

Senate Bill No. 287—Senators Gansert, Roberson, Cannizzaro, Parks; Atkinson, Cancela, Denis, Farley, Ford, Goicoechea, Gustavson, Hammond, Hardy, Harris, Manendo, Ratti, Settlemeyer, Spearman and Woodhouse

Joint Sponsors: Assemblymen Benitez-Thompson, Tolles and Yeager

CHAPTER.....

AN ACT relating to protection of children; requiring school employees and volunteers to report the abuse or neglect of a child and certain other prohibited acts; requiring an agency which provides child welfare services to investigate such a report and forward a substantiated report to the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child; authorizing a person to appeal the substantiation of such a report; revising certain provisions concerning background checks conducted on certain educational personnel and volunteers; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain persons, including, without limitation, licensed teachers and social workers employed by a public school or private school, to report the suspected abuse or neglect of a child when such neglect was believed to have been caused or allowed by a person responsible for a child's welfare. (NRS 432B.020, 432B.220) The term "person responsible for a child's welfare" is limited by existing law to a parent, legal guardian, stepparent or other adult person found in the same home as the child on a regular basis or a home, institution or facility where the child resides or receives care, including, without limitation, the volunteers and employees of such homes, institutions or facilities. (NRS 432B.130) **Section 8** of this bill requires all employees of and volunteers for a public school or private school, regardless of whether they are licensed, to report the suspected abuse or neglect of a child by a person responsible for the child's welfare.

Existing law makes it a misdemeanor or gross misdemeanor for a person who is required to report the suspected abuse or neglect of a child to knowingly and willfully fail to make such a report. (NRS 432B.240) This penalty also applies to the failure to report by an employee of or volunteer for a public school or private school as expanded by **section 8** of this bill.

Existing law prohibits sexual conduct between an employee or volunteer of a public school or private school and certain pupils, the luring of a child, the use of corporal punishment in a public school and the use of corporal punishment on a pupil with a disability in a private school. (NRS 201.540, 201.560, 392.4633, 394.354, 394.366) **Section 44** of this bill imposes an additional duty on an employee or volunteer at a public or private school to make a report within 24 hours if, in that capacity, he or she knows or has reasonable cause to believe that a child has been subjected to abuse or neglect, certain sexual conduct, luring or prohibited corporal punishment by another employee of or volunteer for a public



school or private school. **Section 44** requires: (1) a report concerning abuse or neglect, sexual conduct or luring to be made to an agency which provides child welfare services and a law enforcement agency; and (2) a report concerning prohibited corporal punishment to be made to a child welfare agency. **Section 44** requires a child welfare agency to assess all allegations contained in any such report it receives and, if the agency deems appropriate, assign the matter for investigation. **Section 44** also requires a school police officer who receives a report of an offense punishable as a category A felony to notify the local law enforcement agency having jurisdiction over the school. If a law enforcement agency other than a school police officer receives a report of an offense punishable as a felony that: (1) allegedly occurred at a public school, at an activity sponsored by such a school or on a school bus while the school bus was being used by such a school for an official school-related purpose; and (2) involved a school employee or volunteer, the law enforcement agency must notify a school police officer if such an officer is employed in the school district. **Section 45** of this bill prescribes the required contents of the report. **Section 46** of this bill makes it a misdemeanor for an employee or volunteer at a school to fail to make a report when required. **Sections 47 and 48** of this bill provide that certain privileges do not apply to a person required to make a report or to the report itself. **Section 49** of this bill authorizes a designee of an agency investigating a report to take certain actions to investigate the report with the consent of the parent or guardian of the child.

Section 50 of this bill provides that reports of abuse, neglect, sexual conduct, luring and prohibited corporal punishment and investigations of such reports are confidential and makes it a gross misdemeanor to disclose such information except where authorized to do so. **Section 51** of this bill sets forth exceptions to such confidentiality that allow certain persons to access such material, including the child who is the subject of the report, his or her parent or guardian and attorney and certain governmental entities. **Section 52** of this bill authorizes an agency investigating a report to provide certain information to the person alleged to have engaged in the conduct described in the report and the person who made the report. **Section 52** also authorizes any person to consent to the release of information about himself or herself. **Section 53** of this bill: (1) requires an agency which provides child welfare services to take precautions to protect the identity and safety of a person who makes a report when releasing information; and (2) authorizes such an agency to charge a fee for processing costs necessary to prepare information maintained by the agency. **Section 54** of this bill provides that any person who is provided information maintained by an agency which provides child welfare services and further disseminates the information is guilty of a gross misdemeanor.

Section 55 of this bill requires an agency investigating a report to determine whether the report is substantiated or unsubstantiated. If the report is substantiated, the agency is required to forward the report to: (1) the Department of Education, the governing body of the school or school district, as applicable, and law enforcement; and (2) after the conclusion of any administrative appeal, the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child. **Section 56** of this bill prescribes the procedure for filing and hearing an administrative appeal. **Section 1.5** of this bill provides for the inclusion of such information in the Central Registry. **Section 57** of this bill provides immunity from civil and criminal liability for a person who, in good faith, makes a report or takes certain action to investigate a report. **Section 58** of this bill authorizes the Division of Child and Family Services of the Department of Health and Human Services to adopt any regulations necessary for the administration of provisions relating to the new reporting requirement prescribed by this bill. **Section 7.3** of this bill provides that the provisions of existing law governing the requirement to report the abuse or



neglect of a child by a person responsible for the welfare of the child do not apply to the new reporting requirement.

Under existing law, an unlicensed applicant for employment at a public school must undergo a background check before being hired. (NRS 388A.515, 388C.200, 391.104, 391.281) Additionally, a licensed employee must undergo a background check before a license can be issued or renewed. (NRS 391.033) **Sections 27, 28, 33, 34 and 60** of this bill additionally require: (1) volunteers at a public school and employees and volunteers at a private school to undergo background checks; and (2) a background check to be performed on each unlicensed employee and volunteer at least once every 5 years. **Section 21** of this bill requires the Central Repository to provide the results of such a background check to the appropriate superintendent, governing body or administrator immediately. **Sections 27, 28, 31, 33, 34 and 60** of this bill also additionally require background checks performed on licensed and unlicensed educational personnel and volunteers to include information that may be available from the Central Registry or any equivalent registry maintained in another jurisdiction in which the person has resided within the immediately preceding 5 years. **Sections 24, 27, 28, 31, 33, 34 and 60** of this bill authorize a school district, charter school, university school for profoundly gifted pupils or private school to: (1) cooperate with a law enforcement agency to obtain any available information on the background of an applicant, employee or volunteer; and (2) use information from the Central Registry in personnel decisions. **Sections 27, 28, 31, 33, 34 and 60** provide that the Superintendent of Public Instruction, the board of trustees of a school district, the governing body of a charter school, university school for profoundly gifted pupils or private school and the administrator of a private school cannot be held liable for any damages resulting from such action. **Section 28** provides that any provision of a collective bargaining agreement that prohibits a school district, charter school or university school for profoundly gifted pupils from taking such action is void.

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

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

Section 1. NRS 424.250 is hereby amended to read as follows:
424.250 1. A provider of foster care shall not use physical restraint on a child placed with the provider unless the child presents an imminent threat of danger of harm to himself or herself or others.

2. A foster care agency shall notify the licensing authority or its designee when any serious incident, accident, motor vehicle crash or injury occurs to a child in its care within 24 hours after the incident, accident, motor vehicle crash or injury. The foster care agency shall provide a written report to the licensing authority or its designee as soon as practicable after notifying the licensing authority or its designee. The written report must include, without limitation, the date and time of the incident, accident, motor vehicle crash or injury, any action taken as a result of the incident, accident, motor vehicle crash or injury, the name of the employee of the foster



care agency who completed the written report and the name of the employee of the licensing authority or its designee who was notified.

3. A foster care agency shall report any potential violation of the provisions of this chapter or any regulations adopted pursuant thereto relating to licensing to the licensing authority within 24 hours after an employee of the foster care agency becomes aware of the potential violation. A foster care agency shall cooperate with the licensing authority in its review of such reports and support each foster home with which the foster care agency has a contract for the placement of children in completing any action required to correct a violation.

4. A foster care agency shall fully comply with any investigation of a report of the abuse or neglect of a child pursuant to NRS 432B.220 ~~†~~ *or section 44 of this act.*

Sec. 1.1. Chapter 432 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.2 and 1.3 of this act.

