
SENATE BILL NO. 38—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to offenses against children. (BDR 15-425)

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 crimes; prohibiting certain employees of or volunteers at a school from contacting or communicating with a pupil under certain circumstances; prohibiting certain employees of or volunteers at a school from engaging in conduct intended to cause or encourage a pupil to engage in sexual conduct, transmit or distribute a sexual image of the pupil or engage in certain other behavior; providing that certain crimes committed against pupils constitute sexual offenses for the purposes of various statutes; providing that certain persons who are convicted of engaging in such conduct are subject to various statutory provisions relating to sex offenders; revising provisions relating to the licensure and employment of persons convicted of engaging in certain prohibited conduct with pupils; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law imposes criminal penalties on any person who knowingly contacts
2 or communicates with a child, a person believed to be a child or a person with
3 mental illness with the intent to persuade, lure or transport the child or person to a
4 different location without permission or for certain purposes. (NRS 201.560)
5 **Section 2** of this bill defines “person in a position of authority” to mean a person
6 who is 18 years of age or older and who: (1) is or was employed by or volunteering



7 at a public or private school; and (2) by reason of his or her position, is able to
8 exercise significant or undue influence over a pupil at the school. Unless a greater
9 penalty is provided by statute, **section 2** provides that a person in a position of
10 authority is guilty of a category C felony if he or she knowingly contacts or
11 communicates with or attempts to contact or communicate with a pupil who is less
12 than 18 years of age with the intent to persuade, lure or transport the pupil away
13 from certain locations for any purpose: (1) without the express consent of the parent
14 or guardian of or other person legally responsible for the pupil; and (2) with the
15 intent to avoid such consent.

16 Existing law prohibits certain employees of or volunteers at a school from
17 engaging in sexual conduct with certain pupils. (NRS 201.540) Existing law also
18 prohibits: (1) a person from possessing a visual representation depicting a sexual
19 portrayal or sexual conduct of certain minors; and (2) a minor from using an
20 electronic communication device to transmit or distribute a sexual image of himself
21 or herself to another person. (NRS 200.730, 200.737) Unless a greater penalty is
22 provided by specific statute, **section 2** provides that a person in a position of
23 authority is guilty of a category C felony if he or she knowingly contacts or
24 communicates with or attempts to contact or communicate with a pupil with the
25 intent to cause or encourage the pupil to: (1) engage in sexual conduct, either in
26 person or through electronic means; (2) use an electronic communication device to
27 transmit or distribute a sexual image of himself or herself to the person; (3) or
28 engage in or facilitate the commission of a crime.

29 Existing law prohibits a person from committing an act which causes or
30 encourages a minor to perform an act or follow a course of conduct that would
31 cause the minor to become or remain a child in need of supervision or a delinquent
32 child. (NRS 201.110) Unless a greater penalty is provided by specific statute,
33 **section 2** provides that a person is guilty of a gross misdemeanor if he or she
34 knowingly contacts or communicates with or attempts to contact or communicate
35 with a pupil who is less than 18 years of age with the intent to cause or encourage
36 the pupil to engage in conduct that would cause the pupil to become a child in need
37 of supervision or a delinquent child. **Section 4** of this bill makes a conforming
38 change to indicate the proper placement of **section 2** in the Nevada Revised
39 Statutes.

40 **Section 1** of this bill makes certain penalties which are applicable to a person
41 who commits sexual assault against certain minors and who has previously been
42 convicted of another sexual assault or other sexual offense against a child
43 applicable to a person who commits sexual assault against the same such minors
44 and who has been previously convicted of certain violations of **section 2**.

45 Existing law makes certain conduct relating to the exhibition or sale to minors
46 of obscene material a misdemeanor offense, unless a greater penalty is provided by
47 specific statute. (NRS 201.265) **Section 3** of this bill adds a violation of **section 2**
48 to the list of specific statutes in which a greater penalty is provided.

49 Existing law prohibits a court from ordering the victim of or a witness to
50 certain sexual offenses to take or submit to a psychological or psychiatric
51 examination. (NRS 50.700) **Section 5** of this bill adds certain violations of **section**
52 **2** to the list of sexual offenses to which that prohibition applies.

53 Existing law: (1) requires a court to include a special sentence of lifetime
54 supervision for any person convicted of certain sexual offenses; and (2) provides
55 certain conditions of lifetime supervision. (NRS 176.0931, 213.1243) **Sections 6**
56 **and 16** of this bill add certain violations of **section 2** to the list of sexual offenses
57 that require a special sentence of lifetime supervision and for which conditions of
58 lifetime supervision apply.

59 Existing law: (1) requires that a person convicted of certain sexual offenses
60 undergo a psychosexual evaluation as part of the presentence investigation report
61 prepared by the Division of Parole and Probation of the Department of Public



62 Safety; and (2) prohibits a court from granting probation to or suspending the
63 sentence of a person convicted of certain sexual offenses, unless the person who
64 conducts the evaluation certifies that the person convicted of the sexual offense
65 does not represent a high risk to reoffend. (NRS 176.135, 176A.110) **Sections 7**
66 **and 8** of this bill add certain violations of **section 2** to the list of sexual offenses
67 that require a special sentence of lifetime supervision and for which certain
68 conditions of lifetime supervision apply. Existing law similarly requires the
69 Department of Corrections to assess each prisoner who has been convicted of a
70 sexual offense before a scheduled parole hearing to determine the prisoner's risk to
71 reoffend. (NRS 213.1214) **Section 17** of this bill adds certain violations of **section**
72 **2** to the list of offenses which require such an assessment.

73 Existing law requires a court that grants probation to or suspends the sentence
74 of certain persons convicted of an offense that involved the use of a computer,
75 system or network to order, as a condition of probation or suspension, that the
76 person not own or use a computer. (NRS 176A.413) **Section 9** of this bill: (1) adds
77 certain violations of **section 2** to the list of offenses for which a court is required to
78 issue such an order; and (2) provides that the prohibition on owning or using a
79 computer includes any electronic communication device. Existing law similarly
80 requires the State Board of Parole Commissioners to require that certain persons
81 convicted of an offense that involved the use of a computer, system or network not
82 own or use a computer. (NRS 213.1258) **Section 18** of this bill: (1) adds certain
83 violations of **section 2** to the list of offenses for which the Board is required to
84 impose this condition of parole; and (2) provides that the prohibition on owning or
85 using a computer includes any electronic communication device.

86 Existing law requires a court to provide certain documentation to each victim
87 and witness and certain other persons if an offender is convicted of certain sexual
88 offenses. (NRS 178.5698) **Section 10** of this bill requires that such documentation
89 be provided to such persons if an offender is convicted of certain violations of
90 **section 2**.

91 **Section 11** of this bill makes the provisions of law which prohibit a person
92 convicted of a sexual offense from petitioning a court to seal the records relating to
93 such a conviction applicable to a person convicted of certain violations of **section**
94 **2**. (NRS 179.245)

95 Existing law allows a judge to grant an order authorizing the interception of
96 certain communications when the interception may provide evidence of the
97 commission of a sexual offense against a child. (NRS 179.460) **Section 12** of this
98 bill adds certain violations of **section 2** to the list of sexual offenses against a child
99 for which a judge may grant such an order.

100 Existing law defines the term "sexual offense" for the purpose of requiring
101 persons convicted of certain sexual offenses to be prohibited from certain
102 employment, to register as a sex offender, to comply with certain mandatory
103 conditions of probation or parole and to fulfill certain other requirements. (NRS
104 118A.335, 176A.410, 179D.095, 179D.097, 179D.441, 213.1099, 213.1245)
105 **Section 13** of this bill revises the list of sexual offenses to which these statutory
106 provisions apply to include certain violations of **section 2**.

107 **Section 14** of this bill adds certain violations of **section 2** to the list of offenses
108 used to classify a sex offender as a Tier II offender for the purposes of meeting
109 certain requirements for registration of sex offenders. (NRS 179D.115) **Section 15**
110 of this bill makes conforming changes related to numbering changes made in
111 **sections 13 and 14**.

112 **Sections 19-25 and 33** of this bill authorize the board of trustees of a school
113 district, the governing body of a public or private school and the administrator of a
114 private school to use a substantiated report of a violation of **section 2** for purposes
115 of making certain employment decisions and certain other purposes. (NRS 288.150,
116 388A.515, 388A.5342, 388C.200, 391.033, 391.104, 391.281, 394.155)



Existing law requires the Superintendent of Public Instruction to grant all licenses for teachers and other educational personnel. (NRS 391.033) **Section 23** of this bill requires the Superintendent to suspend the application process for an applicant for licensure against whom a substantiated report of a violation of **section 2** is made and take certain other actions related to the report.

Existing law authorizes the State Board of Education to suspend or revoke a license issued by the Superintendent if the licensee is convicted of certain sex offenses or a substantiated report of certain prohibited conduct is made against the licensee. (NRS 391.330) **Section 26** of this bill: (1) adds a violation of **section 2** to the list of sex offenses for which the State Board may suspend or revoke a license; and (2) authorizes the State Board to suspend or revoke the license of a person against whom a substantiated report of a violation of **section 2** is made.

Existing law authorizes the board of trustees of a school district or the governing body of a public school to suspend, dismiss, demote or refuse to employ a teacher or administrator for immorality. (NRS 391.650, 391.750) Existing law also authorizes the superintendent of a school district to suspend a licensed employee who has been charged but not yet convicted of a crime involving immorality. (NRS 391.760) **Sections 27 and 28** of this bill add a violation of **section 2** to the list of immoral acts for which such action may be taken. **Section 28** also provides that a licensed employee who is convicted of a violation of **section 2** forfeits all rights of employment after the date of his or her arrest.

Existing law requires an employee of or a volunteer for a school to report certain conduct to an agency which provides child welfare services and to a law enforcement agency. (NRS 392.303) **Section 29** of this bill additionally requires an employee of or a volunteer for a school to make such a report for a violation of **section 2**. **Sections 29-32** of this bill make conforming changes relating to the requirement that an employee or a volunteer make such a report. (NRS 392.317, 392.337)

Section 34 of this bill requires the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child to contain the information in any substantiated report of a violation of **section 2**. (NRS 432.100) **Section 36** of this bill requires certain employers to screen employees through the Central Registry to determine whether the person has been the subject of a substantiated report of a violation of **section 2**. (NRS 433.639) **Section 35** of this bill makes a conforming change relating to the inclusion in the Central Registry of information relating to a violation of **section 2**.

Section 37 of this bill makes the amendatory provisions of **sections 1-34** apply to offenses committed on and after October 1, 2023.

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

Section 1. NRS 200.366 is hereby amended to read as follows:
200.366 1. A person is guilty of sexual assault if the person:
(a) Subjects another person to sexual penetration, or forces another person to make a sexual penetration on themselves or another, or on a beast, against the will of the victim or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of the perpetrator's conduct; or



1 (b) Commits a sexual penetration upon a child under the age of
2 14 years or causes a child under the age of 14 years to make a sexual
3 penetration on themselves or another, or on a beast.

4 2. Except as otherwise provided in subsections 3 and 4, a
5 person who commits a sexual assault is guilty of a category A
6 felony and shall be punished:

7 (a) If substantial bodily harm to the victim results from the
8 actions of the defendant committed in connection with or as a part
9 of the sexual assault, by imprisonment in the state prison:

10 (1) For life without the possibility of parole; or

11 (2) For life with the possibility of parole, with eligibility for
12 parole beginning when a minimum of 15 years has been served.

13 (b) If no substantial bodily harm to the victim results, by
14 imprisonment in the state prison for life with the possibility of
15 parole, with eligibility for parole beginning when a minimum of 10
16 years has been served.

17 3. Except as otherwise provided in subsection 4, a person who
18 commits a sexual assault against a child under the age of 16 years is
19 guilty of a category A felony and shall be punished:

20 (a) If the crime results in substantial bodily harm to the child, by
21 imprisonment in the state prison for life without the possibility of
22 parole.

