dissemination of such
28 information, the person is guilty of a gross misdemeanor.

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

- 1 **Section 1.** NRS 6.045 is hereby amended to read as follows:
2 6.045 1. The district court may by rule of court designate the
3 clerk of the court, one of the clerk's deputies or another person as a
4 jury commissioner, and may assign to the jury commissioner such
5 administrative duties in connection with trial juries and jurors as the
6 court finds desirable for efficient administration.
7 2. If a jury commissioner is so selected, the jury commissioner
8 shall from time to time estimate the number of trial jurors which
9 will be required for attendance on the district court and shall select
10 that number from the qualified electors of the county not exempt by
11 law from jury duty, whether registered as voters or not. The jurors
12 may be selected by computer whenever procedures to assure random
13 selection from computerized lists are established by the jury
14 commissioner. ~~{The jury commissioner shall keep a record of the~~
15 ~~name, occupation and address of each person selected.}~~
16 3. *The jury commissioner shall, for the purpose of selecting*
17 *trial jurors, compile and maintain a list of qualified electors from*
18 *information provided by:*
19 *(a) A list of persons who are registered to vote in the county;*
20 *(b) The Department of Motor Vehicles pursuant to NRS*
21 *482.171 and 483.225;*
22 *(c) The Employment Security Division of the Department of*
23 *Employment, Training and Rehabilitation pursuant to NRS*
24 *612.265; and*
25 *(d) A public utility pursuant to NRS 704.206.*
26 4. *In compiling and maintaining the list of qualified electors,*
27 *the jury commissioner shall avoid duplication of names.*
28 5. *The jury commissioner shall:*
29 *(a) Keep a record of the name, occupation, address and race of*
30 *each trial juror selected pursuant to subsection 2;*
31 *(b) Keep a record of the name, occupation, address and race of*
32 *each trial juror who appears for jury service; and*
33 *(c) Prepare and submit a report to the Court Administrator*
34 *which must:*



1 (1) *Include statistics from the records required to be*
2 *maintained by the jury commissioner pursuant to this subsection,*
3 *including, without limitation, the name, occupation, address and*
4 *race of each trial juror who is selected and of each trial juror who*
5 *appears for jury service;*

6 (2) *Be submitted at least once a year; and*

7 (3) *Be submitted in the time and manner prescribed by the*
8 *Court Administrator.*

9 6. The jury commissioner shall not select the name of any
10 person whose name was selected the previous year, and who
11 actually served on the jury by attending in court in response to the
12 venire from day to day until excused from further attendance by
13 order of the court, unless there are not enough other suitable jurors
14 in the county to do the required jury duty.

15 **Sec. 2.** NRS 482.171 is hereby amended to read as follows:

16 482.171 1. The Department shall provide a list of registered
17 owners of motor vehicles in any county upon the request of a district
18 judge *or jury commissioner* of the judicial district in which the
19 county lies for use by the district judge *or jury commissioner* for
20 purposes of jury selection.

21 2. The court ~~{which}~~ *or jury commissioner who* requests the
22 list shall reimburse the Department for the reasonable cost of the
23 list.

24 **Sec. 3.** NRS 483.225 is hereby amended to read as follows:

25 483.225 1. The Department shall provide a list of licensed
26 drivers in any county upon the request of a district judge *or jury*
27 *commissioner* of the judicial district in which the county lies for use
28 in selecting jurors.

29 2. The court ~~{which}~~ *or jury commissioner who* requests the
30 list shall reimburse the Department for the reasonable cost of the
31 list.

32 **Sec. 4.** (Deleted by amendment.)

33 **Sec. 4.5.** NRS 612.265 is hereby amended to read as follows:

34 612.265 1. Except as otherwise provided in this section and
35 NRS 239.0115 and 612.642, information obtained from any
36 employing unit or person pursuant to the administration of this
37 chapter and any determination as to the benefit rights of any person
38 is confidential and may not be disclosed or be open to public
39 inspection in any manner which would reveal the person's or
40 employing unit's identity.