Sec. 1.2. *As used in NRS 432.0999 to 432.130, inclusive, of this act, the words and terms defined in NRS 432.0999 and section 1.3 of this act have the meanings ascribed to them in those sections.*

Sec. 1.3. *“Abuse or neglect of a child” has the meaning ascribed to it in section 37 of this act.*

Sec. 1.4. NRS 432.0999 is hereby amended to read as follows:
432.0999 ~~†As used in NRS 432.0999 to 432.130, inclusive,†~~ “Central Registry” means the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100.

Sec. 1.5. NRS 432.100 is hereby amended to read as follows:
432.100 1. There is hereby established a Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child. This Central Registry must be maintained by the Division.

2. The Central Registry must contain:

(a) The information in any substantiated report of child abuse or neglect made pursuant to NRS 432B.220 ~~†~~ *or section 44 of this act;*

(b) *The information in any substantiated report of a violation of NRS 201.540, 201.560, 392.4633 or 394.366 made pursuant to section 44 of this act;*

(c) Statistical information on the protective services provided in this State; and



~~H(e)~~ (d) Any other information which the Division determines to be in furtherance of NRS 432.0999 to 432.130, inclusive, *and sections 1.2 and 1.3 of this act*, and 432B.010 to 432B.400, inclusive ~~H~~, *and section 7.3 of this act, and sections 36 to 58, inclusive, of this act.*

3. The Division may release information contained in the Central Registry to an employer:

(a) If the person who is the subject of a background investigation by the employer provides written authorization for the release of the information; and

(b) Either:

(1) The employer is required by law to conduct the background investigation of the person for employment purposes; or

(2) The person who is the subject of the background investigation could, in the course of his or her employment, have regular and substantial contact with children or regular and substantial contact with elderly persons who require assistance or care from other persons,

↳ but only to the extent necessary to inform the employer whether the person who is the subject of the background investigation has been found to have abused or neglected a child.

4. Except as otherwise provided in this section or by specific statute, information in the Central Registry may be accessed only by:

(a) An employee of the Division;

(b) An agency which provides child welfare services;

(c) An employee of the Division of Public and Behavioral Health of the Department who is obtaining information in accordance with NRS 432A.170; and

(d) With the approval of the Administrator, an employee or contractor of any other state or local governmental agency responsible for the welfare of children who requests access to the information and who demonstrates to the satisfaction of the Administrator a bona fide need to access the information. Any approval or denial of a request submitted in accordance with this paragraph is at the sole discretion of the Administrator.

Sec. 1.6. NRS 432.110 is hereby amended to read as follows:

432.110 1. Except as otherwise provided in subsection 2, the Division shall maintain a record of:

(a) The names and identifying data, dates and circumstances of any persons requesting or receiving information from the Central Registry; and



(b) Any other information which might be helpful in furthering the purposes of NRS 432.0999 to 432.130, inclusive, *and sections 1.2 and 1.3 of this act*, and 432B.010 to 432B.400, inclusive *H*, *and section 7.3 of this act, and sections 36 to 58, inclusive, of this act.*

2. The Division is not required to maintain a record of information concerning requests for information from or the receipt of information by employees of an agency which provides child welfare services.

Sec. 1.7. NRS 432.120 is hereby amended to read as follows:

432.120 1. Information contained in the Central Registry must not be released unless the right of the applicant to the information is confirmed, the information concerning the report of abuse or neglect of the child *or a violation of NRS 201.540, 201.560, 392.4633 or 394.366* has been reported pursuant to NRS 432B.310 *H* *or section 55 of this act, as applicable*, the released information discloses the disposition of the case and, if the information is being provided pursuant to subsection 3 of NRS 432.100, the person who is the subject of the background investigation provides written authorization for the release of the information.

2. The information contained in the Central Registry concerning cases in which a report of abuse or neglect of a child has been substantiated by an agency which provides child welfare services must be deleted from the Central Registry not later than 10 years after the child who is the subject of the report reaches the age of 18 years.

3. The Division shall adopt regulations to carry out the provisions of this section.

Sec. 1.8. NRS 432.130 is hereby amended to read as follows:

432.130 Any person who willfully releases data or information contained in the Central Registry to unauthorized persons in violation of NRS 432.120 or 432B.290 *or sections 51 to 54, inclusive, of this act* is guilty of a misdemeanor.

Secs. 2-7. (Deleted by amendment.)

Sec. 7.3. Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:

The provisions of this section and NRS 432B.220 to 432B.320, inclusive, do not apply to any report submitted, investigation performed or information maintained under the provisions of sections 36 to 58, inclusive, of this act.



Sec. 7.7. NRS 432B.200 is hereby amended to read as follows:
432B.200 **1.** The Division of Child and Family Services shall establish and maintain a center with a toll-free telephone number to receive reports of abuse or neglect of a child in this State **and reports pursuant to section 44 of this act**, 24 hours a day, 7 days a week. Any reports made to this center must be promptly transmitted to the agency which provides child welfare services in the community where the child is located.

2. As used in this section, “abuse or neglect of a child” has the meaning ascribed to it in section 37 of this act.

Sec. 8. NRS 432B.220 is hereby amended to read as follows:

432B.220 **1.** Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by prenatal illegal substance abuse or has withdrawal symptoms resulting from prenatal drug exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is



so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A person providing services licensed or certified in this State pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B or 641C of NRS.

(b) Any personnel of a medical facility licensed pursuant to chapter 449 of NRS who are engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of such a medical facility upon notification of suspected abuse or neglect of a child by a member of the staff of the medical facility.

(c) A coroner.

(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A person ~~working in a school who is licensed or endorsed pursuant to chapter 391 or 641B of NRS.~~ *employed by a public school or private school and any person who serves as a volunteer at such a school.*

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed pursuant to chapter 424 of NRS to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) Except as otherwise provided in NRS 432B.225, an attorney.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for a youth shelter. As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS 244.427.



(l) Any adult person who is employed by an entity that provides organized activities for children.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

7. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 and who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State shall, at the time of initial licensure, certification or endorsement:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

8. The employer of a person who is described in subsection 4 and who is not required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State must, upon initial employment of the person:



(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

9. Before a person may serve as a volunteer at a public school or private school, the school must:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section and section 44 of this act;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section and section 44 of this act; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person serves as a volunteer at the school.

10. As used in this section:

(a) "Private school" has the meaning ascribed to it in NRS 394.103.

(b) "Public school" has the meaning ascribed to it in NRS 385.007.

Secs. 9-17. (Deleted by amendment.)

Sec. 18. NRS 171.1223 is hereby amended to read as follows:

171.1223 1. Except as otherwise provided in subsection 3, in a county whose population is 100,000 or more, a peace officer with limited jurisdiction who witnesses a category A felony being committed or attempted in the officer's presence, or has reasonable cause for believing a person has committed or attempted to commit a category A felony in an area that is within the officer's jurisdiction, shall immediately notify the primary law enforcement agency in the city or county, as appropriate, where the offense or attempted offense was committed.

2. Upon arrival of an officer from the primary law enforcement agency notified pursuant to subsection 1, a peace officer with limited jurisdiction shall immediately transfer the investigation of the offense or attempted offense to the primary law enforcement agency.

3. The provisions of subsection 1 do not:



(a) Apply to an offense or attempted offense that is a misdemeanor, gross misdemeanor or felony other than a category A felony;

(b) Apply to an officer of the Nevada Highway Patrol, a member of the police department of the Nevada System of Higher Education, an agent of the Investigation Division of the Department of Public Safety or a ranger of the Division of State Parks of the State Department of Conservation and Natural Resources;

(c) Apply to a peace officer with limited jurisdiction if an interlocal agreement between the officer's employer and the primary law enforcement agency in the city or county in which a category A felony was committed or attempted authorizes the peace officer with limited jurisdiction to respond to and investigate the felony without immediately notifying the primary law enforcement agency; or

(d) Prohibit a peace officer with limited jurisdiction from:

(1) Contacting a primary law enforcement agency for assistance with an offense that is a misdemeanor, gross misdemeanor or felony that is not a category A felony; or

(2) Responding to a category A felony until the appropriate primary law enforcement agency arrives at the location where the felony was allegedly committed or attempted, including, without limitation, taking any appropriate action to provide assistance to a victim of the felony, to apprehend the person suspected of committing or attempting to commit the felony, to secure the location where the felony was allegedly committed or attempted and to protect the life and safety of the peace officer and any other person present at that location.

4. As used in this section:

(a) "Peace officer with limited jurisdiction" means:

(1) A school police officer who is appointed or employed pursuant to subsection ~~4~~ 5 of NRS 391.281;

(2) An airport guard or police officer who is appointed pursuant to NRS 496.130;

(3) A person employed to provide police services for an airport authority created by a special act of the Legislature; and

(4) A marshal or park ranger who is part of a unit of specialized law enforcement established pursuant to NRS 280.125.

