

**THE SIXTY-FIRST DAY**

CARSON CITY (Friday), April 7, 2017

Senate called to order at 11:19 a.m.

President pro Tempore Denis presiding.

Roll called.

All present except Senators Farley and Kieckhefer, who were excused.

Prayer by Rajan Zed.

Om

bhur bhuvah svah

tat Savitur varenyam

bhargo devasya dhimahi

dhiyo you nah prachodayat

We meditate on the transcendental glory of the Deity Supreme, who is inside the heart of the Earth, inside the life of the sky and inside the soul of the heaven. May He stimulate and illuminate our minds.

Asato ma sad gamaya

Tamaso ma jyotir gamaya

Mrityor mamrtam gamaya

Lead us from the unreal to the Real.

Lead us from darkness to Light.

Lead us from death to immortality.

tasmadasaktah satatam karyam karma samacara

asakto hyacarankarma paramapnoti purusah

karmanaiva hi samsiddhimasthita janakadayah

lokasangrahamevapi sampasyankartumarhasi

Strive constantly to serve the welfare of the world; by devotion to selfless one attains the supreme goal of life. Do your work with the welfare of others always in mind.

Om saha naavavatu

Saha nau bhunaktu

Saha viiryan karavaavahai

Tejasvi naavadhiitamastu

Maa vidhvishhaavahai

May we be protected together.

May we be nourished together.

May we work together with great vigor.

May our study be enlightening.

May no obstacle arise between us.

samani va akutih

samana hridayani vah

samanam astu vo mano

yatha vah susahasti

United your resolve, united your hearts,

may your spirits be at one,  
 that you may long together dwell  
 in unity and concord!  
 Om Shanti, Shanti, Shanti.  
 Peace, Peace, Peace be unto all.

Om.

Pledge of allegiance to the Flag.

By previous order of the Senate, the reading of the Journal is dispensed with, and the President pro Tempore and Secretary are authorized to make the necessary corrections and additions.

#### REPORTS OF COMMITTEES

*Mr. President pro Tempore:*

Your Committee on Commerce, Labor and Energy, to which were referred Senate Bills Nos. 118, 130, 171, 206, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

*Mr. President pro Tempore:*

Your Committee on Education, to which was referred Senate Bill No. 313, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which was referred Senate Bill No. 496, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Finance.

Also, your Committee on Education, to which were referred Senate Bills Nos. 76, 119, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was re-referred Senate Bill No. 49, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Finance.

MOISES DENIS, *Chair*

*Mr. President pro Tempore:*

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 39, 88, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which were referred Senate Bills Nos. 127, 138, 176, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID R. PARKS, *Chair*

*Mr. President pro Tempore:*

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 192, 266, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was re-referred Senate Bill No. 181, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Finance.

Also, your Committee on Health and Human Services, to which were referred Senate Bills Nos. 165, 237, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 257, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Finance.

PAT SPEARMAN, *Chair*

*Mr. President pro Tempore:*

Your Committee on Judiciary, to which were referred Senate Bills Nos. 163, 184, 258, 279, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which were referred Senate Bills Nos. 40, 41, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TICK SEGERBLOM, *Chair*

*Mr. President pro Tempore:*

Your Committee on Natural Resources, to which was referred Senate Bill No. 511, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Finance.

Also, your Committee on Natural Resources, to which were referred Senate Bills Nos. 51, 74, 251, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

YVANNA D. CANCELA, *Chair*

*Mr. President pro Tempore:*

Your Committee on Transportation, to which were referred Senate Bills Nos. 31, 156, 234, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK A. MANENDO, *Chair*

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 5, 2017

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 1, 75, 96.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 86 to Assembly Bill No. 99.

CAROL AIELLO-Sala

*Assistant Chief Clerk of the Assembly*

#### WAIVERS AND EXEMPTIONS

##### NOTICE OF EXEMPTION

April 7, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 132, 184, 224, 297, 298, 328, 330, 382, 395, 407, 460, 474, 481, 482, 490, 496.

MARK Krmptic

*Fiscal Analysis Division*

#### MOTIONS, RESOLUTIONS AND NOTICES

Senator Ford moved that Senate Bills Nos. 128, 141, 160, 412 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Senator Spearman moved that Senate Bill No. 181, just reported out of Committee, be re-referred to the Committee on Finance.

Motion carried.

Senator Woodhouse moved that Senate Bill No. 496, just reported out of Committee, be re-referred to the Committee on Finance.

Motion carried.

Senator Cancela moved that Senate Bill No. 511, just reported out of Committee, be re-referred to the Committee on Finance.

Motion carried.

Senator Segerblom has approved the addition of Senators Cancela and Kieckhefer as primary sponsors and Senators Cannizzaro, Denis, Farley, Gansert, Hammond, Manendo, Parks, Ratti and Woodhouse as sponsors on Senate Bill No. 187.

Senator Settelmeyer has approved the addition of Senator Roberson as a sponsor on Senate Bill No. 279.

#### INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 1.

Senator Atkinson moved that the bill be referred to the Committee on Education.

Motion carried.

Assembly Bill No. 75

Senator Atkinson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 96

Senator Atkinson moved that the bill be referred to the Committee on Transportation.

Motion carried.

#### SECOND READING AND AMENDMENT

Senate Bill No. 12.

Bill read second time.

The following amendment was proposed by the Committee on Revenue and Economic Development.

Amendment No. 48.

SUMMARY—Repeals certain provisions relating to governmental administrative tasks. (BDR 22-241)

AN ACT relating to governmental administration; repealing certain reporting requirements of the Department of Taxation, ~~the Administrator of the Nevada Equal Rights Commission,~~ the State Board of Agriculture and the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation; repealing a requirement that the

Administrator of the Employment Security Division print for distribution to the public certain regulations, rules, reports and other materials relating to unemployment compensation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill repeals the requirement that the Department of Taxation prepare and submit a biannual report to the Legislature and to each municipality that has created a tourism improvement district pursuant to NRS chapter 271A (commonly known as "STAR bond districts") on or after July 1, 2011, regarding monthly revenue, wages and employment in the tourism improvement district. Section 1 also repeals the requirement that each business within such a tourism improvement district provide to the Department of Taxation information required by the Department for it to fulfill its reporting requirement. Section 2 of this bill makes a conforming change.

Section 3 of this bill repeals the requirement that the: (1) ~~Administrator of the Nevada Equal Rights Commission submit a biennial report to the Legislature and to the Governor concerning the activities of the Commission;~~ ~~(2)~~ State Board of Agriculture submit to the Governor a biennial report of its activities relating to its statutory duties; ~~(3)~~ (2) Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation submit to the Governor a biennial report on the administration and operation of statutes relating to unemployment compensation; and ~~(4)~~ (3) Administrator of the Employment Security Division print for distribution to the public the text of certain regulations, rules, reports and other materials relating to unemployment compensation.

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

Section 1. NRS 271A.105 is hereby amended to read as follows:

271A.105 ~~{1}~~ On or before September 1 of each year, the governing body of a municipality that creates a district before, on or after July 1, 2011, shall prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, an annual report containing:

~~{(a)}~~ 1. A statement of the status of each project located or expected to be located in the district, and of any changes in that status since the last annual report.

~~{(b)}~~ 2. An assessment of the financial impact of the district on the provision of local governmental services, including, without limitation, services for police protection and fire protection.

~~{2.} If the governing body of a municipality creates a district before, on or after July 1, 2011, the Department of Taxation shall:~~

~~{(a) On or before April 1 and October 1 of each year, except as otherwise provided in subsection 3, prepare and submit to the Director of the~~

~~Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, and to the governing body of the municipality a semiannual report which states:~~

~~— (1) The amount of revenue from the taxable sales made each month by the businesses within the district;~~

~~— (2) To the extent that the pertinent information is available, the portion of that revenue which is attributable to persons who are not residents of this State;~~

~~— (3) The amount of the wages paid each month by the businesses within the district; and~~

~~— (4) The number of full time and part time employees employed each month by the businesses within the district.~~

~~→ The report must provide the information separately for each district in the municipality unless reporting the information separately would disclose or result in the disclosure of information about an individual business, in which case the report must provide the information in the aggregate.~~

~~— (b) Require each business within the district to report to the Department of Taxation, at such times as the Department may specify on a form provided by the Department, such information as the Department determines to be necessary to carry out the provisions of paragraph (a).~~

~~— 3. The Department of Taxation is not required to prepare and submit a report pursuant to paragraph (a) of subsection 2 if the report cannot be prepared in a manner which would not disclose or result in the disclosure of information about an individual business.~~

~~— 4. As used in this section, "taxable sales" means any sales that are taxable pursuant to chapter 372 of NRS.]~~

Sec. 2. 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, 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. 3. NRS ~~[233.080,]~~ 562.150, 612.235 and 612.255 are hereby repealed.

Sec. 4. This act becomes effective upon passage and approval.

~~[LEADLINES]~~ TEXT OF REPEALED SECTIONS

~~[233.080 Biennial report to Governor and Director of Legislative Counsel Bureau.]~~

562.150 Biennial report to Governor.

The Board shall render a written report of its activities relating to the implementation of this chapter to the Governor on or before October 31, 2003, and each 2 years thereafter.

612.235 Biennial report of Administrator.

1. Not later than December 1, 1956, and December 1 of every second year thereafter, the Administrator shall submit to the Governor a report covering the administration and operation of this chapter during the preceding biennium and shall make such recommendations for amendment to this chapter as the Administrator deems proper.



2. Such reports must include a balance sheet of the money in the Fund, in which there must be provided, if possible, a reserve against the liability in future years to pay benefits in excess of the then current contributions, which reserves must be set up by the Administrator in accordance with accepted actuarial principles on the basis of statistics or employment business activity and other relevant factors for the longest possible period.

612.255 Administrator to print and distribute law, rules, regulations, reports and other material.

The Administrator shall cause to be printed for distribution to the public the text of this chapter, his or her regulations and general and special rules, his or her reports to the Governor, and any other material the Administrator deems relevant and suitable, and shall furnish the same to any person upon application therefor.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 48 to Senate Bill No. 12 requires the administrator of the Nevada Equal Rights Commission, on or before January 15 of each odd-numbered year, to prepare and submit a report concerning the activities of the Commission to the Governor and the Legislature. The Director of the Legislative Counsel Bureau is required to make the report regarding the activities of the Nevada Equal Rights Commission available to each Senator and member of the Assembly. Amendment No. 48 to Senate Bill No. 12 simply eliminates the repeal of NRS 233.080 from Section 3 of the bill, thereby maintaining the requirement for this report under current law, rather than being eliminated as proposed by the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 27.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services.

Amendment No. 56.

SUMMARY—Revises the definition of the term "mental illness" for purposes of provisions relating to criminal procedure, mental health and intellectual disabilities. (BDR 39-133)

AN ACT relating to mental health; revising the definition of the term "mental illness" for purposes of provisions relating to criminal procedure, mental health and intellectual disabilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the term "mental illness" for purposes of provisions relating to criminal procedure, mental health and intellectual disabilities to mean a clinically significant disorder of thought, mood, perception, orientation, memory or behavior which: (1) is listed in certain diagnostic manuals; and (2) seriously limits the capacity of a person to function in the primary aspects of daily living. (NRS 176A.045, 433.164, 435.007) This bill revises the definition to: (1) eliminate references to ~~specific sections of~~

those diagnostic manuals; and (2) ~~[provide that the disorder must result in functional impairment that significantly interferes with or limits one or more life activities or daily living skills.]~~ exclude certain other mental disorders that result in diminished capacity.

