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FIRST REPRINT

A.B. 258

ASSEMBLY BILL NO. 258—ASSEMBLYWOMEN BACKUS; AND
KASAMA

MARCH 7, 2023

Referred to Committee on Government Affairs

SUMMARY—Enacts certain provisions governing the confidentiality of certain personal information of a donor, member or volunteer of a nonprofit organization. (BDR 19-605)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

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

AN ACT relating to governmental administration; requiring, with certain exceptions, a governmental entity to keep confidential certain personal information regarding donors, members or volunteers of a nonprofit organization; prohibiting, with certain exceptions, a governmental entity from requesting or releasing certain personal information regarding donors, members or volunteers of a nonprofit organization; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law authorizes certain governmental agencies to collect certain
- 2 personal information. (Chapter 239B of NRS) Existing law also prohibits, with
- 3 certain exceptions, a governmental agency from requiring a person to include
- 4 personal information on any document submitted to the governmental agency after
- 5 a certain date. (NRS 239B.030) **Section 2** of this bill requires, with certain
- 6 exceptions, a governmental entity to keep confidential any personal information in
- 7 the records of the governmental entity that identifies a person as a donor, member
- 8 or volunteer of a nonprofit organization. **Section 2** also prohibits, with certain
- 9 exceptions, a governmental entity from: (1) requiring that any person or nonprofit
- 10 organization provide the governmental entity with personal information that
- 11 identifies a donor, member or volunteer of a nonprofit organization; (2) releasing,
- 12 publicizing or otherwise publicly disclosing personal information that identifies a



13 donor, member or volunteer of a nonprofit organization; or (3) requesting or
14 requiring a current or prospective contractor or grantee to provide a list of nonprofit
15 organizations to which the contractor or grantee has provided support. **Section 2**
16 provides that the personal information that identifies a donor, member or volunteer
17 of a nonprofit organization includes any list, record, register, roster or other data of
18 any kind that includes a donation, name, address or telephone number that directly
19 or indirectly identifies a person as a donor of financial or nonfinancial support,
20 member or volunteer of any nonprofit organization.

21 **Section 2** provides that a person who alleges that a governmental entity or an
22 officer or employee of a governmental entity has violated these provisions may
23 bring a civil action to obtain certain relief, including damages in an amount of not
24 less than: (1) \$2,500 for a violation; and (2) \$7,500 for an intentional violation.
25 **Section 2** further provides that any officer or employee of a governmental entity
26 who knowingly and willfully violates these provisions is guilty of a misdemeanor.

27 **Section 1** of this bill makes a conforming change to provide that such personal
28 information is not a public record.

29 **Section 3** of this bill makes a conforming change to prohibit the Secretary of
30 State, in carrying out certain requirements of existing law, from collecting or
31 disclosing any information that directly identifies a person as a donor of financial
32 support to a nonprofit organization.

33 **Section 4** of this bill makes a conforming change to provide that any
34 information collected by the Attorney General in an audit, examination or
35 investigation of a corporation for public benefit or a corporation holding assets in a
36 charitable trust may only be used in connection with the audit, examination or
37 investigation and is otherwise subject to the requirements of **section 2**.

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

1 **Section 1.** NRS 239.010 is hereby amended to read as follows:
2 239.010 1. Except as otherwise provided in this section and
3 NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095,
4 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030,
5 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152,
6 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413,
7 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345,
8 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270,
9 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280,
10 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640,
11 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730,
12 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312,
13 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015,
14 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,
15 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771,
16 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392,
17 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140,
18 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,
19 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240,
20 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570,



1 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105,
2 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050,
3 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420,
4 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335,
5 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150,
6 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195,
7 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755,
8 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438,
9 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503,
10 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910,
11 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,
12 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420,
13 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,
14 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242,
15 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080,
16 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830,
17 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503,
18 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035,
19 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271,
20 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045,
21 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465,
22 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525,
23 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888,
24 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305,
25 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028,
26 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407,
27 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534,
28 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116,
29 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170,
30 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735,
31 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209,
32 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805,
33 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555,
34 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403,
35 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940,
36 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340,
37 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830,
38 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040,
39 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098,
40 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303,
41 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,
42 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110,
43 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,
44 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672,
45 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332,