23 (b) Except as otherwise provided in paragraph (c), if the crime
24 does not result in substantial bodily harm to the child, by
25 imprisonment in the state prison for life with the possibility of
26 parole, with eligibility for parole beginning when a minimum of 25
27 years has been served.

28 (c) If the crime is committed against a child under the age of 14
29 years and does not result in substantial bodily harm to the child, by
30 imprisonment in the state prison for life with the possibility of
31 parole, with eligibility for parole beginning when a minimum of 35
32 years has been served.

33 4. A person who commits a sexual assault against a child under
34 the age of 16 years and who has been previously convicted of:

35 (a) A sexual assault pursuant to this section or any other sexual
36 offense against a child; or

37 (b) An offense committed in another jurisdiction that, if
38 committed in this State, would constitute a sexual assault pursuant
39 to this section or any other sexual offense against a child,

40 ➤ is guilty of a category A felony and shall be punished by
41 imprisonment in the state prison for life without the possibility of
42 parole.

43 5. The provisions of this section do not apply to a person who
44 is less than 18 years of age and who commits any of the acts
45 described in paragraph (b) of subsection 1 if the person is not more



1 than 2 years older than the person upon whom the act was
2 committed unless:

3 (a) The person committing the act uses force or threatens the use
4 of force; or

5 (b) The person committing the act knows or should know that
6 the victim is mentally or physically incapable of resisting or
7 understanding the nature of the perpetrator's conduct.

8 6. For the purpose of this section, "other sexual offense against
9 a child" means any act committed by an adult upon a child
10 constituting:

11 (a) Incest pursuant to NRS 201.180;

12 (b) Lewdness with a child pursuant to NRS 201.230;

13 (c) Sado-masochistic abuse pursuant to NRS 201.262; ~~for~~

14 (d) Luring a child using a computer, system or network pursuant
15 to NRS 201.560, if punished as a felony ~~for~~; or

16 (e) *A violation of subsection 1 or 2 of section 2 of this act, if*
17 *punished as a felony.*

18 **Sec. 2.** Chapter 201 of NRS is hereby amended by adding
19 thereto a new section to read as follows:

20 *1. Except as otherwise provided in subsection 4 and unless a*
21 *greater penalty is provided by specific statute, a person in a*
22 *position of authority who knowingly contacts or communicates*
23 *with or attempts to contact or communicate with a pupil who is*
24 *less than 18 years of age with the intent to persuade, lure or*
25 *transport the pupil away from the pupil's home or from any*
26 *location known to the pupil's parent or guardian or other person*
27 *legally responsible for the pupil to a place other than where the*
28 *pupil is located for any purpose without the express consent of the*
29 *parent or guardian of or other person legally responsible for*
30 *the pupil and with the intent to avoid such consent is guilty of a*
31 *category C felony and shall be punished as provided in*
32 *NRS 193.130.*

33 *2. Except as otherwise provided in subsection 4 and unless a*
34 *greater penalty is provided by specific statute, a person in a*
35 *position of authority who knowingly contacts or communicates*
36 *with or attempts to contact or communicate with a pupil with the*
37 *intent to cause or encourage the pupil to:*

38 (a) *Engage in sexual conduct, either in person or through the*
39 *use of an electronic communication device;*

40 (b) *Use an electronic communication device to transmit or*
41 *distribute a sexual image of himself or herself to the person; or*

42 (c) *Engage in or facilitate the commission of a crime,*
43 *↪ is guilty of a category C felony and shall be punished as*
44 *provided in NRS 193.130*



1 3. *Except as otherwise provided in subsection 4 and unless a*
2 *greater penalty is provided by specific statute, a person in a*
3 *position of authority who knowingly contacts or communicates*
4 *with or attempts to contact or communicate with a pupil who is*
5 *less than 18 years of age with the intent to cause or encourage the*
6 *pupil to engage in conduct that would cause the pupil to become a*
7 *child in need of supervision or a delinquent child is guilty of a*
8 *gross misdemeanor.*

9 4. *The provisions of this section do not apply if the person in*
10 *a position of authority:*

11 (a) *Is married to the pupil at the time an act prohibited by this*
12 *section is committed; or*

13 (b) *Does not have or did not have contact with the pupil in the*
14 *course of performing any of his or her duties.*

15 5. *As used in this section:*

16 (a) *“Child in need of supervision” has the meaning ascribed to*
17 *it in NRS 201.090.*

18 (b) *“Delinquent child” has the meaning ascribed to it in*
19 *NRS 201.090*

20 (c) *“Electronic communication device” has the meaning*
21 *ascribed to it in NRS 200.737.*

22 (d) *“Person in a position of authority” means a person who is*
23 *18 years of age or older and who:*

24 (1) *Is or was an employee at or volunteer for a public*
25 *school or private school; and*

26 (2) *By reason of his or her position, is able to exercise*
27 *significant or undue influence over a pupil.*

28 (e) *“Pupil” means a person who is or was enrolled in or*
29 *attending a public school or private school.*

30 (f) *“Sexual conduct” includes sexual conduct between two*
31 *persons who are in different physical locations but who are*
32 *communicating with each other through the use of an electronic*
33 *communication device.*

34 (g) *“Sexual image” means any visual depiction, including,*
35 *without limitation, any photograph or video of a pupil simulating*
36 *or engaging in sexual conduct or of the pupil as the subject of a*
37 *sexual portrayal.*

38 (h) *“Sexual portrayal” has the meaning ascribed to it in*
39 *NRS 200.700.*

40 **Sec. 3.** NRS 201.265 is hereby amended to read as follows:

41 201.265 Except as otherwise provided in NRS 200.720 and
42 201.2655, and unless a greater penalty is provided pursuant to NRS
43 201.560 **[H]** or section 2 of this act, a person is guilty of a
44 misdemeanor if the person knowingly:



1 1. Distributes or causes to be distributed to a minor material
2 that is harmful to minors, unless the person is the parent, guardian or
3 spouse of the minor.

4 2. Exhibits for distribution to an adult in such a manner or
5 location as to allow a minor to view or to have access to examine
6 material that is harmful to minors, unless the person is the parent,
7 guardian or spouse of the minor.

8 3. Sells to a minor an admission ticket or pass for or otherwise
9 admits a minor for monetary consideration to any presentation of
10 material that is harmful to minors, unless the minor is accompanied
11 by his or her parent, guardian or spouse.

12 4. Misrepresents that he or she is the parent, guardian or spouse
13 of a minor for the purpose of:

14 (a) Distributing to the minor material that is harmful to minors;
15 or

16 (b) Obtaining admission of the minor to any presentation of
17 material that is harmful to minors.

18 5. Misrepresents his or her age as 18 or over for the purpose of
19 obtaining:

20 (a) Material that is harmful to minors; or

21 (b) Admission to any presentation of material that is harmful to
22 minors.

23 6. Sells or rents motion pictures which contain material that is
24 harmful to minors on the premises of a business establishment open
25 to minors, unless the person creates an area within the establishment
26 for the placement of the motion pictures and any material that
27 advertises the sale or rental of the motion pictures which:

28 (a) Prevents minors from observing the motion pictures or any
29 material that advertises the sale or rental of the motion pictures; and

30 (b) Is labeled, in a prominent and conspicuous location, "Adults
31 Only."

32 **Sec. 4.** NRS 201.470 is hereby amended to read as follows:

33 201.470 As used in NRS 201.470 to 201.550, inclusive, *and*
34 *section 2 of this act*, unless the context otherwise requires, the
35 words and terms defined in NRS 201.480 to 201.530, inclusive,
36 have the meanings ascribed to them in those sections.

37 **Sec. 5.** NRS 50.700 is hereby amended to read as follows:

38 50.700 1. In any criminal or juvenile delinquency action
39 relating to the commission of a sexual offense, a court may not order
40 the victim of or a witness to the sexual offense to take or submit to a
41 psychological or psychiatric examination.

42 2. The court may exclude the testimony of a licensed
43 psychologist, psychiatrist or clinical social worker who performed a
44 psychological or psychiatric examination on the victim or witness if:



1 (a) There is a prima facie showing of a compelling need for an
2 additional psychological or psychiatric examination of the victim or
3 witness by a licensed psychologist, psychiatrist or clinical social
4 worker; and

5 (b) The victim or witness refuses to submit to an additional
6 psychological or psychiatric examination by a licensed psychologist,
7 psychiatrist or clinical social worker.

8 3. In determining whether there is a prima facie showing of a
9 compelling need for an additional psychological or psychiatric
10 examination of the victim or witness pursuant to subsection 2, the
11 court must consider whether:

12 (a) There is a reasonable basis for believing that the mental or
13 emotional state of the victim or witness may have affected his or her
14 ability to perceive and relate events relevant to the criminal
15 prosecution; and

16 (b) Any corroboration of the offense exists beyond the
17 testimony of the victim or witness.

18 4. If the court determines there is a prima facie showing of a
19 compelling need for an additional psychological or psychiatric
20 examination of the victim or witness, the court shall issue a factual
21 finding that details with particularity the reasons why an additional
22 psychological or psychiatric examination of the victim or witness is
23 warranted.

24 5. If the court issues a factual finding pursuant to subsection 4
25 and the victim or witness consents to an additional psychological or
26 psychiatric examination, the court shall set the parameters for the
27 examination consistent with the purpose of determining the ability
28 of the victim or witness to perceive and relate events relevant to the
29 criminal prosecution.

30 6. As used in this section, "sexual offense" includes, without
31 limitation:

32 (a) Sexual assault pursuant to NRS 200.366;

33 (b) Statutory sexual seduction pursuant to NRS 200.368;

34 (c) Battery with intent to commit sexual assault pursuant to
35 NRS 200.400;

36 (d) Abuse of a child pursuant to NRS 200.508, if the abuse
37 involved sexual abuse or sexual exploitation;

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

40 (f) Incest pursuant to NRS 201.180;

41 (g) Open or gross lewdness pursuant to NRS 201.210;

42 (h) Indecent or obscene exposure pursuant to NRS 201.220;

43 (i) Lewdness with a child pursuant to NRS 201.230;

44 (j) Sexual penetration of a dead human body pursuant to
45 NRS 201.450;



1 (k) An offense involving the administration of a drug to another
2 person with the intent to enable or assist the commission of a felony
3 pursuant to NRS 200.405, if the felony is an offense listed in this
4 section;

5 (l) An offense involving the administration of a controlled
6 substance to another person with the intent to enable or assist the
7 commission of a crime of violence pursuant to NRS 200.408, if the
8 crime of violence is an offense listed in this section;

9 (m) Luring a child or a person with mental illness pursuant to
10 NRS 201.560;

11 (n) An offense that is found to be sexually motivated pursuant to
12 NRS 175.547 or 207.193;

13 (o) Pandering of a child pursuant to NRS 201.300;

14 (p) *A violation of section 2 of this act, if punished as a felony;*

15 (q) Any other offense that has an element involving a sexual act
16 or sexual conduct with another person; or

17 ~~(q)~~ (r) Any attempt or conspiracy to commit an offense listed
18 in this subsection.

19 **Sec. 6.** NRS 176.0931 is hereby amended to read as follows:

20 176.0931 1. If a defendant is convicted of a sexual offense,
21 the court shall include in sentencing, in addition to any other
22 penalties provided by law, a special sentence of lifetime supervision.

23 2. The special sentence of lifetime supervision commences
24 after any period of probation or any term of imprisonment and any
25 period of release on parole.

26 3. A person sentenced to lifetime supervision may petition the
27 sentencing court or the State Board of Parole Commissioners for
28 release from lifetime supervision. The sentencing court or the Board
29 shall grant a petition for release from a special sentence of lifetime
30 supervision if:

31 (a) The person has complied with the requirements of the
32 provisions of NRS 179D.010 to 179D.550, inclusive;

33 (b) The person has not been convicted of an offense that poses a
34 threat to the safety or well-being of others for an interval of at least
35 10 consecutive years after the person's last conviction or release
36 from incarceration, whichever occurs later; and

37 (c) The person is not likely to pose a threat to the safety of
38 others, as determined by a licensed, clinical professional who has
39 received training in the treatment of sexual offenders, if released
40 from lifetime supervision.