(b) "Primary law enforcement agency" means:

(1) A police department of an incorporated city;

(2) The sheriff's office of a county; or

(3) If the county is within the jurisdiction of a metropolitan police department, the metropolitan police department.



Sec. 19. NRS 176.145 is hereby amended to read as follows:

176.145 1. The report of any presentence investigation must contain:

(a) Any prior criminal record of the defendant;

(b) Information concerning the characteristics of the defendant, the defendant's financial condition, the circumstances affecting the defendant's behavior and the circumstances of the defendant's offense that may be helpful in imposing sentence, in granting probation or in the correctional treatment of the defendant;

(c) Information concerning the effect that the offense committed by the defendant has had upon the victim, including, without limitation, any physical or psychological harm or financial loss suffered by the victim, to the extent that such information is available from the victim or other sources, but the provisions of this paragraph do not require any particular examination or testing of the victim, and the extent of any investigation or examination is solely at the discretion of the court or the Division and the extent of the information to be included in the report is solely at the discretion of the Division;

(d) Information concerning whether the defendant has an obligation for the support of a child, and if so, whether the defendant is in arrears in payment on that obligation;

(e) Data or information concerning reports and investigations thereof made pursuant to chapter 432B of NRS *and sections 36 to 58, inclusive, of this act* that relate to the defendant and are made available pursuant to NRS 432B.290 ~~†~~ *or sections 51 to 54, inclusive, of this act, as applicable;*

(f) The results of the evaluation of the defendant conducted pursuant to NRS 484C.300, if such an evaluation is required pursuant to that section;

(g) A recommendation of a minimum term and a maximum term of imprisonment or other term of imprisonment authorized by statute, or a fine, or both;

(h) A recommendation, if the Division deems it appropriate, that the defendant undergo a program of regimental discipline pursuant to NRS 176A.780;

(i) If a psychosexual evaluation of the defendant is required pursuant to NRS 176.139, a written report of the results of the psychosexual evaluation of the defendant and all information that is necessary to carry out the provisions of NRS 176A.110; and

(j) Such other information as may be required by the court.



2. The Division may include in the report any additional information that it believes may be helpful in imposing a sentence, in granting probation or in correctional treatment.

Sec. 20. NRS 176.151 is hereby amended to read as follows:

176.151 1. If a defendant pleads guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, one or more category E felonies, but no other felonies, the Division shall not make a presentence investigation and report on the defendant pursuant to NRS 176.135, unless the Division has not made a presentence investigation and report on the defendant pursuant to NRS 176.135 within the 5 years immediately preceding the date initially set for sentencing on the category E felony or felonies and:

(a) The court requests a presentence investigation and report; or
(b) The prosecuting attorney possesses evidence that would support a decision by the court to deny probation to the defendant pursuant to paragraph (b) of subsection 1 of NRS 176A.100.

2. If the Division does not make a presentence investigation and report on a defendant pursuant to subsection 1, the Division shall, not later than 45 days after the date on which the defendant is sentenced, make a general investigation and report on the defendant that contains:

(a) Any prior criminal record of the defendant;
(b) Information concerning the characteristics of the defendant, the circumstances affecting the defendant's behavior and the circumstances of the defendant's offense that may be helpful to persons responsible for the supervision or correctional treatment of the defendant;

(c) Information concerning the effect that the offense committed by the defendant has had upon the victim, including, without limitation, any physical or psychological harm or financial loss suffered by the victim, to the extent that such information is available from the victim or other sources, but the provisions of this paragraph do not require any particular examination or testing of the victim, and the extent of any investigation or examination and the extent of the information included in the report is solely at the discretion of the Division;

(d) Data or information concerning reports and investigations thereof made pursuant to chapter 432B of NRS *and sections 36 to 58, inclusive, of this act* that relate to the defendant and are made available pursuant to NRS 432B.290 ~~†~~ *or sections 51 to 54, inclusive, of this act, as applicable;* and



(e) Any other information that the Division believes may be helpful to persons responsible for the supervision or correctional treatment of the defendant.

Sec. 21. 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 General Services 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, issues or collects, and any information in its possession relating to the DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913, 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 60 days after the date of the disposition of the case. 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 DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913.

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



(d) Upon request, provide, in paper or electronic form, the information that is contained in the Central Repository to a multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored by the Attorney General pursuant to NRS 228.495.

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 or other biometric identifier 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 or authorized to be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.123 and 449.4329; 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.

6. To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to subsection 5, the Central Repository must receive:

(a) The person's complete set of fingerprints for the purposes of:

(1) Booking the person into a city or county jail or detention facility;

(2) Employment;

(3) Contractual services; or

(4) Services related to occupational licensing;



(b) One or more of the person's fingerprints for the purposes of mobile identification by an agency of criminal justice; or

(c) Any other biometric identifier of the person as it may require for the purposes of:

(1) Arrest; or

(2) Criminal investigation,

↳ from the agency of criminal justice or agency of the State of Nevada or any political subdivision thereof and submit the received data to the Federal Bureau of Investigation for its report.

7. 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 to serve as a volunteer*; or

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

↳ and *immediately* 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, *immediately* 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 *or volunteering for* 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 one or more fingerprints or other biometric identifier or has such data submitted pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.122, 449.123 or 449.4329.

(g) On or before July 1 of each year, prepare and post on the Central Repository's Internet website an annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be posted to the Central Repository's Internet website 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 post on the Central Repository's Internet website 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.

(j) Adopt regulations governing biometric identifiers and the information and data derived from biometric identifiers, including, without limitation:

(1) Their collection, use, safeguarding, handling, retention, storage, dissemination and destruction; and

(2) The methods by which a person may request the removal of his or her biometric identifiers from the Central Repository and any other agency where his or her biometric identifiers have been stored.

8. 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.

9. As used in this section:

(a) "Biometric identifier" means a fingerprint, palm print, scar, bodily mark, tattoo, voiceprint, facial image, retina image or iris image of a person.

(b) "Mobile identification" means the collection, storage, transmission, reception, search, access or processing of a biometric identifier using a handheld device.

(c) "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) A biometric identifier of a person.

(d) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 22. NRS 202.888 is hereby amended to read as follows:

202.888 The provisions of NRS 202.882 do not apply to a person who:

1. Is less than 16 years of age;

2. Is, by blood or marriage, the spouse, brother, sister, parent, grandparent, child or grandchild of:

(a) The child who is the victim of the violent or sexual offense; or

(b) The person who committed the violent or sexual offense against the child;

3. Suffers from a mental or physical impairment or disability that, in light of all the surrounding facts and circumstances, would make it impracticable for the person to report the commission of the violent or sexual offense against the child to a law enforcement agency;

4. Knows or has reasonable cause to believe that reporting the violent or sexual offense against the child to a law enforcement



agency would place the person or any other person who is related to him or her by blood or marriage or who resides in the same household as he or she resides, whether or not the other person is related to him or her by blood or marriage, in imminent danger of suffering substantial bodily harm;

5. Became aware of the violent or sexual offense against the child through a communication or proceeding that is protected by a privilege set forth in chapter 49 of NRS; or

6. Is acting in his or her professional or occupational capacity and is required to report the abuse or neglect of a child pursuant to NRS 432B.220 ~~H~~ *or section 44 of this act.*

Sec. 23. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147,



392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600 **†** *and sections 50 to 54, inclusive, of this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or



memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 24. NRS 288.150 is hereby amended to read as follows:

288.150 1. Except as otherwise provided in subsection 4 and NRS 354.6241, every local government employer shall negotiate in good faith through one or more representatives of its own choosing concerning the mandatory subjects of bargaining set forth in subsection 2 with the designated representatives of the recognized employee organization, if any, for each appropriate bargaining unit among its employees. If either party so requests, agreements reached must be reduced to writing.

2. The scope of mandatory bargaining is limited to:

(a) Salary or wage rates or other forms of direct monetary compensation.

(b) Sick leave.

(c) Vacation leave.