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

Section 1. NRS 433.164 is hereby amended to read as follows:

433.164 "Mental illness" means a clinically significant disorder of thought, mood, perception, orientation, memory or behavior which ~~is~~

~~1. Is listed as a mental disorder in the most recent edition of the clinical manual of the International Classification of Diseases, ICD 9 CM, code range 295 to 302.9, inclusive, 306 to 309.9, inclusive, or 311 to 316, inclusive, and Related Health Problems published by the World Health Organization or the corresponding code in the most recent edition of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, DSM IV, Axis I; and~~

~~2. Seriously Results in functional impairment that significantly interferes with or seriously limits the capacity of a person to function in the primary aspects of ~~one or more major life activities or~~ daily living ~~skills,~~ including, without limitation, personal relations, living arrangements, ~~personal finances, education,~~ employment and recreation. *The term does not include other mental disorders that result in diminished capacity, including, without limitation, epilepsy, intellectual disability, dementia, delirium, brief periods of intoxication caused by alcohol or drugs or dependence upon or addiction to alcohol or drugs.*~~

Sec. 2. This act becomes effective on July 1, 2017.

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

Amendment No. 56 revises the definition of "mental illness" in Senate Bill No. 27 to mean a clinically significant disorder of thought, mood, perception, orientation, memory or behavior which seriously limits the capacity of a person to function in the primary aspects of daily living, including, without limitation, personal relations, living arrangements, employment and recreation.

It clarifies that the term does not include other mental disorders that result in diminished capacity, including, without limitation, epilepsy, intellectual disability, dementia, delirium, brief periods of intoxication caused by alcohol or drugs or dependence upon or addiction to alcohol or drugs.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 75.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources.

Amendment No. 62.

SUMMARY—Makes various changes relating to the Department of Wildlife. (BDR 45-139)

AN ACT relating to wildlife; revising provisions relating to the confidentiality of certain information obtained by the Department of Wildlife; revising provisions governing the preparation and dissemination of certain reports and statements concerning the Wildlife Trust Fund, ~~the Dream Tag program~~ upland game bird projects, and certain energy development projects; ~~eliminating the requirement for publication in a newspaper of notice of a meeting relating to certain orders or regulations by the Board of Wildlife Commissioners;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that, with certain exceptions, all public books and public records of a governmental entity must be open at all times during office hours for inspection by any person and a copy or an abstract or memorandum may be prepared from those books and records. (NRS 239.010; *Donrey v. Bradshaw*, 106 Nev. 630 (1990)) Sections 1 and 6 of this bill specifically make confidential any information obtained by the Department of Wildlife or any agent of the Department if that information concerns a person who: (1) has requested assistance from the Department; or (2) has reported any information to the Department concerning any wildlife causing a nuisance or any potentially dangerous wildlife. ~~Section 5 of this bill eliminates certain exceptions specified in existing law to clarify the extent of the confidentiality of the information in the possession of the Department concerning the registration of a trap, snare or similar device.~~

Existing law requires: (1) the Department of Wildlife to establish the Wildlife Trust Fund; and (2) the Director of the Department or the Director's designee to submit semiannually to the Interim Finance Committee and the Board of Wildlife Commissioners a report concerning the investment and expenditure of the money in the Fund. Existing law further requires the submission of a separate statement concerning the anticipated amount and proposed expenditures of the money in the Fund to the Chief of the Budget Division of the Office of Finance for budgetary purposes. (NRS 501.3585) Section 2 of this bill requires, in lieu of submission of semiannual reports to the specified recipients, that the Director of the Department or the Director's designee post annually on the Internet website maintained by the Department a statement setting forth the investment and expenditure of the money in the Fund. Section 2 also changes the recipient of the budgetary statement concerning the Fund to the Director of the Office of Finance.

~~Existing law establishes a program for the issuance of additional big game tags each year to be known as "Dream Tags" and requires a certain nonprofit organization established through the Community Foundation of Western Nevada to report, on or before February 1 of each year, to the Department of Wildlife and the Interim Finance Committee concerning the Dream Tag~~

~~program. (NRS 502.219) Section 3 of this bill requires that, in lieu of submission of the annual report to the specified recipients, the nonprofit organization post the annual report on the Internet website maintained by the Community Foundation of Western Nevada.]~~

Under existing law, the Department of Wildlife is required to submit a biennial report by the fifth calendar day of each regular session to the Legislature summarizing any projects undertaken and certain other information concerning the program for the sale of documentation to hunt any upland game bird, except turkey and crow. (NRS 502.298) In lieu of submitting this biennial report to the Legislature, section 4 of this bill requires the Department to post the report on the Internet website maintained by the Department by the revised deadline of February 1 of each odd-numbered year.

Existing law requires the Department of Wildlife to compile and maintain detailed information concerning each energy development project in this State and to prepare a report setting forth that information. On or before January 1, the Department is required to submit the report to the Legislative Commission in even-numbered years and the Director of the Legislative Counsel Bureau in odd-numbered years for transmittal to the Legislature. (NRS 701.620) Section 7 of this bill specifies the period of coverage of the report as the immediately preceding 2 fiscal years. Section 7 also eliminates the requirement of an annual submission of the report to the specified recipients and instead requires the Department to post the report biennially on the Internet website maintained by the Department by the revised deadline of January 31 of each odd-numbered year.

~~[ Under Nevada's Open Meeting Law, a public body, which includes the Board of Wildlife Commissioners, is required to hold meetings open to the public and to post a notice, an agenda and certain other information about each of its meetings, with certain exceptions. (NRS 241.020) Under existing law, whenever the Board of Wildlife Commissioners is required to publish any official order or regulation regarding open or closed seasons, bag limits or hours, the Commission is also required to publish a notice of intention to establish the order or regulation at an open meeting held on a date not sooner than 10 days following the publication. The notice of the meeting is required to be published at least once in a newspaper of general circulation in this State or in the locality to which the order or regulation applies. (NRS 501.118) Section 8 of this bill eliminates the requirement that the Board of Wildlife Commissioners publish notice of such a meeting in a newspaper.]~~

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

Section 1. Chapter 501 of NRS is hereby amended by adding thereto a new section to read as follows:

*Any information obtained by the Department or any agent of the Department concerning a person who has requested assistance from the*

*Department or has reported any information to the Department concerning any wildlife causing a nuisance or any potentially dangerous wildlife is confidential.*

Sec. 2. NRS 501.3585 is hereby amended to read as follows:

501.3585 1. The Department shall establish the Wildlife Trust Fund. The Department may accept any gift, donation, bequest or devise from any private source for deposit in the Wildlife Trust Fund. Any money received is private money and not state money. All money must be accounted for in the Wildlife Trust Fund.

2. All of the money in the Wildlife Trust Fund must be deposited in a financial institution to draw interest or to be expended, invested and reinvested pursuant to the specific instructions of the donor, or if no such specific instructions exist, in the sound discretion of the Director. The provisions of NRS 356.011 apply to any accounts in financial institutions maintained pursuant to this section.

3. The money in the Wildlife Trust Fund must be budgeted and expended, within any limitations which may have been specified by particular donors, at the discretion of the Director. The Director may authorize independent contractors that may be funded in whole or in part from the money in the Wildlife Trust Fund.

4. The Director or the Director's designee shall ~~[submit semiannually to the Interim Finance Committee and the Commission a report concerning]~~ *annually post on the Internet website maintained by the Department a statement setting forth the investment and expenditure of the money in the Wildlife Trust Fund . [in such form and detail as the Interim Finance Committee determines is necessary.]*

5. A separate statement concerning the anticipated amount and proposed expenditures of the money in the Wildlife Trust Fund must be submitted to the ~~[Chief]~~ *Director* of the ~~[Budget Division of the]~~ Office of Finance for his or her information at the same time and for the same fiscal years as the requested budget of the Department submitted *to the Chief of the Budget Division of the Office of Finance* pursuant to NRS 353.210. The statement must be attached to the requested budget for the Department when the requested budget is submitted to the Fiscal Analysis Division of the Legislative Counsel Bureau pursuant to NRS 353.211.

6. The provisions of chapter 333 of NRS do not apply to the expenditure of money in the Wildlife Trust Fund.

Sec. 3. ~~[NRS 502.219 is hereby amended to read as follows:~~

~~502.219 1. A program is hereby established for the issuance of additional big game tags each year to be known as "Dream Tags." The program must provide:~~

~~(a) For the issuance of Dream Tags to either a resident or nonresident of this State;~~

~~—(b) For the issuance of one Dream Tag for each species of big game for which 50 or more tags were available under the quota established for the species by the Commission during the previous year; and~~

~~—(c) For the sale of Dream Tags to a nonprofit organization pursuant to this section.~~

~~—2. The Department shall administer the program and shall take such actions as the Department determines are necessary to carry out the provisions of this section and NRS 502.222 and 502.225.~~

~~—3. A nonprofit organization established through the Community Foundation of Western Nevada which is exempt from taxation pursuant to 26 U.S.C. § 501(c)(3) and which has as its principal purpose the preservation, protection, management or restoration of wildlife and its habitat may purchase such Dream Tags from the Department, at prices established by the Department, subject to the following conditions:~~

~~—(a) The nonprofit organization must agree to award the Dream Tags by raffle, with unlimited chances to be sold for \$5 each to persons who purchase a resource enhancement stamp pursuant to NRS 502.222.~~

~~—(b) The nonprofit organization must agree to enter into a contract with a private entity that is approved by the Department which requires that the private entity agree to act as the agent of the nonprofit organization to sell chances to win Dream Tags, conduct any required drawing for Dream Tags and issue Dream Tags. For the purposes of this paragraph, a private entity that has entered into a contract with the Department pursuant to NRS 502.175 to conduct a drawing and to award and issue tags or permits as established by the Commission shall be deemed to be approved by the Department.~~

~~—(c) All money received by the nonprofit organization from the proceeds of the Dream Tag raffle, less the cost of the Dream Tags purchased by the nonprofit organization and any administrative costs charged by the Community Foundation of Western Nevada, must be used for the preservation, protection, management or restoration of game and its habitat, as determined by the Advisory Board on Dream Tags created by NRS 502.225.~~

~~—4. All money received by the Department for Dream Tags pursuant to this section must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund.~~

~~—5. The nonprofit organization shall, on or before February 1 of each year, prepare a report [to the Department and the Interim Finance Committee] concerning the Dream Tag program [, including,] and post the report on the Internet website maintained by the Community Foundation of Western Nevada. The report must include, without limitation:~~

~~—(a) The number of Dream Tags issued during the immediately preceding calendar year;~~

~~—(b) The total amount of money paid to the Department for Dream Tags during the immediately preceding calendar year;~~

~~(c) The total amount of money received by the nonprofit organization from the proceeds of the Dream Tag raffle, the amount of such money expended by the nonprofit organization and a description of each project for which the money was spent; and~~

~~(d) Any recommendations concerning the program or necessary legislation.~~

~~6. As used in this section, "big game tag" means a tag permitting a person to hunt any species of pronghorn antelope, bear, deer, mountain goat, mountain lion, bighorn sheep or elk. (Deleted by amendment.)~~

Sec. 4. NRS 502.298 is hereby amended to read as follows:

502.298 The Department shall, not later than ~~the fifth calendar day of each regular session of the Legislature, submit to it~~ *February 1 of each odd-numbered year, post on the Internet website maintained by the Department* a report summarizing any projects undertaken and the receipt and expenditure of money and public benefits achieved by the program for the sale of documentation to hunt any upland game bird, except turkey and crow.