41 4. A person who is released from lifetime supervision pursuant
42 to the provisions of subsection 3 remains subject to the provisions
43 for registration as a sex offender and to the provisions for
44 community notification, unless the person is otherwise relieved from



1 the operation of those provisions pursuant to the provisions of NRS
2 179D.010 to 179D.550, inclusive.

3 5. As used in this section:

4 (a) "Offense that poses a threat to the safety or well-being of
5 others" includes, without limitation:

6 (1) An offense that involves:

7 (I) A victim less than 18 years of age;

8 (II) A crime against a child as defined in
9 NRS 179D.0357;

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

11 (IV) A deadly weapon, explosives or a firearm;

12 (V) The use or threatened use of force or violence;

13 (VI) Physical or mental abuse;

14 (VII) Death or bodily injury;

15 (VIII) An act of domestic violence;

16 (IX) Harassment, stalking, threats of any kind or other
17 similar acts;

18 (X) The forcible or unlawful entry of a home, building,
19 structure, vehicle or other real or personal property; or

20 (XI) The infliction or threatened infliction of damage or
21 injury, in whole or in part, to real or personal property.

22 (2) Any offense listed in subparagraph (1) that is committed
23 in this State or another jurisdiction, including, without limitation, an
24 offense prosecuted in:

25 (I) A tribal court.

26 (II) A court of the United States or the Armed Forces of
27 the United States.

28 (b) "Sexual offense" means:

29 (1) A violation of NRS 200.366, subsection 4 of NRS
30 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730,
31 NRS 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph
32 (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of
33 NRS 201.560 ~~H~~ *or subsection 1 or 2 of section 2 of this act;*

34 (2) An attempt to commit an offense listed in subparagraph
35 (1); or

36 (3) An act of murder in the first or second degree,
37 kidnapping in the first or second degree, false imprisonment,
38 burglary or invasion of the home if the act is determined to be
39 sexually motivated at a hearing conducted pursuant to NRS 175.547.

40 **Sec. 7.** NRS 176.133 is hereby amended to read as follows:

41 176.133 As used in NRS 176.133 to 176.161, inclusive, unless
42 the context otherwise requires:

43 1. "Person professionally qualified to conduct psychosexual
44 evaluations" means a person who has received training in
45 conducting psychosexual evaluations and is:



1 (a) A psychiatrist licensed to practice medicine in this State and
2 certified by the American Board of Psychiatry and Neurology, Inc.;

3 (b) A psychologist licensed to practice in this State;

4 (c) A social worker holding a master's degree in social work and
5 licensed in this State as a clinical social worker;

6 (d) A registered nurse holding a master's degree in the field of
7 psychiatric nursing and licensed to practice professional nursing in
8 this State;

9 (e) A marriage and family therapist licensed in this State
10 pursuant to chapter 641A of NRS; or

11 (f) A clinical professional counselor licensed in this State
12 pursuant to chapter 641A of NRS.

13 2. "Psychosexual evaluation" means an evaluation conducted
14 pursuant to NRS 176.139.

15 3. "Sexual offense" means:

16 (a) Sexual assault pursuant to NRS 200.366;

17 (b) Statutory sexual seduction pursuant to NRS 200.368, if
18 punished as a felony;

19 (c) Battery with intent to commit sexual assault pursuant to
20 NRS 200.400;

21 (d) Abuse of a child pursuant to NRS 200.508, if the abuse
22 involved sexual abuse or sexual exploitation and is punished as a
23 felony;

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

26 (f) Incest pursuant to NRS 201.180;

27 (g) Open or gross lewdness pursuant to NRS 201.210, if
28 punished as a felony;

29 (h) Indecent or obscene exposure pursuant to NRS 201.220, if
30 punished as a felony;

31 (i) Lewdness with a child pursuant to NRS 201.230;

32 (j) Sexual penetration of a dead human body pursuant to
33 NRS 201.450;

34 (k) Sexual conduct between certain employees of a school or
35 volunteers at a school and a pupil pursuant to NRS 201.540;

36 (l) Sexual conduct between certain employees of a college or
37 university and a student pursuant to NRS 201.550;

38 (m) Luring a child or a person with mental illness pursuant to
39 NRS 201.560, if punished as a felony;

40 (n) *A violation of section 2 of this act, if punished as a felony;*

41 (o) An attempt to commit an offense listed in paragraphs (a) to
42 ~~[(m)]~~ (n), inclusive, if punished as a felony; or

43 ~~[(o)]~~ (p) An offense that is determined to be sexually motivated
44 pursuant to NRS 175.547 or 207.193.



1 **Sec. 8.** NRS 176A.110 is hereby amended to read as follows:

2 176A.110 1. The court shall not grant probation to or
3 suspend the sentence of a person convicted of an offense listed in
4 subsection 3 unless:

5 (a) If a psychosexual evaluation of the person is required
6 pursuant to NRS 176.139, the person who conducts the
7 psychosexual evaluation certifies in the report prepared pursuant to
8 NRS 176.139 that the person convicted of the offense does not
9 represent a high risk to reoffend based upon a currently accepted
10 standard of assessment; or

11 (b) If a psychosexual evaluation of the person is not required
12 pursuant to NRS 176.139, a psychologist licensed to practice in this
13 State who is trained to conduct psychosexual evaluations or a
14 psychiatrist licensed to practice medicine in this State who is
15 certified by the American Board of Psychiatry and Neurology, Inc.,
16 and is trained to conduct psychosexual evaluations certifies in a
17 written report to the court that the person convicted of the offense
18 does not represent a high risk to reoffend based upon a currently
19 accepted standard of assessment.

20 2. This section does not create a right in any person to be
21 certified or to continue to be certified. No person may bring a cause
22 of action against the State, its political subdivisions, or the agencies,
23 boards, commissions, departments, officers or employees of the
24 State or its political subdivisions for not certifying a person pursuant
25 to this section or for refusing to consider a person for certification
26 pursuant to this section.

27 3. The provisions of this section apply to a person convicted of
28 any of the following offenses:

29 (a) Attempted sexual assault of a person who is 16 years of age
30 or older pursuant to NRS 200.366.

31 (b) Statutory sexual seduction pursuant to NRS 200.368.

32 (c) Battery with intent to commit sexual assault pursuant to
33 NRS 200.400.

34 (d) Abuse or neglect of a child pursuant to NRS 200.508.

35 (e) An offense involving pornography and a minor pursuant to
36 NRS 200.710 to 200.730, inclusive.

37 (f) Incest pursuant to NRS 201.180.

38 (g) Open or gross lewdness pursuant to NRS 201.210.

39 (h) Indecent or obscene exposure pursuant to NRS 201.220.

40 (i) Sexual penetration of a dead human body pursuant to
41 NRS 201.450.

42 (j) Sexual conduct between certain employees of a school or
43 volunteers at a school and a pupil pursuant to NRS 201.540.

44 (k) Sexual conduct between certain employees of a college or
45 university and a student pursuant to NRS 201.550.



1 (l) Luring a child or a person with mental illness pursuant to
2 NRS 201.560, if punished as a felony.

3 (m) *A violation of section 2 of this act, if punished as a felony.*

4 (n) A violation of NRS 207.180.

5 ~~[(n)]~~ (o) An attempt to commit an offense listed in paragraphs
6 (b) to ~~[(m)]~~ (n), inclusive.

7 ~~[(o)]~~ (p) Coercion or attempted coercion that is determined to
8 be sexually motivated pursuant to NRS 207.193.

9 **Sec. 9.** NRS 176A.413 is hereby amended to read as follows:

10 176A.413 1. Except as otherwise provided in subsection 2, if
11 a defendant is convicted of stalking with the use of an Internet or
12 network site, electronic mail, text messaging or any other similar
13 means of communication pursuant to subsection 4 of NRS 200.575,
14 an offense involving pornography and a minor pursuant to NRS
15 200.710 to 200.730, inclusive, ~~[(o)]~~ luring a child or a person with
16 mental illness through the use of a computer, system or network
17 pursuant to paragraph (a) or (b) of subsection 4 of NRS 201.560 *or*
18 *a violation of subsection 1 or 2 of section 2 of this act which*
19 *involved the use of an electronic communication device* and the
20 court grants probation or suspends the sentence, the court shall, in
21 addition to any other condition ordered pursuant to NRS 176A.400,
22 order as a condition of probation or suspension that the defendant
23 not own or use a computer, including, without limitation, use
24 electronic mail, a chat room or the Internet.

25 2. The court is not required to impose a condition of probation
26 or suspension of sentence set forth in subsection 1 if the court finds
27 that:

28 (a) The use of a computer by the defendant will assist a law
29 enforcement agency or officer in a criminal investigation;

30 (b) The defendant will use the computer to provide
31 technological training concerning technology of which the
32 defendant has a unique knowledge; or

33 (c) The use of the computer by the defendant will assist
34 companies that require the use of the specific technological
35 knowledge of the defendant that is unique and is otherwise
36 unavailable to the company.

37 3. Except as otherwise provided in subsection 1, if a defendant
38 is convicted of an offense that involved the use of a computer,
39 system or network and the court grants probation or suspends the
40 sentence, the court may, in addition to any other condition ordered
41 pursuant to NRS 176A.400, order as a condition of probation or
42 suspension that the defendant not own or use a computer, including,
43 without limitation, use electronic mail, a chat room or the Internet.

44 4. As used in this section:



1 (a) "Computer" has the meaning ascribed to it in NRS 205.4735
2 ~~(b)~~ *and includes, without limitation, an electronic communication*
3 *device.*

4 (b) *"Electronic communication device" has the meaning*
5 *ascribed to it in NRS 200.737.*

6 (c) "Network" has the meaning ascribed to it in NRS 205.4745.

7 ~~(d)~~ (d) "System" has the meaning ascribed to it in
8 NRS 205.476.

9 ~~(e)~~ (e) "Text messaging" has the meaning ascribed to it in
10 NRS 200.575.

11 **Sec. 10.** NRS 178.5698 is hereby amended to read as follows:

12 178.5698 1. The prosecuting attorney, sheriff or chief of
13 police shall, upon the request of a victim or witness, inform the
14 victim or witness:

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

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

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

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

25 (a) In writing; or

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

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

31 (a) To each witness, documentation that includes:

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

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

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

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

41 (1) A form advising the person of the right to be notified
42 pursuant to subsection 5 or 6 and NRS 176.015, 176A.630,
43 178.4715, 209.392, 209.3923, 209.3925, 209.429, 209.521, 213.010,
44 213.040, 213.095 and 213.131 or NRS 213.10915;



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

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

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

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

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

11 (c) If a person listed in paragraph (a) or (b) is under the age of
12 18 years, each parent or guardian who is not the offender.

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

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

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

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

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

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

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

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

39 8. As used in this section:

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

42 (b) "Sexual offense" means:

43 (1) Sexual assault pursuant to NRS 200.366;

44 (2) Statutory sexual seduction pursuant to NRS 200.368;



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

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

5 (5) Incest pursuant to NRS 201.180;

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

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

8 (8) Lewdness with a child pursuant to NRS 201.230;

9 (9) Sexual penetration of a dead human body pursuant to
10 NRS 201.450;

11 (10) Sexual conduct between certain employees of a school
12 or volunteers at a school and a pupil pursuant to NRS 201.540;

13 (11) Sexual conduct between certain employees of a college
14 or university and a student pursuant to NRS 201.550;

15 (12) *A violation of section 2 of this act, if punished as a*
16 *felony;*

17 (13) Luring a child or a person with mental illness pursuant
18 to NRS 201.560, if punished as a felony;

19 ~~(13)~~ (14) An offense that, pursuant to a specific statute, is
20 determined to be sexually motivated; or

21 ~~(14)~~ (15) An attempt to commit an offense listed in this
22 paragraph.