- (d) Holidays.
 - (e) Other paid or nonpaid leaves of absence consistent with the provisions of this chapter.
 - (f) Insurance benefits.
 - (g) Total hours of work required of an employee on each workday or workweek.
 - (h) Total number of days' work required of an employee in a work year.
 - (i) Except as otherwise provided in ~~subsection~~ **subsections 6 and 10**, discharge and disciplinary procedures.
 - (j) Recognition clause.
 - (k) The method used to classify employees in the bargaining unit.
 - (l) Deduction of dues for the recognized employee organization.
 - (m) Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.
 - (n) No-strike provisions consistent with the provisions of this chapter.
 - (o) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.
 - (p) General savings clauses.
 - (q) Duration of collective bargaining agreements.
 - (r) Safety of the employee.
 - (s) Teacher preparation time.
 - (t) Materials and supplies for classrooms.
 - (u) Except as otherwise provided in subsections 7 , ~~and~~ 9 ~~and~~ **and 10**, the policies for the transfer and reassignment of teachers.
 - (v) Procedures for reduction in workforce consistent with the provisions of this chapter.
 - (w) Procedures consistent with the provisions of subsection 4 for the reopening of collective bargaining agreements for additional, further, new or supplementary negotiations during periods of fiscal emergency.
3. Those subject matters which are not within the scope of mandatory bargaining and which are reserved to the local government employer without negotiation include:
- (a) Except as otherwise provided in paragraph (u) of subsection 2, the right to hire, direct, assign or transfer an employee, but excluding the right to assign or transfer an employee as a form of discipline.



(b) The right to reduce in force or lay off any employee because of lack of work or lack of money, subject to paragraph (v) of subsection 2.

(c) The right to determine:

(1) Appropriate staffing levels and work performance standards, except for safety considerations;

(2) The content of the workday, including without limitation workload factors, except for safety considerations;

(3) The quality and quantity of services to be offered to the public; and

(4) The means and methods of offering those services.

(d) Safety of the public.

4. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to this chapter, a local government employer is entitled to:

(a) Reopen a collective bargaining agreement for additional, further, new or supplementary negotiations relating to compensation or monetary benefits during a period of fiscal emergency. Negotiations must begin not later than 21 days after the local government employer notifies the employee organization that a fiscal emergency exists. For the purposes of this section, a fiscal emergency shall be deemed to exist:

(1) If the amount of revenue received by the general fund of the local government employer during the last preceding fiscal year from all sources, except any nonrecurring source, declined by 5 percent or more from the amount of revenue received by the general fund from all sources, except any nonrecurring source, during the next preceding fiscal year, as reflected in the reports of the annual audits conducted for those fiscal years for the local government employer pursuant to NRS 354.624; or

(2) If the local government employer has budgeted an unreserved ending fund balance in its general fund for the current fiscal year in an amount equal to 4 percent or less of the actual expenditures from the general fund for the last preceding fiscal year, and the local government employer has provided a written explanation of the budgeted ending fund balance to the Department of Taxation that includes the reason for the ending fund balance and the manner in which the local government employer plans to increase the ending fund balance.

(b) Take whatever actions may be necessary to carry out its responsibilities in situations of emergency such as a riot, military action, natural disaster or civil disorder. Those actions may include



the suspension of any collective bargaining agreement for the duration of the emergency.

↳ Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

5. The provisions of this chapter, including without limitation the provisions of this section, recognize and declare the ultimate right and responsibility of the local government employer to manage its operation in the most efficient manner consistent with the best interests of all its citizens, its taxpayers and its employees.

6. If the sponsor of a charter school reconstitutes the governing body of a charter school pursuant to NRS 388A.330, the new governing body may terminate the employment of any teachers or other employees of the charter school, and any provision of any agreement negotiated pursuant to this chapter that provides otherwise is unenforceable and void.

7. The board of trustees of a school district in which a school is designated as a turnaround school pursuant to NRS 388G.400 or the principal of such a school, as applicable, may take any action authorized pursuant to NRS 388G.400, including, without limitation:

(a) Reassigning any member of the staff of such a school; or

(b) If the staff member of another public school consents, reassigning that member of the staff of the other public school to such a school.

8. Any provision of an agreement negotiated pursuant to this chapter which differs from or conflicts in any way with the provisions of subsection 7 or imposes consequences on the board of trustees of a school district or the principal of a school for taking any action authorized pursuant to subsection 7 is unenforceable and void.

9. The board of trustees of a school district may reassign any member of the staff of a school that is converted to an achievement charter school pursuant to NRS 388B.200 to 388B.230, inclusive, and any provision of any agreement negotiated pursuant to this chapter which provides otherwise is unenforceable and void.

10. *The board of trustees of a school district or the governing body of a charter school or university school for profoundly gifted pupils may use a substantiated report of the abuse or neglect of a child or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 or an equivalent registry maintained by a governmental agency in another jurisdiction for the purposes*



authorized by NRS 388A.515, 388C.200, 391.033, 391.104 or 391.281, as applicable. Such purposes may include, without limitation, making a determination concerning the assignment, discipline or termination of an employee. Any provision of any agreement negotiated pursuant to this chapter which conflicts with the provisions of this subsection is void.

11. This section does not preclude, but this chapter does not require, the local government employer to negotiate subject matters enumerated in subsection 3 which are outside the scope of mandatory bargaining. The local government employer shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

~~H1~~ 12. Contract provisions presently existing in signed and ratified agreements as of May 15, 1975, at 12 p.m. remain negotiable.

~~H2~~ 13. As used in this section ~~}, “achievement~~ :

(a) *“Abuse or neglect of a child” has the meaning ascribed to it in section 37 of this act.*

(b) *“Achievement charter school” has the meaning ascribed to it in NRS 385.007.*

Sec. 25. NRS 289.190 is hereby amended to read as follows:

289.190 1. A person employed or appointed to serve as a school police officer pursuant to subsection ~~4~~ 5 of NRS 391.281 has the powers of a peace officer. A school police officer shall perform the officer’s duties in compliance with the provisions of NRS 171.1223.

2. A person appointed pursuant to NRS 393.0718 by the board of trustees of any school district has the powers of a peace officer to carry out the intents and purposes of NRS 393.071 to 393.0719, inclusive.

3. Members of every board of trustees of a school district, superintendents of schools, principals and teachers have concurrent power with peace officers for the protection of children in school and on the way to and from school, and for the enforcement of order and discipline among such children, including children who attend school within one school district but reside in an adjoining school district or adjoining state, pursuant to the provisions of chapter 392 of NRS. This subsection must not be construed so as to make it the duty of superintendents of schools, principals and teachers to supervise the conduct of children while not on the school property.

Sec. 26. NRS 388.880 is hereby amended to read as follows:

388.880 1. Except as otherwise provided in subsection 2, if any person who knows or has reasonable cause to believe that



another person has made a threat of violence against a school official, school employee or pupil reports in good faith that threat of violence to a school official, teacher, school police officer, local law enforcement agency or potential victim of the violence that is threatened, the person who makes the report is immune from civil liability for any act or omission relating to that report. Such a person is not immune from civil liability for any other act or omission committed by the person as a part of, in connection with or as a principal, accessory or conspirator to the violence, regardless of the nature of the other act or omission.

2. The provisions of this section do not apply to a person who:

(a) Is acting in his or her professional or occupational capacity and is required to make a report pursuant to NRS 200.5093, 200.50935 or 432B.220 **+** or *section 44 of this act*.

(b) Is required to make a report concerning the commission of a violent or sexual offense against a child pursuant to NRS 202.882.

3. As used in this section:

(a) "Reasonable cause to believe" means, in light of all the surrounding facts and circumstances which are known, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.

(b) "School employee" means a licensed or unlicensed person who is employed by:

(1) A board of trustees of a school district pursuant to NRS 391.100 or 391.281;

(2) The governing body of a charter school; or

(3) The Achievement School District.

(c) "School official" means:

(1) A member of the board of trustees of a school district.

(2) A member of the governing body of a charter school.

(3) An administrator employed by the board of trustees of a school district or the governing body of a charter school.

(4) The Executive Director of the Achievement School District.

(d) "Teacher" means a person employed by the:

(1) Board of trustees of a school district to provide instruction or other educational services to pupils enrolled in public schools of the school district.

(2) Governing body of a charter school to provide instruction or other educational services to pupils enrolled in the charter school.