Sec. 5. ~~NRS 503.452 is hereby amended to read as follows:~~

~~503.452 1. Except as otherwise provided in subsection 2, each trap, snare or similar device used by a person in the taking of wild mammals may be registered with the Department before it is used. Each registered trap, snare or similar device must bear a number which is assigned by the Department and is affixed to or marked on the trap, snare or similar device in the manner specified by regulations adopted by the Commission. The registration of a trap, snare or similar device is valid until the trap, snare or similar device is sold or ownership of the trap, snare or similar device is otherwise transferred.~~

~~2. The provisions of subsection 1 do not apply to a trap, snare or similar device used:~~

~~(a) Exclusively on private property which is posted or fenced in accordance with the provisions of NRS 207.200 by the owner or occupant of the property or with the permission of the owner or occupant;~~

~~(b) For the control of rodents by an institution of the Nevada System of Higher Education;~~

~~(c) By any federal, state or local governmental agency; or~~

~~(d) For the taking of wild mammals for scientific or educational purposes under a permit issued by the Department pursuant to NRS 503.650.~~

~~3. A registration fee of \$10 for each registrant is payable only once by each person who registers a trap, snare or similar device. The fee must be paid at the time the first trap, snare or similar device is registered.~~

~~4. It is unlawful:~~

~~(a) For a person to whom a trap, snare or similar device is registered to allow another person to possess or use the trap, snare or similar device~~

~~without providing to that person written authorization to possess or use the trap, snare or similar device.~~

~~(b) For a person to possess or use a trap, snare or similar device registered to another person without obtaining the written authorization required pursuant to paragraph (a). If a person obtains written authorization to possess or use a trap, snare or similar device pursuant to paragraph (a), the person shall ensure that the written authorization, together with his or her trapping license, is in his or her possession during any period in which he or she uses the trap, snare or similar device to take fur-bearing mammals.~~

~~5. A person to whom a trap, snare or similar device is registered pursuant to this section shall report any theft of the trap, snare or similar device to the Department as soon as it is practical to do so after the person discovers the theft.~~

~~6. Any information in the possession of the Department concerning the registration of a trap, snare or similar device is confidential. [and the Department shall not disclose that information unless required to do so by law or court order.]] (Deleted by amendment.)~~

Sec. 6. 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, 584.583, 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 section 1 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. 7. NRS 701.620 is hereby amended to read as follows:

701.620 The Department of Wildlife shall:

1. Compile and maintain detailed information concerning each energy development project for which notice is filed pursuant to NRS 701.610. The information must include, without limitation:

- (a) The location of the energy development project;
- (b) A description of the energy development project;
- (c) The estimated energy output of the energy development project; and
- (d) The amount charged for the reimbursement of costs for the energy development project in accordance with the regulations specified in subsection 4 of NRS 701.610.

2. Prepare a report ~~[-]~~ *that covers the immediately preceding 2 fiscal years:*

- (a) Containing the information compiled pursuant to subsection 1; and
- (b) Setting forth the effect, if any, on the budget of the Department of Wildlife as a result of receiving the reimbursement of costs for providing information concerning energy development projects and the manner in which the total amount received for those costs was used by the Department.

3. On or before January ~~[-]~~ 31 of each ~~[even-numbered]~~ *odd-numbered* year, ~~[submit]~~ *post* the report required pursuant to subsection 2 ~~[to the Legislative Commission. On or before January 1 of each odd-numbered year,]~~ *on the Internet website maintained by the Department of Wildlife .* ~~[shall submit the report required pursuant to subsection 2 to the Director of the Legislative Counsel Bureau for transmittal to the Legislature.]~~

Sec. 8. ~~[NRS 501.118 is hereby repealed.] (Deleted by amendment.)~~

Sec. 9. This act becomes effective on July 1, 2017.†

~~TEXT OF REPEALED SECTION~~

~~501.118 Manner of publication of order or regulation regarding seasons, bag limits or hours. Whenever the Commission is required to publish any official order or regulation regarding open or closed seasons, bag limits or hours, it shall publish once in each case, in a newspaper of general circulation in the State of Nevada or in the locality to which the order or regulation applies a notice of intention to establish the order or regulation at an open meeting to be held on a date no sooner than 10 days following the publication.]~~

Senator Cancela moved the adoption of the amendment.

Remarks by Senator Cancela.

Amendment No. 62 to Senate Bill No. 75 does the following: it removes changes in the bill regarding confidentiality of information in the possession of the Department concerning the registration of a trap, snare, or similar device; removes changes in the bill regarding submission of reports concerning the Dream Tag program; removes changes in the bill regarding the requirement for newspaper publication of certain notices by the Board of Wildlife Commissioners.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 125.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary.

Amendment No. 81.

SUMMARY—Revises provisions governing the restoration of certain civil rights for ex-felons. (BDR 14-20)

AN ACT relating to civil rights; revising provisions governing the restoration of ~~[the right to vote]~~ certain civil rights to certain persons who have been convicted of felonies; revising provisions governing the sealing of the criminal records of a person; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, unless a person has been convicted of certain specified felonies, a person who has been convicted of a felony is restored to his or her civil rights upon: (1) an honorable discharge from probation; (2) the sealing of his or her records by a court; (3) the granting of a pardon with the restoration of the right to vote; (4) an honorable discharge from parole; or (5) the completion of his or her sentence and release from prison. (NRS 176A.850, 179.285, 213.090, 213.155, 213.157) Section 1 of this bill provides that unless a probationer was convicted of certain specified felonies, the probationer's right to vote, right to serve as a juror in a civil action and right to serve as a juror in a criminal action must be restored to the probationer upon completion of 1 year of his or her term of probation. Similarly, section ~~6~~ 7 of this bill provides that unless a parolee was

convicted of certain specified felonies, the parolee's right to vote, right to serve as a juror in a civil action and right to serve as a juror in a criminal action must be restored to the parolee upon: (1) completion of his or her term of parole, if his or her term of parole is less than 1 year; or (2) completion of 1 year of parole, if his or her term of parole is 1 year or longer.

Existing law also authorizes a person to petition the court in certain circumstances for the sealing of all records of criminal history relating to a conviction of a crime. (NRS 179.245) Section 4 of this bill ~~[shortens]~~ revises the waiting period for a person convicted of certain crimes before being authorized to petition the court for sealing of his or her records of criminal history relating to the conviction.

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

Section 1. Chapter 176A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 4, a person who has completed 1 year of his or her term of probation is immediately restored to the following civil rights:*

- (a) The right to vote;*
- (b) The right to serve as a juror in a civil action; and*
- (c) The right to serve as a juror in a criminal action, and must be provided an official document which states that the person has been restored to the civil ~~[right to vote.]~~ rights set forth in this subsection.*

2. *A person whose official documentation of the restoration to the civil ~~[right to vote.]~~ rights set forth in subsection 1 is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore the person's civil ~~[right to vote.]~~ rights pursuant to this section. Upon verification that the person has completed 1 year of his or her term of probation and is eligible to be restored to the civil ~~[right to vote.]~~ rights set forth in subsection 1, the court shall issue an order restoring the person to ~~[the]~~ those civil ~~[right to vote.]~~ rights. A person must not be required to pay a fee to receive such an order.*

3. *A person whose civil ~~[right to vote has]~~ rights have been restored pursuant to subsection 1 may present, as proof that the person has been restored to ~~[the]~~ those civil ~~[right to vote:]~~ rights:*

- (a) The official documentation received pursuant to subsection 1; or*
- (b) A court order restoring the person's civil ~~[right to vote:]~~ rights pursuant to this section.*

4. *Except as otherwise provided in this subsection, the civil ~~[right]~~ rights to vote ~~[is]~~, to serve as a juror in a civil action and to serve as a juror in a criminal action are not restored to a person upon completion of 1 year of his or her term of probation if the person has previously been convicted in this State:*

- (a) Of a category A felony.*

(b) *Of an offense that would constitute a category A felony if committed as of the date of completion of 1 year of his or her term of probation.*

(c) *Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.*

(d) *Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of completion of 1 year of his or her term of probation.*

(e) *Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.*

5. *A person described in subsection 4 may petition a court of competent jurisdiction for an order granting the restoration of the following civil rights:*

*(a) The right to vote ~~and~~;*

*(b) The right to serve as a juror in a civil action; and*

*(c) The right to serve as a juror in a criminal action.*

Sec. 2. NRS 176A.850 is hereby amended to read as follows:

176A.850 1. A person who:

(a) Has fulfilled the conditions of probation for the entire period thereof;

(b) Is recommended for earlier discharge by the Division; or

(c) Has demonstrated fitness for honorable discharge but because of economic hardship, verified by the Division, has been unable to make restitution as ordered by the court, may be granted an honorable discharge from probation by order of the court.

2. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of discharge and is enforceable pursuant to NRS 176.275.

3. Except as otherwise provided in subsection 4, a person who has been honorably discharged from probation:

(a) Is free from the terms and conditions of probation.

(b) ~~Is immediately restored to the following civil rights:~~

~~(1) The right to vote; and~~

~~(2) The right to serve as a juror in a civil action.~~

~~(c)~~ Four years after the date of honorable discharge from probation, is restored to the *civil* right to hold office.

~~(d) Six years after the date of honorable discharge from probation, is restored to the right to serve as a juror in a criminal action.~~

~~(e)~~ (c) If the person meets the requirements of NRS 179.245, may apply to the court for the sealing of records relating to the conviction.

~~(f)~~ (d) Must be informed of the provisions of this section and NRS 179.245 in the person's probation papers.

~~(g)~~ (e) Is exempt from the requirements of chapter 179C of NRS, but is not exempt from the requirements of chapter 179D of NRS.

~~[(h)]~~ (f) Shall disclose the conviction to a gaming establishment and to the State and its agencies, departments, boards, commissions and political subdivisions, if required in an application for employment, license or other permit. As used in this paragraph, "establishment" has the meaning ascribed to it in NRS 463.0148.

~~[(i)]~~ (g) Except as otherwise provided in paragraph ~~[(h)]~~ (f), need not disclose the conviction to an employer or prospective employer.

4. Except as otherwise provided in this subsection, the civil ~~rights set forth in subsection 3 are~~ right to hold office is not restored to a person honorably discharged from probation if the person has previously been convicted in this State:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of the honorable discharge from probation.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of honorable discharge from probation.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph. A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of the civil ~~rights as set forth in subsection 3.~~ right to hold office.

5. The prior conviction of a person who has been honorably discharged from probation may be used for purposes of impeachment. In any subsequent prosecution of the person, the prior conviction may be pleaded and proved if otherwise admissible.