23 **Sec. 11.** NRS 179.245 is hereby amended to read as follows:

24 179.245 1. Except as otherwise provided in subsection 6 and
25 NRS 176.211, 176A.245, 176A.265, 176A.295, 179.247, 179.259,
26 201.354 and 453.3365, a person may petition the court in which the
27 person was convicted for the sealing of all records relating to a
28 conviction of:

29 (a) A category A felony, a crime of violence or residential
30 burglary pursuant to NRS 205.060 after 10 years from the date of
31 release from actual custody or discharge from parole or probation,
32 whichever occurs later;

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

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

40 (d) Except as otherwise provided in paragraph (e), any gross
41 misdemeanor after 2 years from the date of release from actual
42 custody or discharge from probation, whichever occurs later;

43 (e) A violation of NRS 422.540 to 422.570, inclusive, a
44 violation of NRS 484C.110 or 484C.120 other than a felony, or a
45 battery which constitutes domestic violence pursuant to NRS 33.018



1 other than a felony, after 7 years from the date of release from actual
2 custody or from the date when the person is no longer under a
3 suspended sentence, whichever occurs later;

4 (f) Except as otherwise provided in paragraph (e), if the offense
5 is punished as a misdemeanor, a battery pursuant to NRS 200.481,
6 harassment pursuant to NRS 200.571, stalking pursuant to NRS
7 200.575 or a violation of a temporary or extended order for
8 protection, after 2 years from the date of release from actual custody
9 or from the date when the person is no longer under a suspended
10 sentence, whichever occurs later; or

11 (g) Any other misdemeanor after 1 year from the date of release
12 from actual custody or from the date when the person is no longer
13 under a suspended sentence, whichever occurs later.

14 2. A petition filed pursuant to subsection 1 must:

15 (a) Be accompanied by the petitioner's current, verified records
16 received from the Central Repository for Nevada Records of
17 Criminal History;

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

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

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

29 (1) Date of birth of the petitioner;

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

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

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

41 4. If the prosecuting agency that prosecuted the petitioner for
42 the crime stipulates to the sealing of the records, the court shall
43 apply the presumption set forth in NRS 179.2445 and seal the
44 records. If the prosecuting agency does not stipulate to the sealing of
45 the records or does not file a written objection within 30 days after



1 receiving notification pursuant to subsection 3 and the court makes
2 the findings set forth in subsection 5, the court may order the sealing
3 of the records in accordance with subsection 5 without a hearing. If
4 the court does not order the sealing of the records or the prosecuting
5 agency files a written objection, a hearing on the petition must be
6 conducted. At the hearing, unless an objecting party presents
7 evidence sufficient to rebut the presumption set forth in NRS
8 179.2445, the court shall apply the presumption and seal the records.

9 5. If the court finds that, in the period prescribed in subsection
10 1, the petitioner has not been charged with any offense for which the
11 charges are pending or convicted of any offense, except for minor
12 moving or standing traffic violations, the court may order sealed all
13 records of the conviction which are in the custody of any agency of
14 criminal justice or any public or private agency, company, official
15 or other custodian of records in the State of Nevada, and may also
16 order all such records of the petitioner returned to the file of the
17 court where the proceeding was commenced from, including,
18 without limitation, the Federal Bureau of Investigation and all other
19 agencies of criminal justice which maintain such records and which
20 are reasonably known by either the petitioner or the court to have
21 possession of such records.

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

24 (a) A crime against a child;

25 (b) A sexual offense;

26 (c) Invasion of the home with a deadly weapon pursuant to
27 NRS 205.067;

28 (d) A violation of NRS 484C.110 or 484C.120 that is punishable
29 as a felony pursuant to paragraph (c) of subsection 1 of
30 NRS 484C.400;

31 (e) A violation of NRS 484C.430;

32 (f) A homicide resulting from driving or being in actual physical
33 control of a vehicle while under the influence of intoxicating liquor
34 or a controlled substance or resulting from any other conduct
35 prohibited by NRS 484C.110, 484C.130 or 484C.430;

36 (g) A violation of NRS 488.410 that is punishable as a felony
37 pursuant to NRS 488.427; or

38 (h) A violation of NRS 488.420 or 488.425.

39 7. The provisions of paragraph (e) of subsection 1 and
40 paragraph (d) of subsection 6 must not be construed to preclude a
41 person from being able to petition the court to seal records relating
42 to a conviction for a violation of NRS 484C.110 or 484C.120
43 pursuant to this section if the person was found guilty of a violation
44 of NRS 484C.110 or 484C.120 that is punishable pursuant to:

45 (a) Paragraph (b) of subsection 1 of NRS 484C.400; or



1 (b) Paragraph (c) of subsection 1 of NRS 484C.400 but had a
2 judgment of conviction entered against him or her for a violation of
3 paragraph (b) of subsection 1 of NRS 484C.400 because the person
4 participated in the statewide sobriety and drug monitoring program
5 established pursuant to NRS 484C.392.

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

10 9. As used in this section:

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

13 (b) "Sexual offense" means:

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

18 (2) Sexual assault pursuant to NRS 200.366.

19 (3) Statutory sexual seduction pursuant to NRS 200.368, if
20 punishable as a felony.

21 (4) Battery with intent to commit sexual assault pursuant to
22 NRS 200.400.

23 (5) An offense involving the administration of a drug to
24 another person with the intent to enable or assist the commission of
25 a felony pursuant to NRS 200.405, if the felony is an offense listed
26 in this paragraph.

27 (6) An offense involving the administration of a controlled
28 substance to another person with the intent to enable or assist the
29 commission of a crime of violence, if the crime of violence is an
30 offense listed in this paragraph.

31 (7) Abuse of a child pursuant to NRS 200.508, if the abuse
32 involved sexual abuse or sexual exploitation.

33 (8) An offense involving pornography and a minor pursuant
34 to NRS 200.710 to 200.730, inclusive.

35 (9) Incest pursuant to NRS 201.180.

36 (10) Open or gross lewdness pursuant to NRS 201.210, if
37 punishable as a felony.

38 (11) Indecent or obscene exposure pursuant to NRS 201.220,
39 if punishable as a felony.

40 (12) Lewdness with a child pursuant to NRS 201.230.

41 (13) Sexual penetration of a dead human body pursuant to
42 NRS 201.450.

43 (14) Sexual conduct between certain employees of a school
44 or volunteers at a school and a pupil pursuant to NRS 201.540.



1 (15) Sexual conduct between certain employees of a college
2 or university and a student pursuant to NRS 201.550.

3 (16) *A violation of section 2 of this act, if punishable as a*
4 *felony.*

5 (17) Luring a child or a person with mental illness pursuant
6 to NRS 201.560, if punishable as a felony.

7 ~~(17)~~ (18) An attempt to commit an offense listed in this
8 paragraph.

9 **Sec. 12.** NRS 179.460 is hereby amended to read as follows:

10 179.460 1. The Attorney General or the district attorney of
11 any county may apply to a Supreme Court justice or to a district
12 judge in the county where the interception is to take place for an
13 order authorizing the interception of wire, electronic or oral
14 communications, and the judge may, in accordance with NRS
15 179.470 to 179.515, inclusive, grant an order authorizing the
16 interception of wire, electronic or oral communications by
17 investigative or law enforcement officers having responsibility for
18 the investigation of the offense as to which the application is made,
19 when the interception may provide evidence of the commission of
20 murder, kidnapping, robbery, extortion, bribery, escape of an
21 offender in the custody of the Department of Corrections,
22 destruction of public property by explosives, a sexual offense
23 against a child, sex trafficking, a violation of NRS 200.463, 200.464
24 or 200.465, trafficking in persons in violation of NRS 200.467 or
25 200.468, the commission of any offense which is made a felony by
26 the provisions of chapter 453 or 454 of NRS or a violation of NRS
27 463.160 or 465.086.

28 2. A provider of electronic communication service or a public
29 utility, an officer, employee or agent thereof or another person
30 associated with the provider of electronic communication service or
31 public utility who, pursuant to an order issued pursuant to
32 subsection 1, provides information or otherwise assists an
33 investigative or law enforcement officer in the interception of a
34 wire, electronic or oral communication is immune from any liability
35 relating to any interception made pursuant to the order.

36 3. As used in this section, "sexual offense against a child"
37 includes any act upon a child constituting:

- 38 (a) Incest pursuant to NRS 201.180;
39 (b) Lewdness with a child pursuant to NRS 201.230;
40 (c) Sado-masochistic abuse pursuant to NRS 201.262;
41 (d) Sexual assault pursuant to NRS 200.366;
42 (e) Statutory sexual seduction pursuant to NRS 200.368;
43 (f) Open or gross lewdness pursuant to NRS 201.210; ~~for~~
44 (g) Luring a child or a person with mental illness pursuant to
45 NRS 201.560, if punished as a felony ~~is~~; or



1 ***(h) A violation of section 2 of this act, if punished as a felony.***

2 **Sec. 13.** NRS 179D.097 is hereby amended to read as follows:

3 179D.097 1. "Sexual offense" means any of the following
4 offenses:

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

9 (b) Sexual assault pursuant to NRS 200.366.

10 (c) Statutory sexual seduction pursuant to NRS 200.368.

11 (d) Battery with intent to commit sexual assault pursuant to
12 subsection 4 of NRS 200.400.

13 (e) An offense involving the administration of a drug to another
14 person with the intent to enable or assist the commission of a felony
15 pursuant to NRS 200.405, if the felony is an offense listed in this
16 subsection.

17 (f) An offense involving the administration of a controlled
18 substance to another person with the intent to enable or assist the
19 commission of a crime of violence, if the crime of violence is an
20 offense listed in this section.

21 (g) Abuse of a child pursuant to NRS 200.508, if the abuse
22 involved sexual abuse or sexual exploitation.

23 (h) An offense involving pornography and a minor pursuant to
24 NRS 200.710 to 200.730, inclusive.

25 (i) Incest pursuant to NRS 201.180.

26 (j) Open or gross lewdness pursuant to NRS 201.210.

27 (k) Indecent or obscene exposure pursuant to NRS 201.220.

28 (l) Lewdness with a child pursuant to NRS 201.230.

29 (m) Sexual penetration of a dead human body pursuant to
30 NRS 201.450.

31 (n) Sexual conduct between certain employees of a school or
32 volunteers at a school and a pupil pursuant to NRS 201.540.

33 (o) Sexual conduct between certain employees of a college or
34 university and a student pursuant to NRS 201.550.

35 (p) Luring a child or a person with mental illness pursuant to
36 NRS 201.560, if punished as a felony.

37 (q) Sex trafficking pursuant to NRS 201.300.

38 ***(r) A violation of section 2 of this act, if punished as a felony.***

39 ***(s)*** Any other offense that has an element involving a sexual act
40 or sexual conduct with another.

41 ~~***(s)***~~ ***(t)*** An attempt or conspiracy to commit an offense listed in
42 paragraphs (a) to ~~***(r)***~~ ***(s)***, inclusive.

43 ~~***(t)***~~ ***(u)*** An offense that is determined to be sexually motivated
44 pursuant to NRS 175.547 or 207.193.



1 ~~(v)~~ (v) An offense committed in another jurisdiction that, if
2 committed in this State, would be an offense listed in this
3 subsection. This paragraph includes, without limitation, an offense
4 prosecuted in:

5 (1) A tribal court.

6 (2) A court of the United States or the Armed Forces of the
7 United States.

8 ~~(w)~~ (w) An offense of a sexual nature committed in another
9 jurisdiction, whether or not the offense would be an offense listed in
10 this section, if the person who committed the offense resides or has
11 resided or is or has been a student or worker in any jurisdiction in
12 which the person is or has been required by the laws of that
13 jurisdiction to register as a sex offender because of the offense. This
14 paragraph includes, without limitation, an offense prosecuted in:

15 (1) A tribal court.

16 (2) A court of the United States or the Armed Forces of the
17 United States.

18 (3) A court having jurisdiction over juveniles.