Sec. 27. NRS 388A.515 is hereby amended to read as follows:

388A.515 1. Each applicant for employment with *and employee at* a charter school, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, *and each volunteer at a charter school who is likely to have unsupervised or regular contact with pupils,* must, ~~as a condition to~~ *before beginning his or her* employment ~~or~~ *or service as a volunteer and at least once every 5 years thereafter,* submit to the governing body of the charter school ~~to~~:

(a) *A complete set of the applicant's , employee's or volunteer's* fingerprints and written permission authorizing the governing body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant , *employee or volunteer* and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant ~~to~~ , *employee or volunteer; and*

(b) *Written authorization for the governing body to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.*

2. *In conducting an investigation into the background of an applicant, employee or volunteer, the governing body of a charter school may cooperate with any appropriate law enforcement agency to obtain information relating to the background of the applicant, employee or volunteer, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant, employee or volunteer.*

3. If the ~~reports on the criminal history of an applicant indicate~~ *information obtained by the governing body pursuant to subsection 1 or 2 indicates* that the applicant , *employee or volunteer* has not been convicted of a felony or an offense involving moral turpitude, the governing body of the charter school may employ the applicant ~~to~~

~~or~~ *or employee or accept the volunteer, as applicable.*

4. If ~~a report on the criminal history of an applicant~~ *the information obtained by the governing body pursuant to subsection 1 or 2 indicates* that the applicant , *employee or volunteer* has been convicted of a felony or an offense involving moral turpitude and the governing body of the charter school does



not disqualify the applicant *or employee* from ~~further consideration of~~ employment *or the volunteer from serving as a volunteer* on the basis of that ~~report~~ information, the governing body shall, upon the written authorization of the applicant, *employee or volunteer*, forward a copy of the ~~report~~ information to the Superintendent of Public Instruction. If the applicant, *employee or volunteer* refuses to provide his or her written authorization to forward a copy of the ~~report~~ information pursuant to this subsection, the charter school shall not employ the applicant ~~;~~

~~4.~~ *or employee or accept the volunteer, as applicable.*

5. The Superintendent of Public Instruction or the Superintendent's designee shall promptly review the ~~report~~ information to determine whether the conviction of the applicant, *employee or volunteer* is related or unrelated to the position with the charter school for which the applicant has applied ~~. If the applicant desires employment with the charter school, the~~ *or in which the employee is employed or the volunteer wishes to serve. The* applicant, *employee or volunteer* shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. If the governing body of the charter school desires to employ the applicant ~~;~~ *or employee or accept the volunteer*, the governing body shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. The Superintendent of Public Instruction or the Superintendent's designee shall provide written notice of the determination to the applicant and to the governing body of the charter school.

~~5.~~ 6. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant, *employee or volunteer* is related to the position with the charter school for which the applicant has applied ~~;~~ *or in which the employee is employed or the volunteer wishes to serve*, the governing body of the charter school shall not employ the applicant ~~;~~ *or employee or accept the volunteer, as applicable.* If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant, *employee or volunteer* is unrelated to the position with the charter school for which the applicant has applied ~~;~~ *or in which the employee is employed or the volunteer wishes to serve*, the governing body of



the charter school may employ the applicant *or employee* for that position ~~or~~ *or accept the volunteer, as applicable.*

7. The governing body of a charter school may use a substantiated report of the abuse or neglect of a child, as defined in section 37 of this act, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

8. The governing body of a charter school:

(a) May accept gifts, grants and donations to carry out the provisions of this section.

(b) May not be held liable for damages resulting from any action of the governing body authorized by subsection 2 or 7.

Sec. 28. NRS 388C.200 is hereby amended to read as follows:

388C.200 1. Each applicant for employment with *and employee at* a university school for profoundly gifted pupils, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, *and each volunteer at a university school for profoundly gifted pupils who is likely to have regular or unsupervised contact with pupils,* must, ~~as a condition to~~ *before beginning his or her* employment ~~or~~ *or service as a volunteer and at least once every 5 years thereafter,* submit to the governing body of the university school ~~to~~ *:*

(a) A complete set of his or her fingerprints and written permission authorizing the governing body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant ~~or~~, employee or volunteer; and

(b) Written authorization for the governing body to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the



applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. *In conducting an investigation into the background of an applicant, employee or volunteer, the governing body of a university school for profoundly gifted pupils may cooperate with any appropriate law enforcement agency to obtain information relating to the background of the applicant, employee or volunteer, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant, employee or volunteer.*

3. If the ~~reports on the criminal history of an applicant indicate~~ *information obtained by the governing body pursuant to subsection 1 or 2 indicates* that the applicant, *employee or volunteer* has not been convicted of a felony or an offense involving moral turpitude, the governing body of the university school for profoundly gifted pupils may employ the applicant ~~;~~

~~—3.;~~ *or employee or accept the volunteer, as applicable.*

4. If ~~a report on the criminal history of an applicant~~ *the information obtained by the governing body pursuant to subsection 1 or 2 indicates* that the applicant, *employee or volunteer* has been convicted of a felony or an offense involving moral turpitude and the governing body of the university school for profoundly gifted pupils does not disqualify the applicant *or employee* from ~~further consideration of~~ *employment or the volunteer from serving as a volunteer* on the basis of that report, the governing body shall, upon the written authorization of the applicant, *employee or volunteer* forward a copy of the ~~report~~ *information* to the Superintendent of Public Instruction. If the applicant, *employee or volunteer* refuses to provide his or her written authorization to forward a copy of the report pursuant to this subsection, the university school shall not employ the applicant ~~;~~

~~—4.;~~ *or employee or accept the volunteer, as applicable.*

5. The Superintendent of Public Instruction or the Superintendent's designee shall promptly review the ~~report~~ *information* to determine whether the conviction of the applicant, *employee or volunteer* is related or unrelated to the position with the university school for profoundly gifted pupils for which the applicant has applied ~~If the applicant desires employment with the university school, the~~ *or in which the employee is employed or the volunteer wishes to serve. The* applicant, *employee or volunteer* shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to



make the determination. If the governing body of the university school desires to employ the applicant **† or employee or accept the volunteer**, the governing body shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. The Superintendent of Public Instruction or the Superintendent's designee shall provide written notice of the determination to the applicant, **employee or volunteer** and to the governing body of the university school.

†† 6. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant, **employee or volunteer** is related to the position with the university school for profoundly gifted pupils for which the applicant has applied **† or in which the employee is employed or the volunteer wishes to serve**, the governing body of the university school shall not employ the applicant **† or employee or accept the volunteer, as applicable**. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant, **employee or volunteer** is unrelated to the position with the university school for which the applicant has applied **† or in which the employee is employed or the volunteer wishes to serve**, the governing body of the university school may employ the applicant **or employee** for that position **† or accept the volunteer, as applicable**.

7. The governing body of a university school for profoundly gifted pupils may use a substantiated report of the abuse or neglect of a child, as defined in section 37 of this act, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

8. The governing body of a university school for profoundly gifted pupils:

(a) May accept any gifts, grants and donations to carry out the provisions of this section.

(b) May not be held liable for damages resulting from any action of the governing body authorized by subsection 2 or 7.



Sec. 29. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

“Statewide Central Registry” means the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100.

Sec. 30. NRS 391.002 is hereby amended to read as follows:

391.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 391.005 and 391.008 ***and section 29 of this act*** have the meanings ascribed to them in those sections.

Sec. 31. NRS 391.033 is hereby amended to read as follows:

391.033 1. All licenses for teachers and other educational personnel are granted by the Superintendent of Public Instruction pursuant to regulations adopted by the Commission and as otherwise provided by law.

2. An application for the issuance of a license must include the social security number of the applicant.

3. Every applicant for a license must submit with his or her application **H**:

(a) A complete set of his or her fingerprints and written permission authorizing the Superintendent to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its initial report on the criminal history of the applicant and for reports thereafter upon renewal of the license pursuant to subsection 7 of NRS 179A.075, and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant H ; and

(b) Written authorization for the Superintendent to obtain any information concerning the applicant that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant has resided within the immediately preceding 5 years.

4. ***In conducting an investigation into the background of an applicant for a license, the Superintendent may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant.***

5. The Superintendent may issue a provisional license pending receipt of the reports of the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History if the Superintendent determines that the applicant is otherwise qualified.



~~15.1~~ 6. A license must be issued to, or renewed for, as applicable, an applicant if:

(a) The Superintendent determines that the applicant is qualified;

(b) The ~~reports on the criminal history of the applicant from the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History;~~ **information obtained by the Superintendent pursuant to subsections 3 and 4:**

(1) ~~Do~~ **Does** not indicate that the applicant has been convicted of a felony or any offense involving moral turpitude; or

(2) ~~Indicate~~ **Indicates** that the applicant has been convicted of a felony or an offense involving moral turpitude but the Superintendent determines that the conviction is unrelated to the position within the county school district or charter school for which the applicant applied or for which he or she is currently employed, as applicable; and

(c) For initial licensure, the applicant submits the statement required pursuant to NRS 391.034.

7. The Superintendent shall forward all information obtained from an investigation of an applicant pursuant to subsections 3 and 4 to the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the administrator of a private school where the applicant is employed or seeking employment. The board of trustees, governing body or administrator, as applicable, may use a substantiated report of the abuse or neglect of a child, as defined in section 37 of this act, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

8. The Superintendent, the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the administrator of a private school may not be held liable for damages resulting from any action of the Superintendent, board of trustees, governing body or administrator, as applicable, authorized by subsection 4 or 7.