6. Except for a person subject to the limitations set forth in subsection 4, upon honorable discharge from probation, the person so discharged must be given an official document which provides:

(a) That the person has received an honorable discharge from probation;  
*and*

(b) ~~That the person has been restored to his or her civil rights to vote and right to serve as a juror in a civil action as of the date of honorable discharge from probation;~~

~~(c) The date on which the person's civil right to hold office will be restored pursuant to paragraph (c) (b) of subsection 3. *and*~~

~~(d) The date on which the person's civil right to serve as a juror in a criminal action will be restored pursuant to paragraph (d) of subsection 3.~~

7. Subject to the limitations set forth in subsection 4, a person who has been honorably discharged from probation in this State or elsewhere and whose official documentation of honorable discharge from probation is lost,

damaged or destroyed may file a written request with a court of competent jurisdiction to restore the person's civil ~~rights~~ right to hold office pursuant to this section. Upon verification that the person has been honorably discharged from probation and is eligible to be restored to the civil ~~rights set forth~~ right to hold office as provided in subsection 3, the court shall issue an order restoring the person to the civil ~~rights set forth~~ right to hold office as provided in subsection 3. A person must not be required to pay a fee to receive such an order.

8. A person who has been honorably discharged from probation in this State or elsewhere may present:

(a) Official documentation of honorable discharge from probation, if it contains the provisions set forth in subsection 6; or

(b) A court order restoring the person's civil ~~rights~~ right to hold office, as proof that the person has been restored to the civil ~~rights set forth~~ right to hold office as provided in subsection 3.

Sec. 3. NRS 176A.870 is hereby amended to read as follows:

176A.870 A defendant whose term of probation has expired and:

1. Whose whereabouts are unknown;
2. Who has failed to make restitution in full as ordered by the court, without a verified showing of economic hardship; or
3. Who has otherwise failed to qualify for an honorable discharge as provided in NRS 176A.850, is not eligible for an honorable discharge and must be given a dishonorable discharge. A dishonorable discharge releases the probationer from any further obligation, except a civil liability arising on the date of discharge for any unpaid restitution which is enforceable pursuant to NRS 176.275, but does not entitle the probationer to any privilege conferred by NRS 176A.850 ~~or~~ *or section 1 of this act.*

Sec. 4. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 5 and NRS 176A.265, 176A.295, 179.259, 453.3365 and 458.330, a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:

(a) A category A ~~or B~~ felony, a crime of violence or a burglary of a residence, after ~~15~~ 10 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(b) ~~A~~ Except as otherwise provided in paragraphs (a) and (e), a category B, C or D felony after ~~12~~ 5 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after ~~7~~ 2 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Except as otherwise provided in paragraph (e), ~~(b),~~ any ~~felony or~~ gross misdemeanor after ~~5~~ 2 years ~~1 year~~ from the date of release from actual custody or discharge from probation, whichever occurs later;

~~(e) (b)~~ A violation of NRS 422.540 to 422.570, inclusive, ~~other than a felony,~~ a violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; ~~or~~

~~(f) (c)~~ Except as otherwise provided in paragraph (e), a misdemeanor for battery pursuant to NRS 200.481, a misdemeanor for harassment, a misdemeanor for stalking or a misdemeanor for a violation of a temporary or extended order for protection against harassment or stalking, 2 years after the date of release from actual custody or after the date when the person is no longer under a suspended sentence, whichever occurs later; or

~~(g)~~ Any other misdemeanor after ~~{2 years}~~ 1 year from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by the petitioner's current, verified records received from:

(1) The Central Repository for Nevada Records of Criminal History; and

(2) All agencies of criminal justice which maintain such records within the city or county in which the conviction was entered;

(b) If the petition references NRS 453.3365 or 458.330, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(c) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(d) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific conviction to which the records to be sealed pertain; and

(3) Date of arrest relating to the specific conviction to which the records to be sealed pertain.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and the prosecuting attorney, including, without limitation, the Attorney General, who prosecuted the petitioner for the crime. The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

4. If, after the hearing, the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which



the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of any agency of criminal justice or any public or private agency, company, official or other custodian of records in the State of Nevada, and may also order all such records of the petitioner returned to the file of the court where the proceeding was commenced from, including, without limitation, the Federal Bureau of Investigation [~~the California Bureau of Criminal Identification and Information~~] and all other agencies of criminal justice which maintain such records and which are reasonably known by either the petitioner or the court to have possession of such records.

5. A person may not petition the court to seal records relating to a conviction of:

- (a) A crime against a child;
- (b) A sexual offense;
- (c) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;
- (d) A violation of NRS 484C.430;
- (e) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;
- (f) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS 488.427; or
- (g) A violation of NRS 488.420 or 488.425.

6. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

7. As used in this section ~~[+]~~, *unless the context otherwise requires:*

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.

(b) *"Crime of violence" means any felony for which there is a substantial risk that force or violence may be used against the person or property of another in the commission of the felony.*

(c) *"Harassment" means a violation of NRS 200.571.*

(d) *"Residence" means any house, room, apartment, tenement or other building, vehicle, vehicle trailer, semitrailer, house trailer or boat designed or intended for occupancy as a residence.*

(e) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

- (2) Sexual assault pursuant to NRS 200.366.
- (3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.
- (4) Battery with intent to commit sexual assault pursuant to NRS 200.400.
- (5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.
- (6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.
- (7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.
- (8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.
- (9) Incest pursuant to NRS 201.180.
- (10) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.
- (11) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.
- (12) Lewdness with a child pursuant to NRS 201.230.
- (13) Sexual penetration of a dead human body pursuant to NRS 201.450.
- (14) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.
- (15) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.
- (16) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.
- (17) An attempt to commit an offense listed in this paragraph.

(f) "Stalking" means a violation of NRS 200.575.

Sec. 5. NRS 179.259 is hereby amended to read as follows:

179.259 1. Except as otherwise provided in subsections 3, 4 and 5, 5 years after an eligible person completes a program for reentry, the court may order sealed all documents, papers and exhibits in the eligible person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order. The court may order those records sealed without a hearing unless the Division of Parole and Probation of the Department of Public Safety petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

2. If the court orders sealed the record of an eligible person, the court shall send a copy of the order to each agency or officer named in the order.

Each such agency or officer shall notify the court in writing of its compliance with the order.

3. A professional licensing board is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.

4. The Division of Insurance of the Department of Business and Industry is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.

5. A person may not petition the court to seal records relating to a conviction of a crime against a child or a sexual offense.

6. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.

(b) "Eligible person" means a person who has:

(1) Successfully completed a program for reentry, which the person participated in pursuant to NRS 209.4886, 209.4888, 213.625 or 213.632; and

(2) Been convicted of a single offense which was punishable as a felony and which did not involve the use or threatened use of force or violence against the victim. For the purposes of this subparagraph, multiple convictions for an offense punishable as a felony shall be deemed to constitute a single offense if those offenses arose out of the same transaction or occurrence.

(c) "Program for reentry" means:

(1) A correctional program for reentry of offenders and parolees into the community that is established by the Director of the Department of Corrections pursuant to NRS 209.4887; or

(2) A judicial program for reentry of offenders and parolees into the community that is established in a judicial district pursuant to NRS 209.4883.

(d) "Sexual offense" has the meaning ascribed to it in paragraph ~~((b))~~ (e) of subsection 7 of NRS 179.245.

Sec. 5.5. NRS 6.010 is hereby amended to read as follows:

6.010 Except as otherwise provided in this section, every qualified elector of the State, whether registered or not, who has sufficient knowledge of the English language, and who has not been convicted of treason, a felony, or other infamous crime, and who is not rendered incapable by reason of physical or mental infirmity, is a qualified juror of the county in which the person resides. A person who has been convicted of a felony is not a qualified juror of the county in which the person resides until the person's civil right to serve as a juror has been restored pursuant to NRS ~~[176A.850,]~~ 179.285, 213.090 ~~[, 213.155]~~ or 213.157.

~~[Sec. 5.]~~ Sec. 6. NRS 209.511 is hereby amended to read as follows:

209.511 1. When an offender is released from prison by expiration of his or her term of sentence, by pardon or by parole, the Director:

(a) May furnish the offender with a sum of money not to exceed \$100, the amount to be based upon the offender's economic need as determined by the Director;

(b) Shall give the offender notice of the provisions of chapter 179C of NRS and NRS 202.357 and 202.360;

(c) Shall require the offender to sign an acknowledgment of the notice required in paragraph (b);

(d) Shall give the offender notice of the provisions of NRS 179.245 and the provisions of NRS 213.090, 213.155, ~~or~~ 213.157 ~~;~~ or section ~~6~~ 7 of this act, as applicable;

(e) Shall provide the offender with information relating to obtaining employment, including, without limitation, any programs which may provide bonding for an offender entering the workplace and any organizations which may provide employment or bonding assistance to such a person;

(f) Shall provide the offender with a photo identification card issued by the Department and information and reasonable assistance relating to acquiring a valid driver's license or identification card to enable the offender to obtain employment, if the offender:

(1) Requests a photo identification card; or

(2) Requests such information and assistance and is eligible to acquire a valid driver's license or identification card from the Department of Motor Vehicles;

(g) May provide the offender with clothing suitable for reentering society;

(h) May provide the offender with the cost of transportation to his or her place of residence anywhere within the continental United States, or to the place of his or her conviction;

(i) May, but is not required to, release the offender to a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS; and

(j) Shall require the offender to submit to at least one test for exposure to the human immunodeficiency virus.

2. The costs authorized in paragraphs (a), (f), (g), (h) and (j) of subsection 1 must be paid out of the appropriate account within the State General Fund for the use of the Department as other claims against the State are paid to the extent that the costs have not been paid in accordance with subsection 5 of NRS 209.221 and NRS 209.246.

3. As used in this section:

(a) "Facility for transitional living for released offenders" has the meaning ascribed to it in NRS 449.0055.

(b) "Photo identification card" means a document which includes the name, date of birth and a color picture of the offender.

~~Sec. 6.~~ Sec. 7. Chapter 213 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 4, a person who completes:

(a) A term of parole of less than 1 year; or

(b) One year of his or her term of parole, is immediately restored to the civil ~~right~~ rights to vote, to serve as a juror in a civil action and to serve as a juror in a criminal action. A person whose civil rights are restored pursuant to this subsection must be provided an official document which states that the person has been restored to the civil ~~right to vote.~~ rights set forth in this subsection.

2. A person whose official documentation of the restoration to the civil ~~right to vote~~ rights set forth in subsection 1 is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore the civil ~~right to vote~~ rights pursuant to this section. Upon verification that the person has completed a term of parole of less than 1 year or completed 1 year of his or her term of parole and is eligible to be restored to the civil ~~right to vote.~~ rights set forth in subsection 1, the court shall issue an order restoring the person to ~~the~~ those civil ~~right to vote.~~ rights. A person must not be required to pay a fee to receive such an order.

3. A person whose civil ~~right to vote has~~ rights have been restored pursuant to subsection 1 may present, as proof that the person has been restored to ~~the~~ those civil ~~right to vote.~~ rights:

(a) The official documentation received pursuant to subsection 1; or

(b) A court order restoring the person's civil ~~right to vote.~~ rights pursuant to this section.

4. Except as otherwise provided in this subsection, the civil ~~right~~ rights to vote ~~is~~, to serve as a juror in a civil action and to serve as a juror in a criminal action are not restored to a person upon completion of a term of parole of less than 1 year or completion of 1 year of his or her term of parole if the person has previously been convicted in this State:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of completion of a term of parole of less than 1 year or completion of 1 year of his or her term of parole.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of completion of a term of parole of less than 1 year or completion of 1 year of his or her term of parole.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

5. A person described in subsection 4 may petition a court of competent jurisdiction for an order granting the restoration of the following civil rights:

- (a) The right to vote ~~and~~;
- (b) The right to serve as a juror in a civil action; and
- (c) The right to serve as a juror in a criminal action.