1 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283,
2 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055,
3 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158,
4 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087,
5 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185,
6 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620,
7 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340,
8 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217,
9 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760,
10 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180,
11 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220,
12 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330,
13 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126,
14 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130,
15 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480,
16 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710,
17 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190,
18 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410,
19 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306,
20 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480,
21 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536,
22 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550,
23 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159,
24 711.600, *and section 2 of this act*, sections 35, 38 and 41 of chapter
25 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes
26 of Nevada 2013 and unless otherwise declared by law to be
27 confidential, all public books and public records of a governmental
28 entity must be open at all times during office hours to inspection by
29 any person, and may be fully copied or an abstract or memorandum
30 may be prepared from those public books and public records. Any
31 such copies, abstracts or memoranda may be used to supply the
32 general public with copies, abstracts or memoranda of the records or
33 may be used in any other way to the advantage of the governmental
34 entity or of the general public. This section does not supersede or in
35 any manner affect the federal laws governing copyrights or enlarge,
36 diminish or affect in any other manner the rights of a person in any
37 written book or record which is copyrighted pursuant to federal law.
38 2. A governmental entity may not reject a book or record
39 which is copyrighted solely because it is copyrighted.
40 3. A governmental entity that has legal custody or control of a
41 public book or record shall not deny a request made pursuant to
42 subsection 1 to inspect or copy or receive a copy of a public book or
43 record on the basis that the requested public book or record contains
44 information that is confidential if the governmental entity can
45 redact, delete, conceal or separate, including, without limitation,



1 electronically, the confidential information from the information
2 included in the public book or record that is not otherwise
3 confidential.

4 4. If requested, a governmental entity shall provide a copy of a
5 public record in an electronic format by means of an electronic
6 medium. Nothing in this subsection requires a governmental entity
7 to provide a copy of a public record in an electronic format or by
8 means of an electronic medium if:

9 (a) The public record:

10 (1) Was not created or prepared in an electronic format; and

11 (2) Is not available in an electronic format; or

12 (b) Providing the public record in an electronic format or by
13 means of an electronic medium would:

14 (1) Give access to proprietary software; or

15 (2) Require the production of information that is confidential
16 and that cannot be redacted, deleted, concealed or separated from
17 information that is not otherwise confidential.

18 5. An officer, employee or agent of a governmental entity who
19 has legal custody or control of a public record:

20 (a) Shall not refuse to provide a copy of that public record in the
21 medium that is requested because the officer, employee or agent has
22 already prepared or would prefer to provide the copy in a different
23 medium.

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

28 **Sec. 2.** Chapter 239B of NRS is hereby amended by adding
29 thereto a new section to read as follows:

30 *1. Except as otherwise provided in subsection 3, a*
31 *governmental entity shall maintain in a confidential manner any*
32 *personal information that identifies a person as a donor, member*
33 *or volunteer of a nonprofit organization.*

34 *2. Except as otherwise provided in subsection 3, a*
35 *governmental entity shall not:*

36 *(a) Require any person or nonprofit organization to provide*
37 *the governmental entity with personal information that identifies a*
38 *person as a donor, member or volunteer of a nonprofit*
39 *organization or otherwise compel the release of such personal*
40 *information;*

41 *(b) Release, publicize or otherwise publicly disclose personal*
42 *information in possession of the governmental entity that*
43 *identifies a person as a donor, member or volunteer of a nonprofit*
44 *organization; or*



1 (c) Request or require a current or prospective contractor or
2 grantee working with the governmental entity to provide a list of
3 nonprofit organizations to which the contractor or grantee has
4 provided financial or nonfinancial support.