Sec. 32. NRS 391.035 is hereby amended to read as follows:

391.035 1. Except as otherwise provided in NRS 239.0115 ~~†~~ *and 391.033*, an application to the Superintendent of Public Instruction for a license as a teacher or to perform other educational functions and all documents in the Department's file relating to the application, including:

(a) The applicant's health records;

(b) The applicant's fingerprints and any report from the Federal Bureau of Investigation or the Central Repository for Nevada Records of Criminal History ~~†~~ *or information from the Statewide Central Registry or any equivalent registry maintained by a governmental agency in another jurisdiction;*

(c) Transcripts of the applicant's records at colleges or other educational institutions;

(d) The applicant's scores on the examinations administered pursuant to the regulations adopted by the Commission;

(e) Any correspondence concerning the application; and

(f) Any other personal information,

↳ are confidential.

2. It is unlawful to disclose or release the information in an application or any related document except pursuant to paragraph (d) of subsection 7 of NRS 179A.075 or the applicant's written authorization.

3. The Department shall, upon request, make available the applicant's file for inspection by the applicant during regular business hours.

Sec. 33. NRS 391.104 is hereby amended to read as follows:

391.104 1. Each applicant for employment pursuant to NRS 391.100 ~~†~~ *or employee*, except a teacher or other person licensed by the Superintendent of Public Instruction, *or volunteer who is likely to have unsupervised or regular contact with pupils*, must, ~~†as a condition to†~~ *before beginning his or her employment † or service as a volunteer and at least once every 5 years thereafter*, submit to the school district ~~†~~:

(a) *A full set of the applicant's , employee's or volunteer's fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant , employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant †, employee or volunteer; and*

(b) *Written authorization for the board of trustees of the school district to obtain any information concerning the applicant,*



employee or volunteer that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. In conducting an investigation into the background of an applicant, employee or volunteer, a school district may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, employee or volunteer, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant, employee or volunteer.

3. The board of trustees of a school district may use a substantiated report of the abuse or neglect of a child, as defined in section 37 of this act, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) When making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

4. Except as otherwise provided in subsection ~~3~~ 5, the board of trustees of a school district shall not require a licensed teacher or other person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district, including, without limitation:

(a) Sick leave;

(b) Sabbatical leave;

(c) Personal leave;

(d) Leave for attendance at a regular or special session of the Legislature of this State if the employee is a member thereof;

(e) Maternity leave; and

(f) Leave permitted by the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.,

↳ to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the employee is in good standing when the employee began the leave.

~~3~~ 5. A board of trustees of a school district may ask the Superintendent of Public Instruction to require a person licensed by



the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the board of trustees has probable cause to believe that the person has committed a felony or an offense involving moral turpitude during the period of his or her leave of absence.

6. *The board of trustees of a school district:*

(a) *May accept any gifts, grants and donations to carry out the provisions of subsections 1 and 2.*

(b) *May not be held liable for damages resulting from any action of the board of trustees authorized by subsection 2 or 3.*

Sec. 34. NRS 391.281 is hereby amended to read as follows:

391.281 1. Each applicant for employment *or appointment* pursuant to this section ~~†~~ *or employee*, except a teacher or other person licensed by the Superintendent of Public Instruction, must, ~~†as a condition to†~~ *before beginning his or her employment † or appointment and at least once every 5 years thereafter*, submit to the school district ~~†~~:

(a) *A full set of the applicant's or employee's fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant or employee and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant or employee.*

(b) *Written authorization for the board of trustees of the school district to obtain any information concerning the applicant or employee that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant or employee has resided within the immediately preceding 5 years.*

2. *In conducting an investigation into the background of an applicant or employee, a school district may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant or employee, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant or employee.*

3. *The board of trustees of a school district may use a substantiated report of the abuse or neglect of a child, as defined in section 37 of this act, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry*



or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

4. The board of trustees of a school district:

(a) May accept any gifts, grants and donations to carry out the provisions of subsections 1 and 2.

(b) May not be held liable for damages resulting from any action of the board of trustees authorized by subsection 2 or 3.

5. The board of trustees of a school district may employ or appoint persons to serve as school police officers. If the board of trustees of a school district employs or appoints persons to serve as school police officers, the board of trustees shall employ a law enforcement officer to serve as the chief of school police who is supervised by the superintendent of schools of the school district. The chief of school police shall supervise each person appointed or employed by the board of trustees as a school police officer, including any school police officer that provides services to a charter school pursuant to a contract entered into with the board of trustees pursuant to NRS 388A.384. In addition, persons who provide police services pursuant to subsection ~~6~~ or ~~7~~ shall be deemed school police officers.

~~6.~~ **6.** The board of trustees of a school district in a county that has a metropolitan police department created pursuant to chapter 280 of NRS may contract with the metropolitan police department for the provision and supervision of police services in the public schools within the jurisdiction of the metropolitan police department and on property therein that is owned by the school district and on property therein that is owned or occupied by a charter school if the board of trustees has entered into a contract with the charter school for the provision of school police officers pursuant to NRS 388A.384. If a contract is entered into pursuant to this subsection, the contract must make provision for the transfer of each school police officer employed by the board of trustees to the metropolitan police department. If the board of trustees of a school district contracts with a metropolitan police department pursuant to this subsection, the board of trustees shall, if applicable, cooperate with appropriate local law enforcement agencies within the school district for the provision and supervision of police services in the



public schools within the school district, including, without limitation, any charter school with which the school district has entered into a contract for the provision of school police officers pursuant to NRS 388A.384, and on property owned by the school district and, if applicable, the property owned or occupied by the charter school, but outside the jurisdiction of the metropolitan police department.

~~14~~ 7. The board of trustees of a school district in a county that does not have a metropolitan police department created pursuant to chapter 280 of NRS may contract with the sheriff of that county for the provision of police services in the public schools within the school district, including, without limitation, in any charter school with which the board of trustees has entered into a contract for the provision of school police officers pursuant to NRS 388A.384, and on property therein that is owned by the school district and, if applicable, the property owned or occupied by the charter school.

Sec. 35. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 36 to 58, inclusive, of this act.

Sec. 36. *As used in sections 36 to 58, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 37 to 42, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 37. *“Abuse or neglect of a child” has the meaning ascribed to it in NRS 432B.020, but includes abuse or neglect caused by a person who is an employee of or volunteer for a public school or private school and who is not responsible for the welfare of the child pursuant to NRS 432B.130.*

Sec. 38. *“Agency which provides child welfare services” has the meaning ascribed to it in NRS 432B.030.*

Sec. 39. *“Central Registry” has the meaning ascribed to it in NRS 432.0999.*

Sec. 40. *“Child” means a person under the age of 18 years or, if a pupil, until graduation from high school. The term does not include a child who remains under the jurisdiction of the court pursuant to NRS 432B.594.*

Sec. 41. *“Information maintained by an agency which provides child welfare services” means data or information concerning reports and investigations made pursuant to sections 36 to 58, inclusive, of this act, 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. 41.3. *“Law enforcement agency” means an agency, office or bureau of this State or a political subdivision of this State, the primary duty of which is to enforce the law. The term includes, without limitation, a school police officer, and any peace officer or employee who is acting in his or her professional or occupational capacity for such an agency.*

Sec. 41.5. *“Local law enforcement agency” means:*

- 1. The sheriff’s office of a county;*
- 2. A metropolitan police department; or*
- 3. A police department of an incorporated city.*

Sec. 42. *“Private school” has the meaning ascribed to it in NRS 394.103.*

Sec. 43. *For the purposes of sections 36 to 58, inclusive, of this act, a person:*

1. Has “reasonable cause to believe” if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.

2. Acts “as soon as reasonably practicable” if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person would act within approximately the same period under those facts and circumstances.

Sec. 44. *1. In addition to the reporting required by NRS 432B.220, if, in his or her capacity as an employee of or volunteer for a public school or private school, such an employee or volunteer knows or has reasonable cause to believe that a child has been subjected to:*

(a) Abuse or neglect, sexual conduct in violation of NRS 201.540 or luring in violation of NRS 201.560 by another employee of or volunteer for a public school or private school, the employee or volunteer who has such knowledge or reasonable cause to believe shall report the abuse or neglect, sexual conduct or luring to the agency which provides child welfare services in the county in which the school is located and a law enforcement agency.

(b) Corporal punishment in violation of NRS 392.4633 or 394.366 by another employee of or volunteer for a public school or private school, the employee or volunteer who has such knowledge



or reasonable cause to believe shall report the corporal punishment to the agency which provides child welfare services in the county in which the school is located.

2. A report pursuant to subsection 1 must be made as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been subjected to abuse or neglect or a violation of NRS 201.540, 201.560, 392.4633 or 394.366.