19 2. Except for the offenses described in paragraphs (n) , ~~and~~
20 (o) *and* (r) of subsection 1, the term does not include an offense
21 involving consensual sexual conduct if the victim was:

22 (a) An adult, unless the adult was under the custodial authority
23 of the offender at the time of the offense; or

24 (b) At least 13 years of age and the offender was not more than
25 4 years older than the victim at the time of the commission of the
26 offense.

27 **Sec. 14.** NRS 179D.115 is hereby amended to read as follows:

28 179D.115 "Tier II offender" means an offender convicted of a
29 crime against a child or a sex offender, other than a Tier III
30 offender, whose crime against a child is punishable by
31 imprisonment for more than 1 year or whose sexual offense:

32 1. If committed against ~~(a)~~:

33 (a) A child, constitutes:

34 ~~(1)~~ (1) Luring a child pursuant to NRS 201.560, if punishable
35 as a felony;

36 ~~(2)~~ (2) Abuse of a child pursuant to NRS 200.508, if the abuse
37 involved sexual abuse or sexual exploitation;

38 ~~(3)~~ (3) An offense involving sex trafficking pursuant to NRS
39 201.300 or prostitution pursuant to NRS 201.320 or 201.395;

40 ~~(4)~~ (4) An offense involving pornography and a minor
41 pursuant to NRS 200.710 to 200.730, inclusive; or

42 ~~(5)~~ (5) Any other offense that is comparable to or more severe
43 than the offenses described in 34 U.S.C. § 20911(3). ~~(f)~~

44 (b) *A pupil, constitutes a violation of section 2 of this act, if*
45 *punishable as a felony.*



1 2. Involves an attempt or conspiracy to commit any offense
2 described in subsection 1. ~~(f)~~

3 3. If committed in another jurisdiction, is an offense that, if
4 committed in this State, would be an offense listed in this section.
5 This subsection includes, without limitation, an offense prosecuted
6 in:

7 (a) A tribal court; or

8 (b) A court of the United States or the Armed Forces of the
9 United States. ~~(e)~~

10 4. Is committed after the person becomes a Tier I offender if
11 any of the person's sexual offenses constitute an offense punishable
12 by imprisonment for more than 1 year.

13 **Sec. 15.** NRS 179D.495 is hereby amended to read as follows:

14 179D.495 If a person who is required to register pursuant to
15 NRS 179D.010 to 179D.550, inclusive, has been convicted of an
16 offense described in paragraph ~~(e)~~ (s) of subsection 1 of NRS
17 179D.097, *subparagraph (5) of paragraph ~~(e)~~ (a)* of subsection 1
18 or subsection 3 of NRS 179D.115 or subsection 7 or 9 of NRS
19 179D.117, the Central Repository shall determine whether the
20 person is required to register as a Tier I offender, Tier II offender or
21 Tier III offender.

22 **Sec. 16.** NRS 213.107 is hereby amended to read as follows:

23 213.107 As used in NRS 213.107 to 213.157, inclusive, unless
24 the context otherwise requires:

25 1. "Board" means the State Board of Parole Commissioners.

26 2. "Chief" means the Chief Parole and Probation Officer.

27 3. "Division" means the Division of Parole and Probation of
28 the Department of Public Safety.

29 4. "Residential confinement" means the confinement of a
30 person convicted of a crime to his or her place of residence under
31 the terms and conditions established by the Board.

32 5. "Responsivity factors" means characteristics of a person that
33 affect his or her ability to respond favorably or unfavorably to any
34 treatment goals.

35 6. "Risk and needs assessment" means a validated,
36 standardized actuarial tool that identifies risk factors that increase
37 the likelihood of a person reoffending and factors that, when
38 properly addressed, can reduce the likelihood of a person
39 reoffending.

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

42 8. "Sexual offense" means:

43 (a) A violation of NRS 200.366, subsection 4 of NRS 200.400,
44 NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS
45 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or



1 (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS
2 201.560 ~~(b)~~ *or subsection 1 or 2 of section 2 of this act, if punished*
3 *as a felony;*

4 (b) An attempt to commit any offense listed in paragraph (a); or

5 (c) An act of murder in the first or second degree, kidnapping in
6 the first or second degree, false imprisonment, burglary or invasion
7 of the home if the act is determined to be sexually motivated at a
8 hearing conducted pursuant to NRS 175.547.

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

12 **Sec. 17.** NRS 213.1214 is hereby amended to read as follows:

13 213.1214 1. The Department of Corrections shall assess each
14 prisoner who has been convicted of a sexual offense to determine
15 the prisoner's risk to reoffend in a sexual manner using a currently
16 accepted standard of assessment. The completed assessment must
17 include, without limitation, a determination of the prisoner's level of
18 risk to reoffend in a sexual manner, including, without limitation,
19 whether the prisoner is a high risk to reoffend in a sexual manner for
20 the purposes of subsection 3 of NRS 213.1215. The Director shall
21 ensure a completed assessment is provided to the Board before, but
22 not sooner than 120 days before, a scheduled parole hearing.

23 2. The Director shall:

24 (a) Ensure that any employee of the Department who completes
25 an assessment pursuant to subsection 1 is properly trained to assess
26 the risk of an offender to reoffend in a sexual manner.

27 (b) Establish a procedure to:

28 (1) Ensure the accuracy of each completed assessment
29 provided to the Board; and

30 (2) Correct any error occurring in a completed assessment
31 provided to the Board.

32 3. This section does not create a right in any prisoner to be
33 assessed or reassessed more frequently than the prisoner's regularly
34 scheduled parole hearings or under a current or previous standard of
35 assessment and does not restrict the Department from conducting
36 additional assessments of a prisoner if such assessments may assist
37 the Board in determining whether parole should be granted or
38 continued. No cause of action may be brought against the State, its
39 political subdivisions, or the agencies, boards, commissions,
40 departments, officers or employees of the State or its political
41 subdivisions for assessing, not assessing or considering or relying
42 on an assessment of a prisoner, if such decisions or actions are made
43 or conducted in compliance with the procedures set forth in this
44 section.



1 4. The Board shall consider an assessment prepared pursuant to
2 this section before determining whether to grant or revoke the parole
3 of a person convicted of a sexual offense.

4 5. The Board may adopt by regulation the manner in which the
5 Board will consider an assessment prepared pursuant to this section
6 in conjunction with the standards adopted by the Board pursuant to
7 NRS 213.10885.

8 6. As used in this section:

9 (a) "Director" means the Director of the Department of
10 Corrections.

11 (b) "Reoffend in a sexual manner" means to commit a sexual
12 offense.

13 (c) "Sex offender" means a person who, after July 1, 1956, is or
14 has been:

15 (1) Convicted of a sexual offense; or

16 (2) Adjudicated delinquent or found guilty by a court having
17 jurisdiction over juveniles of a sexual offense listed in subparagraph
18 ~~[(20)]~~ (21) of paragraph (d).

19 ↪ The term includes, but is not limited to, a sexually violent
20 predator or a nonresident sex offender who is a student or worker
21 within this State.

22 (d) "Sexual offense" means any of the following offenses:

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

27 (2) Sexual assault pursuant to NRS 200.366.

28 (3) Statutory sexual seduction pursuant to NRS 200.368.

29 (4) Battery with intent to commit sexual assault pursuant to
30 NRS 200.400.

31 (5) An offense involving the administration of a drug to
32 another person with the intent to enable or assist the commission of
33 a felony pursuant to NRS 200.405, if the felony is an offense listed
34 in this paragraph.

35 (6) An offense involving the administration of a controlled
36 substance to another person with the intent to enable or assist the
37 commission of a crime of violence pursuant to NRS 200.408, if the
38 crime of violence is an offense listed in this paragraph.

39 (7) Abuse of a child pursuant to NRS 200.508, if the abuse
40 involved sexual abuse or sexual exploitation.

41 (8) An offense involving pornography and a minor pursuant
42 to NRS 200.710 to 200.730, inclusive.

43 (9) Incest pursuant to NRS 201.180.

44 (10) Open or gross lewdness pursuant to NRS 201.210.

45 (11) Indecent or obscene exposure pursuant to NRS 201.220.



1 (12) Lewdness with a child pursuant to NRS 201.230.

2 (13) Sexual penetration of a dead human body pursuant to
3 NRS 201.450.

4 (14) Sexual conduct between certain employees of a school
5 or volunteers at a school and a pupil pursuant to NRS 201.540.

6 (15) Sexual conduct between certain employees of a college
7 or university and a student pursuant to NRS 201.550.

8 (16) Luring a child or a person with mental illness pursuant
9 to NRS 201.560, if punished as a felony.

10 (17) *A violation of section 2 of this act, if punished as a*
11 *felony.*

12 (18) An attempt or conspiracy to commit an offense listed in
13 subparagraphs (1) to ~~[(16)]~~ (17), inclusive.

14 ~~[(18)]~~ (19) An offense that is determined to be sexually
15 motivated pursuant to NRS 175.547 or 207.193.

16 ~~[(19)]~~ (20) An offense committed in another jurisdiction
17 that, if committed in this State, would be an offense listed in this
18 paragraph. This subparagraph includes, but is not limited to, an
19 offense prosecuted in:

20 (I) A tribal court.

21 (II) A court of the United States or the Armed Forces of
22 the United States.

23 ~~[(20)]~~ (21) An offense of a sexual nature committed in
24 another jurisdiction, whether or not the offense would be an offense
25 listed in this paragraph, if the person who committed the offense
26 resides or has resided or is or has been a student or worker in any
27 jurisdiction in which the person is or has been required by the laws
28 of that jurisdiction to register as a sex offender because of the
29 offense. This subparagraph includes, but is not limited to, an offense
30 prosecuted in:

31 (I) A tribal court.

32 (II) A court of the United States or the Armed Forces of
33 the United States.

34 (III) A court having jurisdiction over juveniles.

35 ➔ Except for the offenses described in subparagraphs 14 , ~~and~~ 15
36 ~~and~~ 17, the term does not include an offense involving
37 consensual sexual conduct if the victim was an adult, unless the
38 adult was under the custodial authority of the offender at the time of
39 the offense, or if the victim was at least 13 years of age and the
40 offender was not more than 4 years older than the victim at the time
41 of the commission of the offense.

42 **Sec. 18.** NRS 213.1258 is hereby amended to read as follows:

43 213.1258 1. Except as otherwise provided in subsection 2, if
44 the Board releases on parole a prisoner convicted of stalking with
45 the use of an Internet or network site, electronic mail, text



1 messaging or any other similar means of communication pursuant to
2 subsection 4 of NRS 200.575, an offense involving pornography
3 and a minor pursuant to NRS 200.710 to 200.730, inclusive, ~~for~~
4 luring a child or a person with mental illness through the use of a
5 computer, system or network pursuant to paragraph (a) or (b) of
6 subsection 4 of NRS 201.560 ~~for~~ *or a violation of section 2 of this*
7 *act which involved the use of an electronic communication device,*
8 the Board shall, in addition to any other condition of parole, require
9 as a condition of parole that the parolee not own or use a computer,
10 including, without limitation, use electronic mail, a chat room or the
11 Internet.

12 2. The Board is not required to impose a condition of parole set
13 forth in subsection 1 if the Board finds that:

14 (a) The use of a computer by the parolee will assist a law
15 enforcement agency or officer in a criminal investigation;

16 (b) The parolee will use the computer to provide technological
17 training concerning technology of which the defendant has a unique
18 knowledge; or

19 (c) The use of the computer by the parolee will assist companies
20 that require the use of the specific technological knowledge of the
21 parolee that is unique and is otherwise unavailable to the company.

22 3. Except as otherwise provided in subsection 1, if the Board
23 releases on parole a prisoner convicted of an offense that involved
24 the use of a computer, system or network, the Board may, in
25 addition to any other condition of parole, require as a condition of
26 parole that the parolee not own or use a computer, including,
27 without limitation, use electronic mail, a chat room or the Internet.

28 4. As used in this section:

29 (a) "Computer" has the meaning ascribed to it in NRS 205.4735
30 ~~for~~ *and includes, without limitation, an electronic communication*
31 *device.*

32 (b) *"Electronic communication device" has the meaning*
33 *ascribed to it in NRS 200.737.*

34 (c) "Network" has the meaning ascribed to it in NRS 205.4745.