5 3. The provisions of subsections 1 and 2 do not apply to
6 personal information that identifies a person as a donor, member
7 or volunteer of a nonprofit organization that is requested,
8 obtained, released or disclosed as a result of the following:

9 (a) Any personal information required to be disclosed for the
10 purpose of complying with any provision of federal law;

11 (b) Any information, report or disclosure required to be filed
12 with the Secretary of State pursuant to title 7 of NRS provided
13 that, except as otherwise provided in this subsection, any
14 information that directly identifies a person as a donor of
15 financial support to a nonprofit organization must not be collected
16 or disclosed;

17 (c) Any report or disclosure required to be filed pursuant to
18 chapter 294A of NRS;

19 (d) Any confidential information shared pursuant to
20 NRS 232.357;

21 (e) Any warrant issued by a court of competent jurisdiction;

22 (f) Any request for information in connection with discovery
23 proceedings if:

24 (1) The relevant and probative value of the information
25 requested outweighs its prejudicial effect; and

26 (2) The requester obtains a protective order from the court
27 barring the disclosure of such information to any person not
28 named in the proceedings;

29 (g) Any personal information voluntarily released by a person
30 to the governmental entity or any personal information voluntarily
31 released by a nonprofit organization to the public;

32 (h) Any personal information resulting from a donation to a
33 nonprofit organization that is affiliated with a governmental entity
34 that was disclosed to the governmental entity pursuant to state law
35 if the person did not request anonymity from the nonprofit
36 organization;

37 (i) Any personal information admitted as evidence before a
38 court of competent jurisdiction, if the court finds there is good
39 cause for the public release of such information;

40 (j) Any requests for screenings submitted by a nonprofit
41 organization pursuant to NRS 179A.325;

42 (k) Any contract or agreement entered into by a nonprofit
43 organization with a governmental entity, including for purposes of
44 obtaining a governmental benefit or grant, whereby the
45 governmental entity is authorized to or any statute which expressly



1 *authorizes a governmental entity to inspect the records of the*
2 *nonprofit organization, including, without limitation, a contract or*
3 *agreement entered into pursuant to NRS 427A.085, 433.354,*
4 *433B.220 or 439.155;*

5 *(l) Any report required to be filed by a nonprofit organization*
6 *and posted by the Department of Health and Human Services on*
7 *the Internet website maintained by the Department pursuant to*
8 *NRS 439B.665 and 439B.670;*

9 *(m) Any information required to be filed by a nonprofit*
10 *organization of surplus line brokers with the Commissioner of*
11 *Insurance pursuant to NRS 685A.075;*

12 *(n) Any information submitted to a governmental entity by a*
13 *national securities association that is registered pursuant to 15*
14 *U.S.C. § 78o-3 or any regulation adopted pursuant thereto,*
15 *including, without limitation, any information submitted to the*
16 *Secretary of State pursuant to chapters 90 and 91 of NRS and any*
17 *regulations adopted pursuant thereto for the purposes of licensing,*
18 *registration, examination, investigation or enforcement;*

19 *(o) Any requirement to disclose the relationship between a*
20 *public officer or employee and a nonprofit organization pursuant*
21 *to NRS 281A.420, as a response to a lawful request or subpoena in*
22 *an investigation or as part of or in response to a request for an*
23 *advisory opinion submitted pursuant to NRS 281A.670 to*
24 *281A.690, inclusive, or an ethics complaint filed or initiated*
25 *pursuant to NRS 281A.700 to 281A.790, inclusive;*

26 *(p) Any information submitted to or requested by the Nevada*
27 *Gaming Control Board pursuant to NRS 462.160 for the purposes*
28 *of the licensing or registration of a charitable lottery or charitable*
29 *game, provided that any information collected is confidential as*
30 *provided in NRS 463.120;*

31 *(q) Any information requested by the Attorney General for an*
32 *audit, examination or investigation conducted pursuant to NRS*
33 *82.536, provided that:*

34 *(1) Such information must only be used in connection with*
35 *the audit, examination or investigation to which the request for*
36 *information relates and for any proceedings or action resulting*
37 *from such an audit, examination or investigation; and*

38 *(2) Except as otherwise provided in this paragraph, such*
39 *information is subject to the requirements of this section, unless*
40 *expressly required by statute or a court to be publicly disclosed;*

41 *(r) Any information requested under the authority to act and*
42 *exercise the power of the Attorney General in the areas of*
43 *consumer protection, including, without limitation, participating*
44 *on behalf of the persons residing in this State pursuant to NRS*
45 *228.380 and any action to enforce the provisions of NRS 90.615,*



1 597.120 to 597.260, inclusive, 597.8191 to 597.8198, inclusive, and
2 chapters 598, 598A, 598C, 599B and 711 of NRS, provided that,
3 except as otherwise provided in this paragraph, such information
4 is subject to the requirements of this section, unless expressly
5 required by statute or a court to be publicly disclosed; and

6 (s) The names of members of a labor organization and the
7 amount of dues collected by a governmental entity that are
8 provided to the labor organization for the purposes of collecting
9 and reporting the remittance of dues to the labor organization
10 from its members, in accordance with a valid authorization to
11 withhold dues.