3. If a law enforcement agency that receives a report pursuant to paragraph (a) of subsection 1 concludes that there is not probable cause to believe that the person allegedly responsible for the abuse or neglect or who allegedly violated NRS 201.540 or 201.560 committed the act of which he or she is accused, the law enforcement agency shall notify the agency which provides child welfare services of that determination.

4. If a school police officer receives a report pursuant to this section of an offense that is punishable as a category A felony, the school police officer shall notify the local law enforcement agency that has jurisdiction over the school.

5. A law enforcement agency, other than a school police officer, shall notify a school police officer, if such an officer is employed in the school district, if the law enforcement agency receives a report pursuant to this section of an offense that is punishable as a felony and:

(a) Allegedly occurred:

(1) On the property of a public school for which the board of trustees of the school district has employed or appointed school police officers;

(2) At an activity sponsored by such a school; or

(3) On a school bus while the school bus was being used by such a school for an official school-related purpose; or

(b) Was allegedly committed by a person who the law enforcement agency has reasonable cause to believe is an employee or volunteer of such a school.

6. An agency which provides child welfare services shall assess all allegations contained in any report made pursuant to this section and, if the agency deems appropriate, assign the matter for investigation.

7. Nothing in sections 36 to 58, inclusive, of this act shall be construed to prohibit an agency which provides child welfare services and a law enforcement agency from undertaking simultaneous investigations of the abuse or neglect of a child or a violation of NRS 201.540 or 201.560.



Sec. 45. 1. *A person may make a report pursuant to section 44 of this act by telephone or, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, by any other means of oral, written or electronic communication that a reasonable person would believe, under those facts and circumstances, is a reliable and swift means of communicating information to the person who receives the report. If the report is made orally, the person who receives the report must reduce it to writing as soon as reasonably practicable.*

2. The report must contain the following information, if obtainable and to the extent applicable:

(a) The name, address, age and sex of the child and the school in which the child is enrolled;

(b) The name and address of the child's parents or other person responsible for the care of the child;

(c) The nature and extent of the abuse or neglect of the child or the sexual conduct, luring or corporal punishment to which the child was subjected;

(d) The name, address and relationship, if known, of the person who is alleged to have abused or neglected, engaged in sexual contact with, lured or administered corporal punishment to, the child; and

(e) Any other information known to the person making the report that the agency which provides child welfare services considers necessary.

Sec. 46. *Any person who knowingly and willfully violates the provisions of section 44 of this act is guilty of:*

1. For the first violation, a misdemeanor.

2. For each subsequent violation, a gross misdemeanor.

Sec. 47. *Any person who is required to make a report pursuant to section 44 of this act may not invoke any of the privileges set forth in chapter 49 of NRS:*

1. For failure to make a report pursuant to section 44 of this act;

2. In cooperating with an agency which provides child welfare services; or

3. In any proceeding held pursuant to sections 36 to 58, inclusive, of this act.

Sec. 48. *In any proceeding resulting from a report made or action taken pursuant to the provisions of sections 44 or 45 of this act or in any proceeding where the report or the contents thereof is sought to be introduced in evidence, the report or contents or any*



other fact or facts related thereto or to the condition of the child who is the subject of the report must not be excluded on the ground that the matter would otherwise be privileged against disclosure under chapter 49 of NRS.

Sec. 49. 1. *A designee of an agency investigating a report made pursuant to section 44 of this act may, with the consent of the parent or guardian of the child who is the subject of the report, interview the child and any sibling of the child, if an interview is deemed appropriate by the designee, concerning the allegations contained in the report. A designee who conducts an interview pursuant to this subsection must be trained adequately to interview children.*

2. A designee of an agency investigating a report made pursuant to section 44 of this act may, with the consent of the parent or guardian of a child who is the subject of the report and after informing the parent or guardian of the provisions of subsection 3:

(a) Take or cause to be taken photographs of the child's body, including any areas of trauma; and

(b) If indicated after consultation with a physician, cause X-rays or medical tests to be performed on the child.

3. The reasonable cost of any photographs or X-rays taken or medical tests performed pursuant to subsection 2 must be paid by the parent or guardian of the child if money is not otherwise available.

4. Any photographs or X-rays taken or records of any medical tests performed pursuant to subsection 2, or any medical records relating to the examination or treatment of a child pursuant to this section, or copies thereof, must be sent to the agency which provides child welfare services, any law enforcement agency participating in the investigation of the report and the prosecuting attorney's office. Each photograph, X-ray, result of a medical test or other medical record:

(a) Must be accompanied by a statement or certificate signed by the custodian of medical records of the health care facility where the photograph or X-ray was taken or the treatment, examination or medical test was performed, indicating:

(1) The name of the child;

(2) The name and address of the person who took the photograph or X-ray, performed the medical test, or examined or treated the child; and

(3) The date on which the photograph or X-ray was taken or the treatment, examination or medical test was performed;



(b) Is admissible in any proceeding relating to the allegations in the report made pursuant to section 44 of this act; and

(c) May be given to the child's parent or guardian if the parent or guardian pays the cost of duplicating them.

5. As used in this section, "medical test" means any test performed by or caused to be performed by a provider of health care, including, without limitation, a computerized axial tomography scan and magnetic resonance imaging.

Sec. 50. *1. Except as otherwise provided in NRS 239.0115 and sections 51 to 55, inclusive, of this act, information maintained by an agency which provides child welfare services pursuant to sections 36 to 58, inclusive, of this act is confidential.*

2. Any person, law enforcement agency or public agency, institution or facility who willfully releases or disseminates such 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;

(e) As otherwise required pursuant to NRS 432B.513; or

(f) As otherwise authorized or required pursuant to sections 51 to 55, inclusive, of this act.

↳ is guilty of a gross misdemeanor.

Sec. 51. *Except as otherwise provided in sections 51 to 54, inclusive, of this act, information maintained by an agency which provides child welfare services pursuant to sections 36 to 58, inclusive, of this act may, at the discretion of the agency which provides child welfare services, be made available only to:*

1. The child who is the subject of the report, the parent or guardian of the child and an attorney for the child or the parent or guardian of the child, if the identity of the person responsible for reporting the abuse or neglect of the child or the violation of NRS 201.540, 201.560, 392.4633 or 394.366 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;

2. 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 or subject to a violation of NRS 201.540, 201.560, 392.4633 or 394.366;

3. An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care or treatment or supervision of the child or investigate the allegations in the report;

4. A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the conduct alleged in the report;

5. A court, other than a juvenile court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

6. 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;

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

8. A federal, state or local governmental entity, or an agency of such an entity, or a juvenile court, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect and violations of NRS 201.540, 201.560, 392.4633 or 394.366 or similar statutes in another jurisdiction;

9. 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;

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

11. 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:

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

(b) The officer, Legislator or a member of the family of the officer or Legislator is not the person alleged to have engaged in the conduct described in the report;

12. 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;

13. A public school, private school, school district or governing body of a charter school or private school in this State or any other jurisdiction that employs a person named in the report, allows such a person to serve as a volunteer or is considering employing such a person or accepting such a person as a volunteer;

14. The school attended by the child who is the subject of the report and the board of trustees of the school district in which the school is located or the governing body of the school, as applicable;

15. An employer in accordance with subsection 3 of NRS 432.100; and

16. The Committee to Review Suicide Fatalities created by NRS 439.5104.

Sec. 52. *1. An agency which provides child welfare services investigating a report made pursuant to section 44 of this act shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of a child or violating the provisions of NRS 201.540, 201.560, 392.4633 or 394.366:*

(a) A copy of:

(1) Any statement made in writing to an investigator for the agency by the person; or

(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person; or

(b) A written summary of the allegations made against the person. The summary must not identify the person who made the report or any collateral sources and reporting parties.

2. A person may authorize the release of information maintained by an agency which provides child welfare services pursuant to sections 36 to 58, inclusive, of this act about himself or herself, but may not waive the confidentiality of such information concerning any other person.

3. An agency which provides child welfare services may provide a summary of the outcome of an investigation of the allegations in a report made pursuant to section 44 of this act to the person who made the report.

Sec. 53. *1. Information maintained by an agency which provides child welfare services pursuant to sections 36 to 58, inclusive, of this act 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. Before releasing any information maintained by an agency which provides child welfare services pursuant to sections 36 to 58, inclusive, of this act, 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 makes a report pursuant to section 44 of this act 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 allegations in the report or the life or safety of any person.

3. The provisions of sections 51 to 54, inclusive, of this act 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 pursuant to sections 36 to 58, inclusive, of this act 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.

4. 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.

5. An agency which provides child welfare services shall adopt rules, policies or regulations to carry out the provisions of sections 51 to 54, inclusive, of this act.