35 ~~for~~ (d) "System" has the meaning ascribed to it in
36 NRS 205.476.

37 ~~for~~ (e) "Text messaging" has the meaning ascribed to it in
38 NRS 200.575.

39 **Sec. 19.** NRS 288.150 is hereby amended to read as follows:

40 288.150 1. Except as otherwise provided in subsection 6 and
41 NRS 354.6241, every local government employer shall negotiate in
42 good faith through one or more representatives of its own choosing
43 concerning the mandatory subjects of bargaining set forth in
44 subsection 2 with the designated representatives of the recognized
45 employee organization, if any, for each appropriate bargaining unit



1 among its employees. If either party so requests, agreements reached
2 must be reduced to writing.

3 2. The scope of mandatory bargaining is limited to:

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

6 (b) Sick leave.

7 (c) Vacation leave.

8 (d) Holidays.

9 (e) Other paid or nonpaid leaves of absence.

10 (f) Insurance benefits.

11 (g) Total hours of work required of an employee on each
12 workday or workweek.

13 (h) Total number of days' work required of an employee in a
14 work year.

15 (i) Except as otherwise provided in subsections 8 and 11,
16 discharge and disciplinary procedures.

17 (j) Recognition clause.

18 (k) The method used to classify employees in the bargaining
19 unit.

20 (l) Deduction of dues for the recognized employee organization.

21 (m) Protection of employees in the bargaining unit from
22 discrimination because of participation in recognized employee
23 organizations consistent with the provisions of this chapter.

24 (n) No-strike provisions consistent with the provisions of this
25 chapter.

26 (o) Grievance and arbitration procedures for resolution of
27 disputes relating to interpretation or application of collective
28 bargaining agreements.

29 (p) General savings clauses.

30 (q) Duration of collective bargaining agreements.

31 (r) Safety of the employee.

32 (s) Teacher preparation time.

33 (t) Materials and supplies for classrooms.

34 (u) Except as otherwise provided in subsections 9 and 11, the
35 policies for the transfer and reassignment of teachers.

36 (v) Procedures for reduction in workforce consistent with the
37 provisions of this chapter.

38 (w) Procedures consistent with the provisions of subsection 6
39 for the reopening of collective bargaining agreements for additional,
40 further, new or supplementary negotiations during periods of fiscal
41 emergency.

42 3. Those subject matters which are not within the scope of
43 mandatory bargaining and which are reserved to the local
44 government employer without negotiation include:



1 (a) Except as otherwise provided in paragraph (u) of subsection
2 2, the right to hire, direct, assign or transfer an employee, but
3 excluding the right to assign or transfer an employee as a form of
4 discipline.

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

8 (c) The right to determine:

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

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

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

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

16 (d) Safety of the public.

17 4. The provisions of NRS 245.063, 268.4069 and 391.1605 are
18 not subject to negotiations with an employee organization. Any
19 provision of a collective bargaining agreement negotiated pursuant
20 to this chapter which differs from or conflicts in any way with the
21 provisions of NRS 245.063, 268.4069 or 391.1605 is unenforceable
22 and void.

23 5. If the local government employer is a school district, any
24 money appropriated by the State to carry out increases in salaries or
25 benefits for the employees of the school district is subject to
26 negotiations with an employee organization.

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

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

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



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

10 (b) Take whatever actions may be necessary to carry out its
11 responsibilities in situations of emergency such as a riot, military
12 action, natural disaster or civil disorder. Those actions may include
13 the suspension of any collective bargaining agreement for the
14 duration of the emergency.

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

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

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

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

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

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

37 10. Any provision of an agreement negotiated pursuant to this
38 chapter which differs from or conflicts in any way with the
39 provisions of subsection 9 or imposes consequences on the board of
40 trustees of a school district or the principal of a school for taking
41 any action authorized pursuant to subsection 9 is unenforceable and
42 void.

43 11. The board of trustees of a school district or the governing
44 body of a charter school or university school for profoundly gifted
45 pupils may use a substantiated report of the abuse or neglect of a



1 child or a violation of NRS 201.540, 201.560, 392.4633 or 394.366
2 *or section 2 of this act* obtained from the Statewide Central Registry
3 for the Collection of Information Concerning the Abuse or Neglect
4 of a Child established by NRS 432.100 or an equivalent registry
5 maintained by a governmental agency in another jurisdiction for the
6 purposes authorized by NRS 388A.515, 388C.200, 391.033,
7 391.104 or 391.281, as applicable. Such purposes may include,
8 without limitation, making a determination concerning the
9 assignment, discipline or termination of an employee. Any provision
10 of any agreement negotiated pursuant to this chapter which conflicts
11 with the provisions of this subsection is unenforceable and void.

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

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

20 14. As used in this section, "abuse or neglect of a child" has
21 the meaning ascribed to it in NRS 392.281.

22 **Sec. 20.** NRS 388A.515 is hereby amended to read as follows:

23 388A.515 1. Each applicant for employment with and
24 employee at a charter school, except a licensed teacher or other
25 person licensed by the Superintendent of Public Instruction, and,
26 except as otherwise provided in NRS 388A.516, each volunteer at a
27 charter school who is likely to have unsupervised contact with
28 pupils, must, before beginning his or her employment or service as a
29 volunteer and at least once every 5 years thereafter, submit to the
30 governing body of the charter school:

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

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



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

8 3. If the information obtained by the governing body pursuant
9 to subsection 1 or 2 or subsection 5 of NRS 388A.516 indicates that
10 the applicant, employee or volunteer has not been convicted of a
11 crime listed in NRS 388A.5342, the governing body of the charter
12 school may employ the applicant or employee or accept the
13 volunteer, as applicable.

14 4. If the information obtained by the governing body pursuant
15 to subsection 1 or 2 or subsection 5 of NRS 388A.516 indicates that
16 the applicant, employee or volunteer has been convicted of a crime
17 listed in NRS 388A.5342, and the governing body of the charter
18 school does not disqualify the applicant or employee from
19 employment or the volunteer from serving as a volunteer on the
20 basis of that information, the governing body shall, upon the written
21 authorization of the applicant, employee or volunteer, forward a
22 copy of the information to the Superintendent of Public Instruction.
23 If the applicant, employee or volunteer refuses to provide his or her
24 written authorization to forward a copy of the information pursuant
25 to this subsection, the charter school shall not employ the applicant
26 or employee or accept the volunteer, as applicable.

27 5. Not later than 15 days after receiving the information
28 obtained by the governing body pursuant to subsection 1 or 2 or
29 subsection 5 of NRS 388A.516, the Superintendent of Public
30 Instruction or the Superintendent's designee shall review the
31 information to determine whether the conviction of the applicant,
32 employee or volunteer is related or unrelated to the position with the
33 charter school for which the applicant has applied or in which the
34 employee is employed or the volunteer wishes to serve. The
35 applicant, employee or volunteer shall, upon the request of the
36 Superintendent of Public Instruction or the Superintendent's
37 designee, provide any further information that the Superintendent or
38 the designee determines is necessary to make the determination. If
39 the governing body of the charter school desires to employ the
40 applicant or employee or accept the volunteer, the governing body
41 shall, upon the request of the Superintendent of Public Instruction or
42 the Superintendent's designee, provide any further information that
43 the Superintendent or the designee determines is necessary to
44 make the determination. The Superintendent of Public Instruction or
45 the Superintendent's designee shall provide written notice of the



1 determination to the applicant, employee or volunteer and to the
2 governing body of the charter school.

3 6. If the Superintendent of Public Instruction or the
4 Superintendent's designee determines that the conviction of the
5 applicant, employee or volunteer is related to the position with
6 the charter school for which the applicant has applied or in which
7 the employee is employed or the volunteer wishes to serve, the
8 governing body of the charter school shall not employ the applicant
9 or employee or accept the volunteer, as applicable. If the
10 Superintendent of Public Instruction or the Superintendent's
11 designee determines that the conviction of the applicant, employee
12 or volunteer is unrelated to the position with the charter school for
13 which the applicant has applied or in which the employee is
14 employed or the volunteer wishes to serve, the governing body of
15 the charter school may employ the applicant or employee for that
16 position or accept the volunteer, as applicable.

17 7. The governing body of a charter school may use a
18 substantiated report of the abuse or neglect of a child, as defined in
19 NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or
20 394.366 *or section 2 of this act* obtained from the Statewide Central
21 Registry or an equivalent registry maintained by a governmental
22 agency in another jurisdiction:

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

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

28 8. The governing body of a charter school:

29 (a) May accept gifts, grants and donations to carry out the
30 provisions of this section and NRS 388A.516.

31 (b) May not be held liable for damages resulting from any action
32 of the governing body authorized by subsection 2 or 7 or
33 NRS 388A.516.

34 **Sec. 21.** NRS 388A.5342 is hereby amended to read as
35 follows:

36 388A.5342 The governing body of a charter school shall
37 terminate the employment of any teacher or administrator who is
38 employed by the charter school but is not licensed pursuant to
39 chapter 391 of NRS upon his or her conviction of a:

40 1. Felony or crime involving moral turpitude; or

41 2. Sex offense pursuant to NRS 200.366, 200.368, 201.190,
42 201.220, 201.230, 201.540 or 201.560 *or section 2 of this act*.

43 **Sec. 22.** NRS 388C.200 is hereby amended to read as follows:

44 388C.200 1. Except as otherwise provided in NRS 388C.205,
45 each applicant for employment with and employee at a university



1 school for profoundly gifted pupils, except a licensed teacher or
2 other person licensed by the Superintendent of Public Instruction,
3 and each volunteer at a university school for profoundly gifted
4 pupils who is likely to have unsupervised contact with pupils, must,
5 before beginning his or her employment or service as a volunteer
6 and at least once every 5 years thereafter, submit to the governing
7 body of the university school:

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

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

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

31 3. If the information obtained by the governing body pursuant
32 to subsection 1 or 2 or subsection 5 of NRS 388C.205 indicates that
33 the applicant, employee or volunteer has not been convicted of a
34 felony or an offense involving moral turpitude, the governing body
35 of the university school for profoundly gifted pupils may employ the
36 applicant or employee or accept the volunteer, as applicable.

37 4. If the information obtained by the governing body pursuant
38 to subsection 1 or 2 or subsection 5 of NRS 388C.205 indicates that
39 the applicant, employee or volunteer has been convicted of a felony
40 or an offense involving moral turpitude and the governing body of
41 the university school for profoundly gifted pupils does not
42 disqualify the applicant or employee from employment or the
43 volunteer from serving as a volunteer on the basis of that report, the
44 governing body shall, upon the written authorization of
45 the applicant, employee or volunteer forward a copy of the



1 information to the Superintendent of Public Instruction. If the
2 applicant, employee or volunteer refuses to provide his or her
3 written authorization to forward a copy of the report pursuant to this
4 subsection, the university school shall not employ the applicant or
5 employee or accept the volunteer, as applicable.

6 5. The Superintendent of Public Instruction or the
7 Superintendent's designee shall promptly review the information to
8 determine whether the conviction of the applicant, employee or
9 volunteer is related or unrelated to the position with the university
10 school for profoundly gifted pupils for which the applicant has
11 applied or in which the employee is employed or the volunteer
12 wishes to serve. The applicant, employee or volunteer shall, upon
13 the request of the Superintendent of Public Instruction or the
14 Superintendent's designee, provide any further information that the
15 Superintendent or the designee determines is necessary to make
16 the determination. If the governing body of the university school
17 desires to employ the applicant or employee or accept the volunteer,
18 the governing body shall, upon the request of the Superintendent of
19 Public Instruction or the Superintendent's designee, provide any
20 further information that the Superintendent or the designee
21 determines is necessary to make the determination. The
22 Superintendent of Public Instruction or the Superintendent's
23 designee shall provide written notice of the determination to the
24 applicant, employee or volunteer and to the governing body of the
25 university school.