12 4. Any person who alleges that a governmental entity or an
13 officer or employee of a governmental entity has violated the
14 provisions of subsection 1 or 2 may bring a civil action in a court
15 of competent jurisdiction. If the person prevails, the person is
16 entitled to receive any or all of the following relief:

17 (a) Injunctive relief as the court deems appropriate;

18 (b) Costs incurred in bringing the action, including, without
19 limitation, reasonable attorney's fees;

20 (c) Except as otherwise provided in paragraph (d), damages of
21 not less than \$2,500; and

22 (d) If the court determines that a governmental entity or
23 officer or employee of a governmental entity intentionally violated
24 the provisions of this section, damages of not less than \$7,500.

25 5. Any officer or employee of a governmental entity who
26 knowingly and willfully violates the provisions of subsection 1 or 2
27 is guilty of a misdemeanor and shall be punished by imprisonment
28 in the county jail for not more than 90 days, or by a fine of not
29 more than \$1,000, or by both fine and imprisonment.

30 6. For the purposes of this section, personal information that
31 identifies a person as a donor, member or volunteer of a nonprofit
32 organization:

33 (a) Includes, without limitation, any list, record, register,
34 roster or other data of any kind that includes a donation, name,
35 address or telephone number that directly or indirectly identifies a
36 person as a donor of financial or nonfinancial support, member or
37 volunteer of any nonprofit organization; and

38 (b) Does not include information that identifies a person as a
39 staff member, employee or contractor of a nonprofit organization.

40 7. As used in this section:

41 (a) "Governmental entity" has the meaning ascribed to it in
42 NRS 239.005.

43 (b) "Labor organization" has the meaning ascribed to it in
44 NRS 288.048.

45 (c) "Nonprofit organization" means:



1 (1) *An organization which qualifies as tax exempt pursuant*
2 *to section 501(c) of the Internal Revenue Code; and*

3 (2) *Any entity that has submitted an application with the*
4 *Internal Revenue Service for recognition as a tax exempt entity*
5 *pursuant to section 501(c) of the Internal Revenue Code.*

6 **Sec. 3.** Chapter 75 of NRS is hereby amended by adding
7 thereto a new section to read as follows:

8 *Pursuant to section 2 of this act, in carrying out the*
9 *requirements of this title, the Secretary of State shall not collect or*
10 *disclose any information that directly identifies a person as a*
11 *donor of financial support to a nonprofit organization.*

12 **Sec. 4.** NRS 82.536 is hereby amended to read as follows:

13 82.536 1. A corporation for public benefit and a corporation
14 holding assets in charitable trust is subject at all times to
15 examination by the Attorney General, on behalf of the State, to
16 ascertain the condition of its affairs and to what extent, if at all, it
17 fails to comply with trusts it has assumed or has departed from the
18 purposes for which it is formed. In case of any such a failure or
19 departure, the Attorney General may institute, in the name of the
20 State, the proceeding necessary to correct the noncompliance or
21 departure.

22 2. The Attorney General, or any person given the status of
23 relator by the Attorney General, may bring an action to enjoin,
24 correct, obtain damages for or otherwise to remedy a breach of a
25 charitable trust or departure from the purposes for which it is
26 formed.

27 3. *Any information collected by the Attorney General*
28 *pursuant to this section:*

29 (a) *Must only be used in connection with an audit,*
30 *examination or investigation by the Attorney General and for any*
31 *proceedings or action resulting from such an audit, examination*
32 *or investigation; and*

33 (b) *Except as otherwise provided in this subsection and section*
34 *2 of this act, is subject to the requirements of section 2 of this act,*
35 *unless expressly required by statute or a court to be publicly*
36 *disclosed.*