Sec. 54. *1. Except as otherwise provided in sections 51 to 54, inclusive, of this act, any person who is provided with information maintained by an agency which provides child welfare services pursuant to sections 36 to 58, inclusive, of this act and who further disseminates the information or makes the information public is guilty of a gross misdemeanor. This section does not apply to:*

(a) A district attorney or other law enforcement officer who uses the information solely for the purpose of initiating legal proceedings;

(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; or



(c) An employee of a juvenile justice agency who provides the information to the juvenile court.

2. As used in this section, "juvenile justice agency" means the Youth Parole Bureau or a director of juvenile services.

Sec. 55. *1. An agency which provides child welfare services investigating a report made pursuant to section 44 of this act shall, upon completing the investigation, determine whether the report is substantiated or unsubstantiated.*

2. If the report is substantiated, the agency shall:

(a) Forward the report to the Department of Education, the board of trustees of the school district in which the school is located or the governing body of the charter school or private school, as applicable, the appropriate local law enforcement agency within the county and the district attorney's office within the county for further investigation.

(b) Provide written notification to the person who is named in the report as allegedly causing the abuse or neglect of the child or violating NRS 201.540, 201.560, 392.4633 or 394.366 which includes statements indicating that:

(1) The report made against the person has been substantiated and the agency which provides child welfare services intends to place the person's name in the Central Registry pursuant to paragraph (a); and

(2) The person may request an administrative appeal of the substantiation of the report and the agency's intention to place the person's name in the Central Registry by submitting a written request to the agency which provides child welfare services within the time required by section 56 of this act.

(c) After the conclusion of any administrative appeal pursuant to section 56 of this act or the expiration of the time period prescribed by that section for requesting an administrative appeal, whichever is later, report to the Central Registry:

(1) Identifying and demographic information on the child who is the subject of the report, the parents of the child, any other person responsible for the welfare of the child and the person allegedly responsible for the conduct alleged in the report;

(2) The facts of the alleged conduct, including the date and type of alleged conduct, a description of the alleged conduct, the severity of any injuries and, if applicable, any information concerning the death of the child; and

(3) The disposition of the case.

Sec. 56. *1. A person to whom a written notification is sent pursuant to section 55 of this act may request an administrative*



appeal of the substantiation of the report and the agency's intention to place the person's name in the Central Registry by submitting a written request to the agency which provides child welfare services within 15 days after the date on which the agency sends the written notification required by section 55 of this act.

2. Except as otherwise provided in subsection 3, if an agency which provides child welfare services receives a timely request for an administrative appeal pursuant to subsection 1, a hearing before a hearing officer must be held in accordance with chapter 233B of NRS.

3. If a timely request for an administrative appeal is not submitted pursuant to subsection 1, the agency which provides child welfare services shall place the person's name in the Central Registry pursuant to section 55 of this act.

4. If the hearing officer in a hearing held pursuant to this section:

(a) Affirms the substantiation of the report, the agency which provides child welfare services shall place the person's name in the Central Registry pursuant to section 55 of this act.

(b) Rejects the substantiation of the report, the agency which provides child welfare services shall not place the person's name in the Central Registry pursuant to section 55 of this act.

5. The decision of a hearing officer in a hearing held pursuant to this section is a final decision for the purposes of judicial review.

Sec. 57. 1. Immunity from civil or criminal liability extends to every person who in good faith:

(a) Makes a report pursuant to section 44 of this act;

(b) Conducts an interview or allows an interview to be taken pursuant to section 49 of this act;

(c) Allows or takes photographs or X-rays pursuant to section 49 of this act;

(d) Causes a medical test to be performed pursuant to section 49 of this act;

(e) Provides a record, or a copy thereof, of a medical test performed pursuant to section 49 of this act to an agency which provides child welfare services to the child, a law enforcement agency that participated in the investigation of the report made pursuant to section 44 of this act or the prosecuting attorney's office; or

(f) Participates in a judicial proceeding resulting from a report made pursuant to section 44 of this act.

2. In any proceeding to impose liability against a person for:



- (a) Making a report pursuant to section 44 of this act; or*
 - (b) Performing any act set forth in paragraphs (b) to (f), inclusive, of subsection 1,*
- ↳ there is a presumption that the person acted in good faith.*

Sec. 58. *The Division of Child and Family Services of the Department of Health and Human Services may, in consultation with each agency which provides child welfare services, adopt any regulations necessary for the administration of sections 36 to 58, inclusive, of this act.*

Sec. 59. NRS 392.4633 is hereby amended to read as follows:

392.4633 1. Corporal punishment must not be administered upon a pupil in any public school.

2. Subsection 1 does not prohibit any ~~teacher, principal or other licensed~~ person from defending himself or herself if attacked by a pupil.

3. ~~[A person may report the use of corporal punishment on a pupil to the agency which provides child welfare services in the county in which the school district is located. If the agency determines that the complaint is substantiated, the agency shall forward the complaint to the Department, the appropriate local law enforcement agency within the county and the district attorney's office within the county for further investigation.~~

~~4.] As used in this section [:~~

~~(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.~~

~~(b) "Corporal" , "corporal punishment" means the intentional infliction of physical pain upon or the physical restraint of a pupil for disciplinary purposes. The term does not include the use of reasonable and necessary force:~~

~~(1) (a) To quell a disturbance that threatens physical injury to any person or the destruction of property;~~

~~(2) (b) To obtain possession of a weapon or other dangerous object within a pupil's control;~~

~~(3) (c) For the purpose of self-defense or the defense of another person; or~~

~~(4) (d) To escort a disruptive pupil who refuses to go voluntarily with the proper authorities.~~

Sec. 60. Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each applicant for employment with or employee at a private school, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, or volunteer at a private school who is likely to have unsupervised or regular



contact with pupils, must, before beginning his or her employment or service as a volunteer and at least once every 5 years thereafter, submit to the administrator of the private school:

(a) A complete set of the applicant's, employee's or volunteer's fingerprints and written permission authorizing the administrator to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant, employee or volunteer; and

(b) Written authorization for the administrator to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. The administrator of the private school shall:

(a) Submit the fingerprints of the applicant to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the administrator deems necessary; and

(b) Request any information that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

3. In conducting an investigation into the criminal history of an applicant, employee or volunteer, the administrator of a private school may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, employee or volunteer, including, without limitation, any record of warrants or applications for protective orders.

4. The administrator or governing body of a private school may use a substantiated report of the abuse or neglect of a child, as defined in section 37 of this act, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:



(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

5. The administrator or governing body of a private school may not be held liable for damages resulting from taking any action authorized by subsection 3 or 4.

Sec. 61. NRS 394.177 is hereby amended to read as follows:

394.177 1. Except as otherwise provided in subsection 2, if any person who knows or has reasonable cause to believe that another person has made a threat of violence against a school official, school employee or pupil reports in good faith that threat of violence to a school official, teacher, school police officer, local law enforcement agency or potential victim of the violence that is threatened, the person who makes the report is immune from civil liability for any act or omission relating to that report. Such a person is not immune from civil liability for any other act or omission committed by the person as a part of, in connection with or as a principal, accessory or conspirator to the violence, regardless of the nature of the other act or omission.

2. The provisions of this section do not apply to a person who:

(a) Is acting in his or her professional or occupational capacity and is required to make a report pursuant to NRS 200.5093, 200.50935 or 432B.220 **+** *or section 44 of this act.*

(b) Is required to make a report concerning the commission of a violent or sexual offense against a child pursuant to NRS 202.882.

3. As used in this section:

(a) "Reasonable cause to believe" means, in light of all the surrounding facts and circumstances which are known, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.

(b) "School employee" means a licensed or unlicensed person, other than a school official, who is employed by a private school.

(c) "School official" means:

- (1) An owner of a private school.
- (2) A director of a private school.
- (3) A supervisor at a private school.
- (4) An administrator at a private school.



(d) "Teacher" means a person employed by a private school to provide instruction and other educational services to pupils enrolled in the private school.

Sec. 62. NRS 394.610 is hereby amended to read as follows:

394.610 Unless a specific penalty is otherwise provided, a person who willfully violates the provisions of NRS 394.005 to 394.550, inclusive, *and section 60 of this act* is guilty of a gross misdemeanor. Each day's failure to comply with the provisions of these sections is a separate offense.

Sec. 63. The provisions of NRS 288.150, as amended by section 24 of this act:

1. Apply to any collective bargaining agreement entered into, extended or renewed on or after July 1, 2017, and any provision of the agreement that is in conflict with that section, as amended, is void.

2. Do not apply to any collective bargaining agreement entered into before July 1, 2017.

Sec. 64. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 65. This act becomes effective on July 1, 2017.