6. The Board may adopt regulations necessary or convenient for the purposes of this section.

~~[Sec. 7.]~~ Sec. 8. NRS 213.107 is hereby amended to read as follows:  
213.107 As used in NRS 213.107 to 213.157, inclusive, and section ~~6~~ 7 of this act, unless the context otherwise requires:

1. "Board" means the State Board of Parole Commissioners.
2. "Chief" means the Chief Parole and Probation Officer.
3. "Division" means the Division of Parole and Probation of the Department of Public Safety.
4. "Residential confinement" means the confinement of a person convicted of a crime to his or her place of residence under the terms and conditions established by the Board.

5. "Sex offender" means any person who has been or is convicted of a sexual offense.

6. "Sexual offense" means:
  - (a) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560;
  - (b) An attempt to commit any offense listed in paragraph (a); or
  - (c) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.

7. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the Board or the Chief.

~~[Sec. 8.]~~ Sec. 9. NRS 213.155 is hereby amended to read as follows:  
213.155 1. Except as otherwise provided in subsection 2, a person who receives an honorable discharge from parole pursuant to NRS 213.154 ~~is~~

- ~~(a) Is immediately restored to the following civil rights:~~
  - ~~(1) The right to vote; and~~
  - ~~(2) The right to serve as a juror in a civil action.~~
- ~~(b) Four~~ 4 years after the date of ~~his or her~~ honorable discharge from parole ~~is~~ is restored to the civil right to hold office.
- ~~[(c) Six years after the date of his or her honorable discharge from parole, is restored to the right to serve as a juror in a criminal action.]~~

2. Except as otherwise provided in this subsection, the civil ~~rights set forth in subsection 1 are~~ right to hold office is not restored to a person who has received an honorable discharge from parole if the person has previously been convicted in this State:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of ~~his or her~~ honorable discharge from parole.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of ~~his or her~~ honorable discharge from parole.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

→ A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of ~~his or her~~ the civil rights ~~right to hold office~~ as ~~set forth~~ provided in subsection 1.

3. Except for a person subject to the limitations set forth in subsection 2, upon ~~his or her~~ honorable discharge from parole, a person so discharged must be given an official document which provides:

(a) That the person has received an honorable discharge from parole; and

(b) ~~That the person has been restored to his or her civil rights to vote and right to serve as a juror in a civil action as of the date of his or her honorable discharge from parole;~~

~~(c) The date on which ~~his or her~~ the person's civil right to hold office will be restored ~~to the person~~ pursuant to ~~paragraph (b) of~~ subsection 1. and~~

~~(d) The date on which his or her civil right to serve as a juror in a criminal action will be restored to the person pursuant to paragraph (c) of subsection 1.~~

4. Subject to the limitations set forth in subsection 2, a person who has been honorably discharged from parole in this State or elsewhere and whose official documentation of ~~his or her~~ honorable discharge from parole is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore ~~his or her~~ the person's civil ~~rights~~ right to hold office pursuant to this section. Upon verification that the person has been honorably discharged from parole and is eligible to be restored to the civil ~~rights set forth~~ right to hold office as provided in subsection 1, the court shall issue an order restoring the person to the civil ~~rights set forth~~ right to hold office as provided in subsection 1. A person must not be required to pay a fee to receive such an order.

5. A person who has been honorably discharged from parole in this State or elsewhere may present:

(a) Official documentation of ~~his or her~~ honorable discharge from parole, if it contains the provisions set forth in subsection 3; or

(b) A court order restoring ~~his or her~~ *the person's* civil ~~rights,~~ *right to hold office*, as proof that the person has been restored to the civil ~~rights set forth~~ *right to hold office as provided* in subsection 1.

6. The Board may adopt regulations necessary or convenient for the purposes of this section.

*Sec. 10. NRS 213.157 is hereby amended to read as follows:*

213.157 1. Except as otherwise provided in subsection 2, a person convicted of a felony in the State of Nevada who has served his or her sentence and has been released from prison:

(a) Is immediately restored to the following civil rights:

(1) The right to vote; ~~and~~

(2) The right to serve as a juror in a civil action ~~;~~ *and*

~~(3) The right to serve as a juror in a criminal action.~~

(b) Four years after the date of his or her release from prison, is restored to the right to hold office.

~~(c) Six years after the date of his or her release from prison, is restored to the right to serve as a juror in a criminal action.~~

2. Except as otherwise provided in this subsection, the civil rights set forth in subsection 1 are not restored to a person who has been released from prison if the person has previously been convicted in this State:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of his or her release from prison.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his or her release from prison.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

↪ A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of his or her civil rights as set forth in subsection 1.

3. Except for a person subject to the limitations set forth in subsection 2, upon his or her release from prison, a person so released must be given an official document which provides:

(a) That the person has been released from prison;

(b) That the person has been restored to his or her civil rights to vote ~~;~~ *and to serve as a juror in a civil action and to serve as a juror in a criminal action* as of the date of his or her release from prison; *and*

(c) The date on which his or her civil right to hold office will be restored to the person pursuant to paragraph (b) of subsection 1. ~~;~~ *and*



~~(d) The date on which his or her civil right to serve as a juror in a criminal action will be restored to the person pursuant to paragraph (c) of subsection 1.]~~

4. Subject to the limitations set forth in subsection 2, a person who has been released from prison in this State or elsewhere and whose official documentation of his or her release from prison is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has been released from prison and is eligible to be restored to the civil rights set forth in subsection 1, the court shall issue an order restoring the person to the civil rights set forth in subsection 1. A person must not be required to pay a fee to receive such an order.

5. A person who has been released from prison in this State or elsewhere may present:

(a) Official documentation of his or her release from prison, if it contains the provisions set forth in subsection 3; or

(b) A court order restoring his or her civil rights, as proof that the person has been restored to the civil rights set forth in subsection 1.

~~{Sec. 9.}~~ *Sec. 11.* NRS 293.540 is hereby amended to read as follows:

293.540 The county clerk shall cancel the registration:

1. If the county clerk has personal knowledge of the death of the person registered, or if an authenticated certificate of the death of any elector is filed in the county clerk's office.

2. If the county clerk is provided a certified copy of a court order stating that the court specifically finds by clear and convincing evidence that the person registered lacks the mental capacity to vote because he or she cannot communicate, with or without accommodations, a specific desire to participate in the voting process.

3. Upon the determination that the person registered has been convicted of a felony unless:

(a) If the person registered was convicted of a felony in this State, the right to vote of the person has been restored pursuant to the provisions of NRS 213.090 ~~[, 213.155]~~ or 213.157 ~~[, ]~~ or section ~~[6]~~ 7 of this act.

(b) If the person registered was convicted of a felony in another state, the right to vote of the person has been restored pursuant to the laws of the state in which the person was convicted.

4. Upon the production of a certified copy of the judgment of any court directing the cancellation to be made.

5. Upon the request of any registered voter to affiliate with any political party or to change affiliation, if that change is made before the end of the last day to register to vote in the election.

6. At the request of the person registered.

7. If the county clerk has discovered an incorrect registration pursuant to the provisions of NRS 293.5235, 293.530 or 293.535 and the elector has failed to respond or appear to vote within the required time.

8. As required by NRS 293.541.

9. Upon verification that the application to register to vote is a duplicate if the county clerk has the original or another duplicate of the application on file in the county clerk's office.

~~[Sec. 10.]~~ *Sec. 12.* NRS 293.543 is hereby amended to read as follows:

293.543 1. If the registration of an elector is cancelled pursuant to subsection 2 of NRS 293.540, the county clerk shall reregister the elector upon notice from the clerk of the district court that the elector has been found by the district court to have the mental capacity to vote. The court must include the finding in a court order and, not later than 30 days after issuing the order, provide a certified copy of the order to the county clerk of the county in which the person is a resident and to the Office of the Secretary of State.

2. If the registration of an elector is cancelled pursuant to subsection 3 of NRS 293.540, the elector may reregister after presenting satisfactory evidence which demonstrates that the elector's:

- (a) Conviction has been overturned; or
- (b) Civil rights have been restored:

(1) If the elector was convicted in this State, pursuant to the provisions of NRS 213.090 ~~[, 213.155]~~ or 213.157 ~~[.]~~ or ~~section #6]~~ *section 7 of this act.*

(2) If the elector was convicted in another state, pursuant to the laws of the state in which he or she was convicted.

3. If the registration of an elector is cancelled pursuant to the provisions of subsection 5 of NRS 293.540, the elector may reregister immediately.

4. If the registration of an elector is cancelled pursuant to the provisions of subsection 6 of NRS 293.540, after the close of registration for a primary election, the elector may not reregister until after the primary election.

Senator Segerblom moved the adoption of the amendment.

Remarks by Senators Segerblom, Roberson and Ford.

SENATOR SEGERBLOM:

Amendment No. 81 to State of Nevada No. 125 does three things. First, in Section 1, it expands the bill's provisions to allow a parolee or probationer who has not been convicted of certain serious crimes to serve on a civil or criminal jury. Second, in Section 4, it restores language deleted in the original bill concerning certain felonies and revises the waiting periods for persons convicted of those felonies to petition the court to have criminal records sealed. It also adds similar provisions concerning waiting periods for certain misdemeanors including battery, stalking and harassment. Finally, it conforms changes are made in other sections of the bill.

SENATOR ROBERSON:

I would like to ask for more detail about how the amendment changes Senate Bill. No. 125.

SENATOR SEGERBLOM:

I will refer your question to the Majority Leader for an answer.

SENATOR FORD:

The amendment to Senate Bill No. 125 adds the ability for an ex-offender to serve on a jury. It also deals with a different enumeration of when records can be sealed pursuant to the amendment that was adopted during our Committee.

SENATOR ROBERSON:

How does this change the bill? The original bill allowed certain convicted felons to serve on juries. How does this amendment change that?

SENATOR FORD:

It does not. This is the amendment we adopted during the work session and that I discussed when I first presented the original Bill; Senate Bill No. 125.

SENATOR ROBERSON:

So this is not a new amendment?

PRESIDENT PRO TEMPORE DENIS:

Senator Roberson, you need to be acknowledged.

SENATOR ROBERSON:

I want to ensure this is not a new amendment from the one passed in Committee.

SENATOR FORD:

It is not; it is the exact same one that I introduced and we adopted in work session.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 135.

Bill read second time.

The following amendment was proposed by the Committee on Commerce, Labor and Energy.

Amendment No. 95.

SUMMARY—Requires that an applicant for certain insurance-related licenses have the option to take an examination in Spanish. (BDR 57-684)

AN ACT relating to insurance; requiring the Division of Insurance of the Department of Business and Industry to provide reasonable notice that an examination for a license as a producer of insurance ~~or~~ or insurance consultant ~~[, adjuster or surplus lines broker]~~ may be taken in English or Spanish; requiring that the examination for each such license be offered in English or Spanish; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a resident natural person who is applying for a license as a producer of insurance to pass a written examination that tests: (1) the knowledge of the applicant concerning the lines of authority for which the application is made; (2) the duties and responsibilities of a producer of insurance; and (3) the laws and regulations of this State relating to insurance. (NRS 683A.241) Section 1 of this bill requires the Division of Insurance of the Department of Business and Industry to provide reasonable notice that the examination may be taken in either English or Spanish. Section 1 further requires that the examination be provided in: (1) English; or (2) Spanish, if

the applicant requests that he or she be allowed to take the examination in Spanish.