41 2. Any claimant or a legal representative of a claimant is
42 entitled to information from the records of the Division, to the
43 extent necessary for the proper presentation of the claimant's claim
44 in any proceeding pursuant to this chapter. A claimant or an



1 employing unit is not entitled to information from the records of the
2 Division for any other purpose.

3 3. The Administrator may, in accordance with a cooperative
4 agreement among all participants in the statewide longitudinal data
5 system developed pursuant to NRS 400.040, make the information
6 obtained by the Division available to:

7 (a) The Board of Regents of the University of Nevada for the
8 purpose of complying with the provisions of subsection 4 of NRS
9 396.531; and

10 (b) The Director of the Department of Employment, Training
11 and Rehabilitation for the purpose of complying with the provisions
12 of paragraph (d) of subsection 1 of NRS 232.920.

13 4. Subject to such restrictions as the Administrator may by
14 regulation prescribe, the information obtained by the Division may
15 be made available to:

16 (a) Any agency of this or any other state or any federal agency
17 charged with the administration or enforcement of laws relating to
18 unemployment compensation, public assistance, workers'
19 compensation or labor and industrial relations, or the maintenance
20 of a system of public employment offices;

21 (b) Any state or local agency for the enforcement of child
22 support;

23 (c) The Internal Revenue Service of the Department of the
24 Treasury;

25 (d) The Department of Taxation;

26 (e) The State Contractors' Board in the performance of its duties
27 to enforce the provisions of chapter 624 of NRS; and

28 (f) The Secretary of State to operate the state business portal
29 established pursuant to chapter 75A of NRS for the purposes of
30 verifying that data submitted via the portal has satisfied the
31 necessary requirements established by the Division, and as
32 necessary to maintain the technical integrity and functionality of the
33 state business portal established pursuant to chapter 75A of NRS.

34 ➤ Information obtained in connection with the administration of the
35 Division may be made available to persons or agencies for purposes
36 appropriate to the operation of a public employment service or a
37 public assistance program.

38 5. Upon written request made by the State Controller or a
39 public officer of a local government, the Administrator shall furnish
40 from the records of the Division the name, address and place of
41 employment of any person listed in the records of employment of
42 the Division. The request may be made electronically and must set
43 forth the social security number of the person about whom the
44 request is made and contain a statement signed by the proper
45 authority of the State Controller or local government certifying that



1 the request is made to allow the proper authority to enforce a law to
2 recover a debt or obligation assigned to the State Controller for
3 collection or owed to the local government, as applicable. Except as
4 otherwise provided in NRS 239.0115, the information obtained by
5 the State Controller or local government is confidential and may not
6 be used or disclosed for any purpose other than the collection of a
7 debt or obligation assigned to the State Controller for collection or
8 owed to that local government. The Administrator may charge a
9 reasonable fee for the cost of providing the requested information.

10 6. The Administrator may publish or otherwise provide
11 information on the names of employers, their addresses, their type
12 or class of business or industry, and the approximate number of
13 employees employed by each such employer, if the information
14 released will assist unemployed persons to obtain employment or
15 will be generally useful in developing and diversifying the economic
16 interests of this State. Upon request by a state agency which is able
17 to demonstrate that its intended use of the information will benefit
18 the residents of this State, the Administrator may, in addition to the
19 information listed in this subsection, disclose the number of
20 employees employed by each employer and the total wages paid by
21 each employer. The Administrator may charge a fee to cover the
22 actual costs of any administrative expenses relating to the disclosure
23 of this information to a state agency. The Administrator may require
24 the state agency to certify in writing that the agency will take all
25 actions necessary to maintain the confidentiality of the information
26 and prevent its unauthorized disclosure.

27 7. Upon request therefor, the Administrator shall furnish to any
28 agency of the United States charged with the administration of
29 public works or assistance through public employment, and may
30 furnish to any state agency similarly charged, the name, address,
31 ordinary occupation and employment status of each recipient of
32 benefits and the recipient's rights to further benefits pursuant to this
33 chapter.