26 6. If the Superintendent of Public Instruction or the
27 Superintendent's designee determines that the conviction of the
28 applicant, employee or volunteer is related to the position with
29 the university school for profoundly gifted pupils for which the
30 applicant has applied or in which the employee is employed or the
31 volunteer wishes to serve, the governing body of the university
32 school shall not employ the applicant or employee or accept the
33 volunteer, as applicable. If the Superintendent of Public Instruction
34 or the Superintendent's designee determines that the conviction of
35 the applicant, employee or volunteer is unrelated to the position with
36 the university school for which the applicant has applied or in
37 which the employee is employed or the volunteer wishes to serve,
38 the governing body of the university school may employ the
39 applicant or employee for that position or accept the volunteer, as
40 applicable.

41 7. The governing body of a university school for profoundly
42 gifted pupils may use a substantiated report of the abuse or neglect
43 of a child, as defined in NRS 392.281, or a violation of NRS
44 201.540, 201.560, 392.4633 or 394.366 *or section 2 of this act*
45 obtained from the Statewide Central Registry or an equivalent



1 registry maintained by a governmental agency in another
2 jurisdiction:

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

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

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

10 (a) May accept any gifts, grants and donations to carry out the
11 provisions of this section and NRS 388C.205.

12 (b) May not be held liable for damages resulting from any action
13 of the governing body authorized by subsection 2 or 7 or
14 NRS 388C.205.

15 **Sec. 23.** NRS 391.033 is hereby amended to read as follows:

16 391.033 1. All licenses for teachers and other educational
17 personnel are granted by the Superintendent of Public Instruction
18 pursuant to regulations adopted by the Commission and as
19 otherwise provided by law.

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

22 3. Every applicant for a license must submit with his or her
23 application:

24 (a) A complete set of his or her fingerprints and written
25 permission authorizing the Superintendent to forward the
26 fingerprints to the Central Repository for Nevada Records of
27 Criminal History for its initial report on the criminal history of the
28 applicant and for reports thereafter upon renewal of the license
29 pursuant to subsection 8 of NRS 179A.075, and for submission to
30 the Federal Bureau of Investigation for its report on the criminal
31 history of the applicant; and

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

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

43 5. The Superintendent may issue a provisional license pending
44 receipt of the reports of the Federal Bureau of Investigation and the



1 Central Repository for Nevada Records of Criminal History if the
2 Superintendent determines that the applicant is otherwise qualified.

3 6. Except as otherwise provided in subsection 8, a license must
4 be issued to, or renewed for, as applicable, an applicant if:

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

7 (b) The information obtained by the Superintendent pursuant to
8 subsections 3 and 4:

9 (1) Does not indicate that the applicant has been convicted of
10 a felony or any offense involving moral turpitude or indicates that
11 the applicant has been convicted of a felony or an offense involving
12 moral turpitude but the Superintendent determines that the
13 conviction is unrelated to the position within the county school
14 district or charter school for which the applicant applied or for
15 which he or she is currently employed, as applicable;

16 (2) Does not indicate that there has been a substantiated
17 report of abuse or neglect of a child, as defined in NRS 432B.020,
18 or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 *or*
19 *section 2 of this act* made against the applicant in any state; and

20 (3) Does not indicate that the applicant has a warrant for his
21 or her arrest; and

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

24 7. If, pursuant to subparagraph (2) of paragraph (b) of
25 subsection 6, the information indicates that a substantiated report
26 has been made against the applicant in any state, the Superintendent
27 shall:

28 (a) Suspend the application process;

29 (b) Notify the applicant of the substantiated report; and

30 (c) Provide the applicant an opportunity to rebut the
31 substantiated report.

32 8. The Superintendent may deny an application for a license
33 pursuant to this section if:

34 (a) A report on the criminal history of the applicant from the
35 Federal Bureau of Investigation or the Central Repository for
36 Nevada Records of Criminal History indicates that the applicant has
37 been arrested for or charged with a sexual offense involving a minor
38 or pupil, including, without limitation, any attempt, solicitation or
39 conspiracy to commit such an offense; and

40 (b) The Superintendent provides to the applicant:

41 (1) Written notice of his or her intent to deny the application;
42 and

43 (2) An opportunity for the applicant to have a hearing.

44 9. To request a hearing pursuant to subsection 8, an applicant
45 must submit a written request to the Superintendent within 15 days



1 after receipt of the notice by the applicant. Such a hearing must be
2 conducted in accordance with regulations adopted by the State
3 Board. If no request for a hearing is filed within that time, the
4 Superintendent may deny the license.

5 10. If the Superintendent denies an application for a license
6 pursuant to this section, the Superintendent must, within 15 days
7 after the date on which the application is denied, provide notice of
8 the denial to the school district or charter school that employs the
9 applicant if the applicant is employed by a school district or charter
10 school. Such a notice must not state the reasons for denial.

11 11. The Department shall:

12 (a) Maintain a list of the names of persons whose applications
13 for a license are denied due to conviction of a sexual offense
14 involving a minor;

15 (b) Update the list maintained pursuant to paragraph (a)
16 monthly; and

17 (c) Provide this list to the board of trustees of a school district or
18 the governing body of a charter school upon request.

19 12. The Superintendent shall forward all information obtained
20 from an investigation of an applicant pursuant to subsections 3 and 4
21 to the board of trustees of a school district, the governing body of a
22 charter school or university school for profoundly gifted pupils or
23 the administrator of a private school where the applicant is
24 employed or seeking employment. Except as otherwise provided in
25 this section, any information shared with the board of trustees of
26 a school district, the governing body of a charter school or
27 university school for profoundly gifted pupils or the administrator of
28 a private school is confidential and must not be disclosed to any
29 person other than the applicant. The board of trustees, governing
30 body or administrator, as applicable, may use a substantiated report
31 of the abuse or neglect of a child, as defined in NRS 392.281, or a
32 violation of NRS 201.540, 201.560, 392.4633 or 394.366 *or section*
33 *2 of this act* obtained from the Statewide Central Registry or an
34 equivalent registry maintained by a governmental agency in another
35 jurisdiction:

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

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

40 13. The Superintendent, the board of trustees of a school
41 district, the governing body of a charter school or university school
42 for profoundly gifted pupils or the administrator of a private
43 school may not be held liable for damages resulting from any action
44 of the Superintendent, board of trustees, governing body or
45 administrator, as applicable, authorized by subsection 4 or 12.



1 14. The Superintendent may enter into reciprocal agreements
2 with appropriate officials of other countries concerning the licensing
3 of teachers.

4 15. As used in this section, "sexual offense" has the meaning
5 ascribed to it in NRS 179D.097.

6 **Sec. 24.** NRS 391.104 is hereby amended to read as follows:

7 391.104 1. Except as otherwise provided in NRS 391.105,
8 each applicant for employment pursuant to NRS 391.100 or
9 employee, except a teacher or other person licensed by the
10 Superintendent of Public Instruction, or volunteer who is likely to
11 have unsupervised contact with pupils, must, before beginning his or
12 her employment or service as a volunteer and at least once every 5
13 years thereafter, submit to the school district:

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

21 (b) Written authorization for the board of trustees of the school
22 district to obtain any information concerning the applicant,
23 employee or volunteer that may be available from the Statewide
24 Central Registry and any equivalent registry maintained by a
25 governmental entity in a jurisdiction in which the applicant,
26 employee or volunteer has resided within the immediately preceding
27 5 years.

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

35 3. The board of trustees of a school district may use a
36 substantiated report of the abuse or neglect of a child, as defined in
37 NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or
38 394.366 *or section 2 of this act* obtained from the Statewide Central
39 Registry or an equivalent registry maintained by a governmental
40 agency in another jurisdiction:

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

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



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

7 (a) Sick leave;

8 (b) Sabbatical leave;

9 (c) Personal leave;

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

12 (e) Maternity leave; and

13 (f) Leave permitted by the Family and Medical Leave Act of
14 1993, 29 U.S.C. §§ 2601 et seq.,

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

18 5. A board of trustees of a school district may ask the
19 Superintendent of Public Instruction to require a person licensed by
20 the Superintendent of Public Instruction pursuant to NRS 391.033
21 who has taken a leave of absence from employment authorized by
22 the school district to submit a set of his or her fingerprints as a
23 condition of return to or continued employment with the school
24 district if the board of trustees has probable cause to believe that the
25 person has committed a felony or an offense involving moral
26 turpitude during the period of his or her leave of absence.

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

28 (a) May accept any gifts, grants and donations to carry out the
29 provisions of subsections 1 and 2 and NRS 391.105.

30 (b) May not be held liable for damages resulting from any action
31 of the board of trustees authorized by subsection 2 or 3 or
32 NRS 391.105.

33 **Sec. 25.** NRS 391.281 is hereby amended to read as follows:

34 391.281 1. Each applicant for employment or appointment
35 pursuant to this section or employee, except a teacher or other
36 person licensed by the Superintendent of Public Instruction, must,
37 before beginning his or her employment or appointment and at least
38 once every 5 years thereafter, submit to the school district:

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



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

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

13 3. The board of trustees of a school district may use a
14 substantiated report of the abuse or neglect of a child, as defined in
15 NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or
16 394.366 *or section 2 of this act* obtained from the Statewide Central
17 Registry or an equivalent registry maintained by a governmental
18 agency in another jurisdiction:

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

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

23 4. The board of trustees of a school district:

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

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

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

41 6. The board of trustees of a school district in a county that has
42 a metropolitan police department created pursuant to chapter 280 of
43 NRS may contract with the metropolitan police department for the
44 provision and supervision of police services in the public schools
45 within the jurisdiction of the metropolitan police department and on



1 property therein that is owned by the school district and on property
2 therein that is owned or occupied by a charter school if the board of
3 trustees has entered into a contract with the charter school for the
4 provision of school police officers pursuant to NRS 388A.384. If a
5 contract is entered into pursuant to this subsection, the contract must
6 make provision for the transfer of each school police officer
7 employed by the board of trustees to the metropolitan police
8 department. If the board of trustees of a school district contracts
9 with a metropolitan police department pursuant to this subsection,
10 the board of trustees shall, if applicable, cooperate with appropriate
11 local law enforcement agencies within the school district for the
12 provision and supervision of police services in the public schools
13 within the school district, including, without limitation, any charter
14 school with which the school district has entered into a contract for
15 the provision of school police officers pursuant to NRS 388A.384,
16 and on property owned by the school district and, if applicable, the
17 property owned or occupied by the charter school, but outside the
18 jurisdiction of the metropolitan police department.

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

28 8. The board of trustees of a school district shall ensure that
29 each school police officer receives training in the prevention of
30 suicide before beginning his or her service as a school police officer.

31 **Sec. 26.** NRS 391.330 is hereby amended to read as follows:

32 391.330 1. The State Board may suspend or revoke the
33 license of any teacher, administrator or other licensed employee, or
34 may issue a letter of reprimand to any teacher, administrator or other
35 licensed employee, after notice and an opportunity for hearing have
36 been provided pursuant to NRS 391.322 and 391.323, for:

- 37 (a) Unprofessional conduct.
- 38 (b) Immorality, as defined in NRS 391.650.
- 39 (c) Evident unfitness for service.
- 40 (d) Physical or mental incapacity which renders the teacher,
41 administrator or other licensed employee unfit for service.
- 42 (e) Conviction of a felony or crime involving moral turpitude.
- 43 (f) Conviction of a sex offense under NRS 200.366, 200.368,

44 201.190, 201.220, 201.230, 201.540 or 201.560 *or section 2 of this*



1 **act** in which a pupil enrolled in a school of a county school district
2 was the victim.

3 (g) Knowingly advocating the overthrow of the Federal
4 Government or of the State of Nevada by force, violence or
5 unlawful means.

6 (h) Persistent defiance of or refusal to obey the regulations of
7 the State Board, the Commission or the Superintendent of Public
8 Instruction, defining and governing the duties of teachers,
9 administrators and other licensed employees.