Existing law requires an applicant for an insurance consultant's license to successfully complete an examination and a course of instruction that is established by the Commissioner of Insurance through regulation. (NRS 683C.030) Section 2 of this bill requires the Division to provide reasonable notice that the examination may be taken in either English or Spanish. Section 2 further requires that the examination be provided in: (1) English; or (2) Spanish, if an applicant requests that he or she be allowed to take the examination in Spanish.

~~[ Existing law requires each person who intends to apply for a license as an adjuster to, before applying for the license, personally take and pass to the Commissioner of Insurance's satisfaction a written examination that tests: (1) the applicant's qualifications and competence to act as an adjuster; and (2) his or her knowledge of pertinent provisions of the Nevada Insurance Code. (NRS 684A.100) Section 3 of this bill requires the Division to provide reasonable notice that the examination may be taken in either English or Spanish. Section 3 further requires that the examination be provided in: (1) English; or (2) Spanish, if the person requests that he or she be allowed to take the examination in Spanish.~~

~~Finally, existing law authorizes certain persons to be licensed as a surplus lines broker once they pass an examination that is prescribed by the Commissioner of Insurance on the subject of surplus lines. (NRS 685A.120) Section 4 of this bill requires the Division to provide reasonable notice that the examination may be taken in either English or Spanish. Section 4 further requires that the examination be provided in: (1) English; or (2) Spanish, if the person requests that he or she be allowed to take the examination in Spanish.]~~

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

Section 1. NRS 683A.241 is hereby amended to read as follows:

683A.241 1. A resident natural person applying for a license as a producer of insurance must pass a written examination unless exempt under NRS 683A.291. The examination must test knowledge concerning the lines of authority for which application is made, the duties and responsibilities of a producer and the laws and regulations of this state relating to insurance. The Commissioner shall adopt regulations for developing and conducting examinations required by this section. *The Division shall provide reasonable notice that the examination may be taken in English or Spanish. The examination must be provided to an applicant in:*

- (a) *English; or*
- (b) *Spanish, if the applicant requests to take the examination in Spanish.*

2. The Commissioner may contract with a person outside the Division for administering examinations, processing applications, collecting fees and performing any other functions the Commissioner considers appropriate.

3. Each natural person applying for an examination shall pay a nonrefundable fee in an amount prescribed by the Commissioner to defray the cost of processing the application and administering the examination.

4. An applicant who fails to appear for the examination as scheduled or fails to pass the examination must reapply for examination and pay the required fee in order to be scheduled for another examination.

Sec. 2. NRS 683C.030 is hereby amended to read as follows:

683C.030 1. An application for a license to act as an insurance consultant must be submitted to the Commissioner on forms prescribed by the Commissioner and must be accompanied by the applicable license fee set forth in NRS 680B.010 and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110. The license fee set forth in NRS 680B.010 is not refundable. If the applicant is a natural person, the application must include the social security number of the applicant.

2. An applicant for an insurance consultant's license must successfully complete an examination and a course of instruction which the Commissioner shall establish by regulation.

3. *The Division shall provide reasonable notice that the examination may be taken in either English or Spanish. The examination must be provided to an applicant in:*

(a) *English; or*

(b) *Spanish, if the applicant requests to take the examination in Spanish.*

4. Each license issued pursuant to this chapter is valid for 3 years from the date of issuance or until it is suspended, revoked or otherwise terminated, and each insurance consultant must pay, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110.

Sec. 3. ~~NRS 684A.100 is hereby amended to read as follows:~~

~~684A.100 1. Each person who intends to apply for a license as an adjuster must, before applying for the license, personally take and pass to the Commissioner's satisfaction a written examination testing the applicant's qualifications and competence to act as an adjuster and his or her knowledge of pertinent provisions of this Code unless:~~

~~[1.] (a) The person:~~

~~[(a)] (1) Is not a resident of this State;~~

~~[(b)] (2) Has passed an examination to become licensed as an adjuster in the person's home state; and~~

~~[(c)] (3) Is currently licensed and in good standing in the person's home state as an adjuster; or~~

~~[2.] (b) The person was licensed in this State as the same type of adjuster within the 24-month period immediately preceding the date of the application, unless the previous license was revoked or suspended or its continuation was refused by the Commissioner.~~

~~2. The Division shall provide reasonable notice that the examination may be taken in either English or Spanish. The examination must be provided to a person in:~~

- ~~(a) English; or~~
- ~~(b) Spanish, if the person requests to take the examination in Spanish.]~~

~~(Deleted by amendment.)~~

Sec. 4. ~~[NRS 685A.120 is hereby amended to read as follows:~~

~~685A.120 1. No person may act as, hold himself or herself out as or be a surplus lines broker with respect to subjects of insurance for which this State is the insured's home state unless the person is licensed as such by the Commissioner pursuant to this chapter.~~

~~2. Any person who has been licensed by this State as a producer of insurance for general lines for at least 6 months, or has been licensed in another state as a surplus lines broker and continues to be licensed in that state, and who is deemed by the Commissioner to be competent and trustworthy with respect to the handling of surplus lines may be licensed as a surplus lines broker upon:~~

- ~~(a) Application for a license and payment of all applicable fees for a license;~~
- ~~(b) Submitting the statement required pursuant to NRS 685A.127; and~~
- ~~(c) Passing any examination prescribed by the Commissioner on the subject of surplus lines.~~

~~3. The Division shall provide reasonable notice that the examination may be taken in either English or Spanish. The examination must be provided to a person in:~~

- ~~(a) English; or~~
- ~~(b) Spanish, if the person requests to take the examination in Spanish.~~

~~4. An application for a license must be submitted to the Commissioner on a form designated and furnished by the Commissioner. The application must include the social security number of the applicant.~~

~~[4.] 5. A license issued pursuant to this chapter continues in force for 3 years unless it is suspended, revoked or otherwise terminated. The license may be renewed upon submission of the statement required pursuant to NRS 685A.127 and payment of all applicable fees for renewal to the Commissioner on or before the last day of the month in which the license is renewable.~~

~~[5.] 6. A license which is not renewed expires at midnight on the last day specified for its renewal. The Commissioner may accept a request for renewal received by the Commissioner within 30 days after the expiration of the license if the request is accompanied by:~~

- ~~(a) The statement required pursuant to NRS 685A.127;~~
- ~~(b) All applicable fees for renewal; and~~
- ~~(c) A penalty in an amount that is equal to 50 percent of all applicable fees for renewal, except for any fee required pursuant to NRS 680C.110.]~~

~~(Deleted by amendment.)~~

Sec. 5. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2018, for all other purposes.

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

Amendment No. 95 makes one change to Senate Bill No. 135. The amendment deletes Section 3 and Section 4, which require the Division of Insurance to provide notice that the examinations for a license as an adjuster and as a surplus lines broker may be taken in English or Spanish and provide the examinations in Spanish if requested by the applicant.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 140.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary.

Amendment No. 82.

SUMMARY—Authorizes the residential confinement or other appropriate supervision of certain older offenders. (BDR 16-798)

AN ACT relating to offenders; authorizing the residential confinement or other appropriate supervision of certain older offenders; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Director of the Department of Corrections to assign any offender who has not been sentenced to death or imprisonment for life without the possibility of parole to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement or other appropriate supervision as determined by the Division for not longer than the remainder of the offender's sentence if: (1) the Director has reason to believe that the offender is physically incapacitated or in ill health to such a degree that the offender is not likely to pose a threat to the safety of the public and at least two licensed physicians verify such incapacitation or ill health; or (2) the offender is in ill health and expected to die within 12 months. If the Director intends to assign such an offender to the custody of the Division, the Director is required to notify the Division and the board of county commissioners of the county in which the offender will reside at least 45 days before the offender's expected date of release. Additionally, the Division is required to notify any victim of a crime committed by the offender who has requested to be notified of the consideration of a prisoner for parole. If such an offender escapes or violates any of the terms or conditions of his or her residential confinement or other appropriate supervision as determined by the Division, the Division is authorized to return the offender to the custody of the Department and any credits for good behavior earned by the offender before the escape or

violation are subject to forfeiture, as determined by the Director. (NRS 209.3925)

Section 1 of this bill additionally authorizes the Director to assign any offender who has not been sentenced to death or imprisonment for life without the possibility of parole to the custody of the Division to serve a term of residential confinement or other appropriate supervision as determined by the Division for not longer than the remainder of the offender's sentence if the offender: (1) is 65 years of age or older; (2) has not been convicted of a crime of violence ~~or~~ a sexual offense, vehicular homicide or driving under the influence of alcohol or a prohibited substance and causing the death of or substantial bodily harm to another person; and (3) has served at least a majority of the maximum term or maximum aggregate term of his or her sentence. Sections 2-8 of this bill make conforming changes.

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

Section 1. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 6, the Director may assign an offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement pursuant to NRS 213.380 or other appropriate supervision as determined by the Division of Parole and Probation, for not longer than the remainder of his or her sentence, if the offender:*

- (a) *Is 65 years of age or older;*
- (b) *Has not been convicted of ~~it~~ :*

(1) A crime of violence;

(2) A sexual offense as defined in NRS 179D.097;

(3) Vehicular homicide pursuant to NRS 484C.130; or

(4) A violation of NRS 484C.430; and

(c) *Has served at least a majority of the maximum term or maximum aggregate term, as applicable, of his or her sentence.*

2. *If the Director intends to assign an offender to the custody of the Division of Parole and Probation pursuant to this section, at least 45 days before the date the offender is expected to be released from the custody of the Department, the Director shall notify:*

(a) *The board of county commissioners of the county in which the offender will reside; and*

(b) *The Division of Parole and Probation.*

3. *Except as otherwise provided in NRS 213.10915, if any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.131, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the Division of Parole and Probation shall notify the victim that:*

(a) *The Director intends to assign the offender to the custody of the Division of Parole and Probation pursuant to this section; and*



*(b) The victim may submit documents to the Division of Parole and Probation regarding such an assignment.*

➡ *If a current address has not been provided by a victim as required by subsection 4 of NRS 213.131, the Division of Parole and Probation must not be held responsible if notification is not received by the victim. All personal information, including, without limitation, a current or former address, which pertains to a victim and which is received by the Division of Parole and Probation pursuant to this subsection is confidential.*

*4. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of his or her residential confinement or other appropriate supervision as determined by the Division of Parole and Probation:*

*(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.*

*(b) The offender forfeits all or part of the credits for good behavior earned by the offender before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as the Director considers proper. The decision of the Director regarding such a forfeiture is final.*

*5. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:*

*(a) A continuation of the offender's imprisonment and not a release on parole; and*

*(b) For the purposes of NRS 209.341, an assignment to a facility of the Department, except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.*

*6. The Director may not assign an offender to the custody of the Division of Parole and Probation pursuant to this section if the offender is sentenced to death or imprisonment for life without the possibility of parole.*

*7. An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.*

*8. The Division of Parole and Probation may receive and distribute restitution paid by an offender assigned to the custody of the Division of Parole and Probation pursuant to this section.*

9. *As used in this section, "crime of violence" means any offense involving the use or threatened use of force or violence against another person.*

Sec. 2. NRS 209.241 is hereby amended to read as follows:

209.241 1. The Director may accept money, including the net amount of any wages earned during the incarceration of an offender after any deductions made by the Director and valuables belonging to an offender at the time of his or her incarceration or afterward received by gift, inheritance or the like or earned during the incarceration of an offender, and shall deposit the money in the Prisoners' Personal Property Fund, which is hereby created as a trust fund.