34 8. To further a current criminal investigation, the chief
35 executive officer of any law enforcement agency of this State may
36 submit a written request to the Administrator that the Administrator
37 furnish, from the records of the Division, the name, address and
38 place of employment of any person listed in the records of
39 employment of the Division. The request must set forth the social
40 security number of the person about whom the request is made and
41 contain a statement signed by the chief executive officer certifying
42 that the request is made to further a criminal investigation currently
43 being conducted by the agency. Upon receipt of such a request, the
44 Administrator shall furnish the information requested. The



1 Administrator may charge a fee to cover the actual costs of any
2 related administrative expenses.

3 9. In addition to the provisions of subsection 6, the
4 Administrator shall provide lists containing the names and addresses
5 of employers, and information regarding the wages paid by each
6 employer to the Department of Taxation, upon request, for use in
7 verifying returns for the taxes imposed pursuant to chapters 363A,
8 363B and 363C of NRS. The Administrator may charge a fee to
9 cover the actual costs of any related administrative expenses.

10 10. *Upon the request of any district judge or jury*
11 *commissioner of the judicial district in which the county is*
12 *located, the Administrator shall, in accordance with other*
13 *agreements entered into with other district courts and in*
14 *compliance with 20 C.F.R. Part 603, and any other applicable*
15 *federal laws and regulations governing the Division, furnish the*
16 *name, address and date of birth of persons who receive benefits in*
17 *any county, for use in the selection of trial jurors pursuant to NRS*
18 *6.045. The court or jury commissioner who requests the list of*
19 *such persons shall reimburse the Division for the reasonable cost*
20 *of providing the requested information.*

21 11. The Division of Industrial Relations of the Department of
22 Business and Industry shall periodically submit to the
23 Administrator, from information in the index of claims established
24 pursuant to NRS 616B.018, a list containing the name of each
25 person who received benefits pursuant to chapters 616A to 616D,
26 inclusive, or chapter 617 of NRS. Upon receipt of that information,
27 the Administrator shall compare the information so provided with
28 the records of the Employment Security Division regarding persons
29 claiming benefits pursuant to this chapter for the same period. The
30 information submitted by the Division of Industrial Relations must
31 be in a form determined by the Administrator and must contain the
32 social security number of each such person. If it appears from the
33 information submitted that a person is simultaneously claiming
34 benefits under this chapter and under chapters 616A to 616D,
35 inclusive, or chapter 617 of NRS, the Administrator shall notify the
36 Attorney General or any other appropriate law enforcement agency.

37 ~~11.1~~ 12. The Administrator may request the Comptroller of
38 the Currency of the United States to cause an examination of the
39 correctness of any return or report of any national banking
40 association rendered pursuant to the provisions of this chapter, and
41 may in connection with the request transmit any such report or
42 return to the Comptroller of the Currency of the United States as
43 provided in section 3305(c) of the Internal Revenue Code of 1954.

44 ~~11.2. If any employee or member of the Board of Review, the~~



1 **13. The Administrator , ~~for~~ any employee or other person**
2 ***acting on behalf* of the Administrator, ~~in violation of the~~**
3 ***provisions of this section, discloses* or any employee or other**
4 ***person acting on behalf of an agency or entity allowed to access***
5 **information obtained from any employing unit or person in the**
6 **administration of this chapter, or ~~if~~ any person who has obtained a**
7 **list of applicants for work, or of claimants or recipients of benefits**
8 **pursuant to this chapter ~~uses~~ , *is guilty of a gross misdemeanor if***
9 ***he or she:***

10 ***(a) Uses or permits the use of the list for any political purpose ~~;~~***
11 ***he or she is guilty of a gross misdemeanor.***
12 **~~—13.;~~**

13 ***(b) Uses or permits the use of the list for any purpose other***
14 ***than one authorized by the Administrator or by law; or***

15 ***(c) Fails to protect and prevent the unauthorized use or***
16 ***dissemination of information derived from the list.***

17 **14.** All letters, reports or communications of any kind, oral or
18 written, from the employer or employee to each other or to the
19 Division or any of its agents, representatives or employees are
20 privileged and must not be the subject matter or basis for any
21 lawsuit if the letter, report or communication is written, sent,
22 delivered or prepared pursuant to the requirements of this chapter.

23 **Sec. 5.** This act becomes effective on July 1, 2017.