2. An offender shall deposit all money that the offender receives into his or her individual account in the Prisoners' Personal Property Fund.

3. The Director:

(a) Shall keep, or cause to be kept, a full and accurate account of the money and valuables, and shall submit reports to the Board relating to the money and valuables as may be required from time to time.

(b) May permit withdrawals for immediate expenditure by an offender for personal needs.

(c) May permit the distribution of money to a governmental entity for any applicable deduction authorized pursuant to NRS 209.247 or any other deduction authorized by law from any money deposited in the individual account of an offender from any source other than the offender's wages.

(d) Shall pay over to each offender upon his or her release any remaining balance in his or her individual account.

4. The interest and income earned on the money in the Prisoners' Personal Property Fund, after deducting any applicable bank charges, must be credited each calendar quarter as follows:

(a) If an offender's share of the cost of administering the Prisoners' Personal Property Fund for the quarter is less than the amount of interest and income earned by the offender, the Director shall credit the individual account of the offender with an amount equal to the difference between the amount of interest and income earned by the offender and the offender's share of the cost of administering the Prisoners' Personal Property Fund.

(b) If an offender's share of the cost of administering the Prisoners' Personal Property Fund for the quarter is equal to or greater than the amount of interest and income earned by the offender, the Director shall credit the interest and income to the Offenders' Store Fund.

5. An offender who does not deposit all money that the offender receives into his or her individual account in the Prisoners' Personal Property Fund as required in this section is guilty of a gross misdemeanor.

6. A person who aids or encourages an offender not to deposit all money the offender receives into the individual account of the offender in the Prisoners' Personal Property Fund as required in this section is guilty of a gross misdemeanor.

7. The Director may exempt an offender from the provisions of this section if the offender is:

(a) Confined in an institution outside this State pursuant to chapter 215A of NRS; or

(b) Assigned to the custody of the Division of Parole and Probation of the Department of Public Safety to:

(1) Serve a term of residential confinement pursuant to NRS 209.392, 209.3925 or 209.429 ~~or~~ *section 1 of this act*; or

(2) Participate in a correctional program for reentry into the community pursuant to NRS 209.4887.

Sec. 3. NRS 209.392 is hereby amended to read as follows:

209.392 1. Except as otherwise provided in NRS 209.3925 and 209.429 ~~or~~ *and section 1 of this act*, the Director may, at the request of an offender who is eligible for residential confinement pursuant to the standards adopted by the Director pursuant to subsection 3 and who has:

(a) Demonstrated a willingness and ability to establish a position of employment in the community;

(b) Demonstrated a willingness and ability to enroll in a program for education or rehabilitation; or

(c) Demonstrated an ability to pay for all or part of the costs of the offender's confinement and to meet any existing obligation for restitution to any victim of his or her crime, assign the offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of his or her sentence.

2. Upon receiving a request to serve a term of residential confinement from an eligible offender, the Director shall notify the Division of Parole and Probation. Except as otherwise provided in NRS 213.10915, if any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.131, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the Division of Parole and Probation shall notify the victim of the offender's request and advise the victim that the victim may submit documents regarding the request to the Division of Parole and Probation. If a current address has not been provided as required by subsection 4 of NRS 213.131, the Division of Parole and Probation must not be held responsible if such notification is not received by the victim. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division of Parole and Probation pursuant to this subsection is confidential.

3. The Director, after consulting with the Division of Parole and Probation, shall adopt, by regulation, standards providing which offenders are eligible for residential confinement. The standards adopted by the Director must provide that an offender who:

(a) Has recently committed a serious infraction of the rules of an institution or facility of the Department;

(b) Has not performed the duties assigned to the offender in a faithful and orderly manner;

(c) Has been convicted of:

(1) Any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim within the immediately preceding 3 years;

(2) A sexual offense that is punishable as a felony; or

(3) Except as otherwise provided in subsection 4, a category A or B felony;

(d) Has more than one prior conviction for any felony in this State or any offense in another state that would be a felony if committed in this State, not including a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.420, 488.425 or 488.427; or

(e) Has escaped or attempted to escape from any jail or correctional institution for adults, is not eligible for assignment to the custody of the Division of Parole and Probation to serve a term of residential confinement pursuant to this section.

4. The standards adopted by the Director pursuant to subsection 3 must provide that an offender who has been convicted of a category B felony is eligible for assignment to the custody of the Division of Parole and Probation to serve a term of residential confinement pursuant to this section if:

(a) The offender is not otherwise ineligible pursuant to subsection 3 for an assignment to serve a term of residential confinement; and

(b) The Director makes a written finding that such an assignment of the offender is not likely to pose a threat to the safety of the public.

5. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of the offender's residential confinement:

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits for good behavior earned by the offender before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as the Director considers proper. The decision of the Director regarding such a forfeiture is final.

6. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:

(a) A continuation of the offender's imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department, except that the offender is not entitled to obtain any benefits or

to participate in any programs provided to offenders in the custody of the Department.

7. An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

8. The Division of Parole and Probation may receive and distribute restitution paid by an offender assigned to the custody of the Division of Parole and Probation pursuant to this section.

Sec. 4. NRS 213.10915 is hereby amended to read as follows:

213.10915 1. The Board, in consultation with the Division, may enter into an agreement with the manager of an automated victim notification system to notify victims of the information described in NRS 209.392 and 209.3925 *and section 1 of this act* and subsections 4 and 7 of NRS 213.131 through the system if the system is capable of:

(a) Automatically notifying by telephone or electronic means a victim registered with the system of the information described in NRS 209.392 and 209.3925 *and section 1 of this act* and subsections 4 and 7 of NRS 213.131 with the timeliness required by NRS 209.392 and 209.3925 *and section 1 of this act* and subsections 4 and 7 of NRS 213.131; and

(b) Notifying victims registered with the system, using language provided by the Board, if the Board decides that it will discontinue the use of the system to notify victims of the information described in NRS 209.392 and 209.3925 *and section 1 of this act* and subsections 4 and 7 of NRS 213.131. The notice must:

(1) Be provided to each victim registered with the system not less than 90 days before the date on which the Board will discontinue use of the system; and

(2) Advise each victim to submit a written request for notification pursuant to subsection 4 of NRS 213.131 if the victim wishes to receive notice of the information described in NRS 209.392 and 209.3925 *and section 1 of this act* and subsections 4 and 7 of NRS 213.131.

2. The Division is not required to notify the victim of an offender of the information described in NRS 209.392 and 209.3925 *and section 1 of this act* and the Board is not required to notify the victim of a prisoner of the information described in subsections 4 and 7 of NRS 213.131 if:

(a) The Board has entered into an agreement pursuant to subsection 1; and

(b) Before discontinuing the notification of victims pursuant to NRS 209.392 and 209.3925 *and section 1 of this act* and subsections 4 and 7 of NRS 213.131, the Board, not less than two times and not less than 60 days apart, has notified each victim who has requested notification pursuant to

subsection 4 of NRS 213.131 and who has provided his or her current address or whose current address is otherwise known by the Board of the change in the manner in which a victim is notified of the information described in NRS 209.392 and 209.3925 *and section 1 of this act* and subsections 4 and 7 of NRS 213.131. The notice must:

(1) Advise the victim that the Division will no longer notify the victim of the information described in NRS 209.392 and 209.3925 ~~and section 1 of this act~~, that the Board will no longer notify the victim of the information described in subsections 4 and 7 of NRS 213.131, and that the victim may register with the automated victim notification system if he or she wishes to be notified of the information described in NRS 209.392 and 209.3925 *and section 1 of this act* and subsections 4 and 7 of NRS 213.131; and

(2) Include instructions for registering with the automated victim notification system to receive notice of the information described in NRS 209.392 and 209.3925 *and section 1 of this act* and subsections 4 and 7 of NRS 213.131.

3. For the purposes of this section, "victim" has the meaning ascribed to it in NRS 213.005.

Sec. 5. NRS 213.371 is hereby amended to read as follows:

213.371 As used in NRS 213.371 to 213.410, inclusive, unless the context otherwise requires:

1. "Division" means the Division of Parole and Probation of the Department of Public Safety.

2. "Offender" means a prisoner assigned to the custody of the Division pursuant to NRS 209.392, 209.3925 or 209.429 ~~and section 1 of this act~~.

3. "Residential confinement" means the confinement of an offender to his or her place of residence under the terms and conditions established by the Division.

Sec. 6. NRS 213.380 is hereby amended to read as follows:

213.380 1. The Division shall establish procedures for the residential confinement of offenders.

2. The Division may establish, and at any time modify, the terms and conditions of the residential confinement, except that the Division shall:

(a) Require the offender to participate in regular sessions of education, counseling and any other necessary or desirable treatment in the community, unless the offender is assigned to the custody of the Division pursuant to NRS 209.3925 ~~and section 1 of this act~~;

(b) Require the offender to be confined to his or her residence during the time the offender is not:

(1) Engaged in employment or an activity listed in paragraph (a) that is authorized by the Division;

(2) Receiving medical treatment that is authorized by the Division; or

(3) Engaged in any other activity that is authorized by the Division; and

(c) Require intensive supervision of the offender, including unannounced visits to his or her residence or other locations where the offender is expected

to be in order to determine whether the offender is complying with the terms and conditions of his or her confinement.

3. An electronic device approved by the Division may be used to supervise an offender. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the offender's location, including, but not limited to, the transmission of still visual images which do not concern the offender's activities, and producing, upon request, reports or records of the offender's presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. A device which is capable of recording or transmitting:

- (a) Oral or wire communications or any auditory sound; or
- (b) Information concerning the offender's activities, must not be used.

Sec. 7. NRS 178.5698 is hereby amended to read as follows:

178.5698 1. The prosecuting attorney, sheriff or chief of police shall, upon the request of a victim or witness, inform the victim or witness:

(a) When the defendant is released from custody at any time before or during the trial, including, without limitation, when the defendant is released pending trial or subject to electronic supervision;

(b) If the defendant is so released, the amount of bail required, if any; and

(c) Of the final disposition of the criminal case in which the victim or witness was directly involved.

2. A request for information pursuant to subsection 1 must be made:

(a) In writing; or

(b) By telephone through an automated or computerized system of notification, if such a system is available.

3. If an offender is convicted of a sexual offense or an offense involving the use or threatened use of force or violence against the victim, the court shall provide:

(a) To each witness, documentation that includes:

(1) A form advising the witness of the right to be notified pursuant to subsection 5;

(2) The form that the witness must use to request notification in writing; and

(3) The form or procedure that the witness must use to provide a change of address after a request for notification has been submitted.

(b) To each person listed in subsection 4, documentation that includes:

(1) A form advising the person of the right to be notified pursuant to subsection 5 or 6 and NRS 176.015, 176A.630, 178.4715, 209.392, 209.3925, 209.521, 213.010, 213.040, 213.095 and 213.131 *and section 1 of this act* or NRS 213.10915;

(2) The forms that the person must use to request notification; and

(3) The forms or procedures that the person must use to provide a change of address after a request for notification has been submitted.

4. The following persons are entitled to receive documentation pursuant to paragraph (b) of subsection 3:

(a) A person against whom the offense is committed.

(b) A person who is injured as a direct result of the commission of the offense.

(c) If a person listed in paragraph (a) or (b) is under the age of 18 years, each parent or guardian who is not the offender.

(d) Each surviving spouse, parent and child of a person who is killed as a direct result of the commission of the offense.

(e) A relative of a person listed in paragraphs (a) to (d), inclusive, if the relative requests in writing to be provided with the documentation.

5. Except as otherwise provided in subsection 6, if the offense was a felony and the offender is imprisoned, the warden of the prison shall, if the victim or witness so requests in writing and provides a current address, notify the victim or witness at that address when the offender is released from the prison.

6. If the offender was convicted of a violation of subsection 3 of NRS 200.366 or a violation of subsection 1, paragraph (a) of subsection 2 or subparagraph (2) of paragraph (b) of subsection 2 of NRS 200.508, the warden of the prison shall notify:

(a) The immediate family of the victim if the immediate family provides their current address;

(b) Any member of the victim's family related within the third degree of consanguinity, if the member of the victim's family so requests in writing and provides a current address; and

(c) The victim, if the victim will be 18 years of age or older at the time of the release and has provided a current address, before the offender is released from prison.

7. The warden must not be held responsible for any injury proximately caused by the failure to give any notice required pursuant to this section if no address was provided to the warden or if the address provided is inaccurate or not current.

8. As used in this section:

(a) "Immediate family" means any adult relative of the victim living in the victim's household.

(b) "Sexual offense" means:

(1) Sexual assault pursuant to NRS 200.366;

(2) Statutory sexual seduction pursuant to NRS 200.368;

(3) Battery with intent to commit sexual assault pursuant to NRS 200.400;

(4) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;

(5) Incest pursuant to NRS 201.180;

(6) Open or gross lewdness pursuant to NRS 201.210;

(7) Indecent or obscene exposure pursuant to NRS 201.220;



- (8) Lewdness with a child pursuant to NRS 201.230;
- (9) Sexual penetration of a dead human body pursuant to NRS 201.450;
- (10) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540;
- (11) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550;
- (12) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony;
- (13) An offense that, pursuant to a specific statute, is determined to be sexually motivated; or
- (14) An attempt to commit an offense listed in this paragraph.

Sec. 8. 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 section 1 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. 9. This act becomes effective on July 1, 2017.

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Amendment No. 82 to Senate Bill No. 140 adds "associated equipment and support systems" to the list of devices that will be addressed under new regulations established by the Gaming Control Board; adds "a hybrid game" to the types of games that will be defined and regulated; and includes player skill, or a combination of skill and other elements, to the list of "identifiers" that will be subject to regulation

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 256.

Bill read second time.

The following amendment was proposed by the Committee on Commerce, Labor and Energy.

Amendment No. 100.

SUMMARY—Revises provisions relating to the Board of Dental Examiners of Nevada. (BDR 54-549)

AN ACT relating to dentistry; requiring the Board of Dental Examiners of Nevada to appoint a panel to review investigations and informal hearings conducted by an investigator of the Board; requiring the review and consideration of the findings and recommendations of a review panel before disciplinary action is taken against a person; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Board of Dental Examiners of Nevada, upon its own motion, and requires the Board, upon a verified complaint by any person, to investigate a person who practices dentistry in this State for allegations of actions that would support disciplinary action. (NRS 631.360) Existing law also authorizes the Board to appoint one of its members, employees, investigators or other agents to conduct an investigation and

informal hearing relating to a person who is alleged to have violated the provisions of chapter 631 of NRS. (NRS 631.363)

Section 1 of this bill requires the Board to appoint a panel of three people, consisting of employees or investigators of the Board or holders of a license to practice dentistry or dental hygiene in this State, to review an investigation and informal hearing conducted by an investigator appointed by the Board. Section 1 requires such a panel to review: (1) all files and records collected or produced by the investigator; (2) findings of fact and conclusions prepared by the investigator and submitted to the Board; and (3) any other information deemed necessary by the panel. Section 1 further requires: (1) a review panel to submit a recommendation to the Board as to whether the findings and recommendations of the investigation should be accepted by the Board; and (2) the Board to review and consider the findings and recommendations of the review panel before taking any disciplinary action against a person or taking any other action relating to a complaint filed with the Board. Section 3 of this bill requires a hearing officer or panel to review and consider the findings and recommendations of a review panel before taking disciplinary action against a person. Section 5 of this bill provides that any records or information obtained by a review panel are deemed confidential. Section 6 of this bill extends to members of a review panel the immunity from civil liability provided under existing law to members and employees of the Board.

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

Section 1. Chapter 631 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Board shall appoint any three of its employees or investigators, any three holders of a license to practice dentistry or dental hygiene, or any combination of three such persons to a panel to review an investigation or informal hearing conducted pursuant to NRS 631.363.*

2. *A review panel appointed pursuant to subsection 1 shall, in conducting a review of an investigation or informal hearing conducted pursuant to NRS 631.363, review and consider, without limitation:*

*(a) All files and records collected or produced by the investigator;*

*(b) Any written findings of fact and conclusions prepared by the investigator; and*

*(c) Any other information deemed necessary by the review panel.*

3. *The investigator who conducted the investigation or informal hearing pursuant to NRS 361.363 shall not participate in a review conducted pursuant to subsection 1.*

4. *Before the Board takes any action or makes any disposition relating to a complaint, the review panel appointed pursuant to subsection 1 to conduct a review of the investigation or informal hearing relating to the complaint shall present to the Board its findings and recommendation relating to the*

*investigation or informal hearing, and the Board shall review and consider those findings and recommendations.*

5. *Meetings held by a review panel appointed pursuant to subsection 1 are not subject to the provisions of chapter 241 of NRS.*

Sec. 2. NRS 631.190 is hereby amended to read as follows:

631.190 In addition to the powers and duties provided in this chapter, the Board shall:

1. Adopt rules and regulations necessary to carry out the provisions of this chapter.

2. Appoint such committees, *review panels*, examiners, officers, employees, agents, attorneys, investigators and other professional consultants and define their duties and incur such expense as it may deem proper or necessary to carry out the provisions of this chapter, the expense to be paid as provided in this chapter. Notwithstanding the provisions of this subsection, the Attorney General in his or her sole discretion may, but is not required to, serve as legal counsel for the Board at any time and in any and all matters.

3. Fix the time and place for and conduct examinations for the granting of licenses to practice dentistry and dental hygiene.

4. Examine applicants for licenses to practice dentistry and dental hygiene.

5. Collect and apply fees as provided in this chapter.

6. Keep a register of all dentists and dental hygienists licensed in this State, together with their addresses, license numbers and renewal certificate numbers.

7. Have and use a common seal.

8. Keep such records as may be necessary to report the acts and proceedings of the Board. Except as otherwise provided in NRS 631.368, the records must be open to public inspection.

9. Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

10. Have discretion to examine work authorizations in dental offices or dental laboratories.

Sec. 3. NRS 631.355 is hereby amended to read as follows:

631.355 1. Any disciplinary action taken by a hearing officer or panel pursuant to NRS 631.350 is subject to the same procedural requirements which apply to disciplinary actions taken by the Board, and the officer or panel has those powers and duties given to the Board in relation thereto. *Before taking disciplinary action, the hearing officer or panel shall review and consider the findings and recommendations of a review panel appointed pursuant to section 1 of this act.*

2. Any decision of the hearing officer or panel relating to the imposition of any disciplinary action pursuant to this chapter is a final decision in a contested case.

Sec. 4. NRS 631.363 is hereby amended to read as follows:

631.363 1. The Board may appoint one of its members and any of its employees, investigators or other agents to conduct an investigation and informal hearing concerning any practice by a person constituting a violation of the provisions of this chapter or the regulations of the Board.

2. The investigator designated by the Board to conduct a hearing shall notify the person being investigated at least 10 days before the date set for the hearing. The notice must describe the reasons for the investigation and must be served personally on the person being investigated or by mailing it by registered or certified mail to his or her last known address.

3. If, after the hearing, the investigator determines that the Board should take further action concerning the matter, the investigator shall prepare written findings of fact and conclusions and submit them to the Board. A copy of the report must be sent to the person being investigated.

4. If the Board, after receiving the report of its investigator pursuant to this section, holds its own hearing on the matter pursuant to NRS 631.360, it may consider the investigator's report but is not bound by his or her findings or conclusions. The investigator *and any member of a review panel appointed pursuant to section 1 of this act* shall not participate in the hearing conducted by the Board.

5. If the person who was investigated agrees in writing to the findings and conclusions of the investigator, the Board may adopt that report as its final order and take such action as is necessary without conducting its own hearing on the matter.

Sec. 5. NRS 631.368 is hereby amended to read as follows:

631.368 1. Except as otherwise provided in this section and NRS 239.0115, any records or information obtained during the course of an investigation by the Board *or a review panel appointed pursuant to section 1 of this act* and any record of the investigation *or review* are confidential.

2. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The Board shall, to the extent feasible, communicate or cooperate with or provide any record or information described in subsection 1 to any other licensing board or any other agency that is investigating a person, including a law enforcement agency.

Sec. 6. NRS 631.378 is hereby amended to read as follows:

631.378 1. Any person who furnishes information to the Board concerning a licensee or an applicant for licensure, in good faith and without malicious intent, is immune from any civil action for furnishing that information.

2. The Board, *a review panel*, any member, employee or committee of the Board ~~{ }~~ *or a review panel*, counsel, investigator, expert, hearing officer, licensee or other person who assists the Board in the investigation or prosecution of an alleged violation of a provision of this chapter, a

proceeding concerning licensure or reissuance of a license or a criminal prosecution is immune from any civil liability for:

(a) Any decision or action taken in good faith and without malicious intent in response to information acquired by the Board.

(b) Disseminating information concerning a licensee or an applicant for licensure to any member of the public, other licensing board, national association of registered boards, an agency of the Federal Government or of the State, the Attorney General or any law enforcement agency.

3. A defendant who is the prevailing party in a civil action brought pursuant to subsection 2 may recover the attorney's fees and costs incurred in defending the action.

Sec. 7. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2018, for all other purposes.

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

Amendment No. 100 makes one change to Senate Bill No. 256. The amendment adds a dental hygienist to those persons that may be appointed to a panel by the Board of Dental Examiners of Nevada to review an investigation and informal hearing by an investigator.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 283.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 17 of the 78th Session.

Resolution read second time and ordered to third reading.

#### MOTIONS, RESOLUTIONS AND NOTICES

Senator Woodhouse moved that Senate Bill No. 135 be re-referred to the Committee on Finance upon return from reprint.

Motion carried.

Bill ordered reprinted, engrossed and re-referred to the Committee on Finance.

#### UNFINISHED BUSINESS

There being no objections, the President and Secretary signed Assembly Bill No. 99.

#### GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Ratti, the privilege of the floor of the Senate Chamber for this day was extended to the High Desert Montessori Charter School, Reno, Nevada.

On request of Senator Roberson, the privilege of the floor of the Senate Chamber for this day was extended to James Epifanio, Roberta Epifanio, Laura Herrick, Patricia Moser Morris and Lori Piotrowski.

On request of Senator Settlemeyer, the privilege of the floor of the Senate Chamber for this day was extended to Jada Mandeville.

Senator Ford moved that the Senate adjourn until Monday, April 10, 2017, at 11:00 a.m.

Motion carried.

Senate adjourned at 11:53 a.m.

Approved:

MOISES DENIS

*President pro Tempore of the Senate*

Attest: CLAIRE J. CLIFT

*Secretary of the Senate*