10 (i) Breaches in the security or confidentiality of the questions
11 and answers of the examinations that are administered pursuant to
12 NRS 390.105 and the college and career readiness assessment
13 administered pursuant to NRS 390.610.

14 (j) Intentional failure to observe and carry out the requirements
15 of a plan to ensure the security of examinations and assessments
16 adopted pursuant to NRS 390.270 or 390.275.

17 (k) An intentional violation of NRS 388.497 or 388.499.

18 (l) Knowingly and willfully failing to comply with the
19 provisions of NRS 388.1351.

20 (m) A substantiated report of abuse or neglect of a child, as
21 defined in NRS 432B.020, or a violation of NRS 201.540, 201.560,
22 392.4633 or 394.366 **or section 2 of this act** made against the
23 applicant in any state.

24 2. The State Board shall adopt regulations governing the
25 process by which a letter of reprimand may be issued to a teacher,
26 administrator or other licensed employee pursuant to this section,
27 including, without limitation, regulations concerning the time period
28 during which a letter of reprimand will remain on the record of the
29 teacher, administrator or other licensed employee.

30 3. A teacher, administrator or other licensed employee whose
31 license is suspended pursuant to this section:

32 (a) May apply to reinstate his or her license after the period of
33 suspension, as determined by the State Board, is completed; and

34 (b) If he or she applies to reinstate his or her license pursuant to
35 paragraph (a), shall:

36 (1) Submit a new application for licensure to the Department;
37 and

38 (2) Pay the appropriate fee for licensure.

39 4. A teacher, administrator or other licensed employee whose
40 license is revoked may not apply to reinstate his or her license and
41 the Department shall not grant a new license to such a person.

42 **Sec. 27.** NRS 391.650 is hereby amended to read as follows:

43 391.650 As used in NRS 391.650 to 391.826, inclusive, unless
44 the context otherwise requires:



1 1. "Administrator" means any employee who holds a license as
2 an administrator and who is employed in that capacity by a school
3 district.

4 2. "Board" means the board of trustees of the school district in
5 which a licensed employee affected by NRS 391.650 to 391.826,
6 inclusive, is employed.

7 3. "Demotion" means demotion of an administrator to a
8 position of lesser rank, responsibility or pay and does not include
9 transfer or reassignment for purposes of an administrative
10 reorganization.

11 4. "Immorality" means:

12 (a) An act forbidden by NRS 200.366, 200.368, 200.400,
13 200.508, 201.180, 201.190, 201.210, 201.220, 201.230, 201.265,
14 201.540, 201.560, 207.260, 453.316 to 453.336, inclusive, except an
15 act forbidden by NRS 453.337, 453.338, 453.3385 to 453.3405,
16 inclusive, 453.560 or 453.562; or

17 (b) An act forbidden by NRS 201.540 *or section 2 of this act* or
18 any other sexual conduct or attempted sexual conduct with a pupil
19 enrolled in an elementary or secondary school. As used in this
20 paragraph, "sexual conduct" has the meaning ascribed to it in
21 NRS 201.520.

22 5. "Postprobationary employee" means an administrator or a
23 teacher who has completed the probationary period as provided in
24 NRS 391.820 and has been given notice of reemployment. The term
25 does not include a person who is deemed to be a probationary
26 employee pursuant to NRS 391.730.

27 6. "Probationary employee" means:

28 (a) An administrator or a teacher who is employed for the period
29 set forth in NRS 391.820; and

30 (b) A person who is deemed to be a probationary employee
31 pursuant to NRS 391.730.

32 7. "Superintendent" means the superintendent of a school
33 district or a person designated by the board or superintendent to act
34 as superintendent during the absence of the superintendent.

35 8. "Teacher" means a licensed employee the majority of whose
36 working time is devoted to the rendering of direct educational
37 service to pupils of a school district.

38 **Sec. 28.** NRS 391.760 is hereby amended to read as follows:

39 391.760 1. If a superintendent has reason to believe that
40 cause exists for the dismissal of a licensed employee and the
41 superintendent is of the opinion that the immediate suspension of
42 the employee is necessary in the best interests of the pupils in the
43 district, the superintendent may suspend the employee without
44 notice and without a hearing. Within 10 days after the suspension
45 becomes effective, the superintendent shall begin proceedings



1 pursuant to NRS 391.680 to 391.800, inclusive, to carry out the
2 employee's dismissal. The employee is entitled to continue to
3 receive his or her salary and other benefits after the suspension
4 becomes effective until the date on which the dismissal proceedings
5 are commenced.

6 2. Notwithstanding the provisions of NRS 391.750, a
7 superintendent may suspend a licensed employee who has been
8 officially charged but not yet convicted of a felony or a crime
9 involving moral turpitude or immorality. If the charge is dismissed
10 or if the employee is found not guilty, the employee must be
11 reinstated with back pay, plus interest, and normal seniority. The
12 superintendent shall notify the employee in writing of the
13 suspension. Within 10 days after the date on which the employee
14 receives such notice, the superintendent shall provide the employee
15 with the opportunity for an informal hearing to address the
16 circumstances relating to the charges and any other circumstances
17 relating to the suspension. The superintendent shall issue a written
18 decision concerning the continuation of the suspension based on the
19 information presented at the hearing. The employee is entitled to
20 continue to receive his or her salary and other benefits after the
21 suspension becomes effective until the date on which the
22 superintendent issues the written decision. The superintendent may
23 recommend that an employee who has been charged with a felony or
24 a crime involving immorality be dismissed for another ground set
25 forth in NRS 391.750.

26 3. If sufficient grounds for dismissal are not found to exist at
27 the conclusion of the proceedings conducted pursuant to subsection
28 1 or 2, the employee must be reinstated with full compensation, plus
29 interest.

30 4. A licensed employee who furnishes to the school district a
31 bond or other form of security which is acceptable to the board as a
32 guarantee that the employee will repay any amounts paid to him or
33 her pursuant to this subsection as salary during a period of
34 suspension is entitled to continue to receive his or her salary from
35 the date on which the dismissal proceedings are commenced until
36 the decision of the board or the report of the hearing officer, if the
37 report is final and binding. The board shall not unreasonably refuse
38 to accept a form of security other than a bond. An employee who
39 receives a salary pursuant to this subsection shall repay it if the
40 employee is dismissed or not reemployed as a result of a decision of
41 the board or a report of a hearing officer.

42 5. A licensed employee who is convicted of a crime which
43 requires registration pursuant to NRS 179D.010 to 179D.550,
44 inclusive, or is convicted of an act forbidden by NRS 200.508,
45 201.190, 201.265, 201.540, 201.560 or 207.260 *or section 2 of this*



1 **act** forfeits all rights of employment from the date of his or her
2 arrest.

3 6. A licensed employee who is convicted of any crime and who
4 is sentenced to and serves any sentence of imprisonment forfeits all
5 rights of employment from the date of his or her arrest or the date on
6 which his or her employment terminated, whichever is later.

7 7. A licensed employee who is charged with a felony or a
8 crime involving immorality or moral turpitude and who waives his
9 or her right to a speedy trial while suspended may receive no more
10 than 12 months of back pay and seniority upon reinstatement if the
11 employee is found not guilty or the charges are dismissed, unless
12 proceedings have been begun to dismiss the employee upon one of
13 the other grounds set forth in NRS 391.750.

14 8. A superintendent may discipline a licensed employee by
15 suspending the employee with loss of pay at any time after a hearing
16 has been held which affords the due process provided for in this
17 chapter. The grounds for suspension are the same as the grounds
18 contained in NRS 391.750. An employee may be suspended more
19 than once during the employee's contract year, but the total number
20 of days of suspension may not exceed 20 in 1 contract year. Unless
21 circumstances require otherwise, the suspensions must be
22 progressively longer.

23 9. A licensed employee may be suspended pursuant to this
24 section and admonished pursuant to NRS 391.755 for the same
25 conduct.

26 **Sec. 29.** NRS 392.303 is hereby amended to read as follows:

27 392.303 1. In addition to the reporting required by NRS
28 432B.220, if, in his or her capacity as an employee of or volunteer
29 for a public school or private school, such an employee or volunteer
30 knows or has reasonable cause to believe that a child has been
31 subjected to:

32 (a) Abuse or neglect, sexual conduct in violation of NRS
33 201.540 , ~~for~~ luring in violation of NRS 201.560 by another
34 employee of or volunteer for a public school or private school ~~or~~ *or*
35 *a violation of section 2 of this act by another employee of or*
36 *volunteer for a public or private school*, the employee or volunteer
37 who has such knowledge or reasonable cause to believe shall report
38 the abuse or neglect, sexual conduct , ~~for~~ luring *or other violation*
39 to the agency which provides child welfare services in the county in
40 which the school is located and a law enforcement agency.

41 (b) Corporal punishment in violation of NRS 392.4633 or
42 394.366 by another employee of or volunteer for a public school or
43 private school, the employee or volunteer who has such knowledge
44 or reasonable cause to believe shall report the corporal punishment



1 to the agency which provides child welfare services in the county in
2 which the school is located.

3 2. A report pursuant to subsection 1 must be made as soon as
4 reasonably practicable but not later than 24 hours after the person
5 knows or has reasonable cause to believe that the child has been
6 subjected to abuse or neglect or a violation of NRS 201.540,
7 201.560, 392.4633 or 394.366 **[H] or section 2 of this act.**

8 3. If a law enforcement agency that receives a report pursuant
9 to paragraph (a) of subsection 1 concludes that there is not probable
10 cause to believe that the person allegedly responsible for the abuse
11 or neglect or who allegedly violated NRS 201.540 or 201.560 **or**
12 **section 2 of this act** committed the act of which he or she is
13 accused, the law enforcement agency shall notify the agency which
14 provides child welfare services of that determination.

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

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

24 (a) Allegedly occurred:

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

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

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

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

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

38 7. Nothing in NRS 392.275 to 392.365, inclusive, shall be
39 construed to prohibit an agency which provides child welfare
40 services and a law enforcement agency from undertaking
41 simultaneous investigations of the abuse or neglect of a child or a
42 violation of NRS 201.540 or 201.560 **[H] or section 2 of this act.**

43 **Sec. 30.** NRS 392.317 is hereby amended to read as follows:

44 392.317 Except as otherwise provided in NRS 392.317 to
45 392.337, inclusive, and in addition to information provided pursuant



1 to NRS 392.337, information maintained by an agency which
2 provides child welfare services pursuant to NRS 392.275 to
3 392.365, inclusive, may, at the discretion of the agency which
4 provides child welfare services, be made available only to:

5 1. The child who is the subject of the report, the parent or
6 guardian of the child and an attorney for the child or the parent or
7 guardian of the child, if the identity of the person responsible for
8 reporting the abuse or neglect of the child or the violation of NRS
9 201.540, 201.560, 392.4633 or 394.366 *or section 2 of this act* to a
10 public agency and the identity of any child witness are kept
11 confidential and the information is reasonably necessary to promote
12 the safety, permanency and well-being of the child who is the
13 subject of the report;

14 2. A physician, if the physician has before him or her a child
15 who the physician has reasonable cause to believe has been abused
16 or neglected or subject to a violation of NRS 201.540, 201.560,
17 392.4633 or 394.366 ~~§~~ *or section 2 of this act*;

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

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

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

28 6. A person engaged in bona fide research or an audit, but
29 information identifying the subjects of a report must not be made
30 available to the person;

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

34 8. A federal, state or local governmental entity, or an agency of
35 such an entity, or a juvenile court, that needs access to the
36 information to carry out its legal responsibilities to protect children
37 from abuse and neglect and violations of NRS 201.540, 201.560,
38 392.4633 or 394.366 *or section 2 of this act* or similar statutes in
39 another jurisdiction;

40 9. A person or an organization that has entered into a written
41 agreement with an agency which provides child welfare services to
42 provide assessments or services and that has been trained to make
43 such assessments or provide such services;

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



1 11. Upon written consent of the parent, any officer of this State
2 or a city or county thereof or Legislator authorized by the agency or
3 department having jurisdiction or by the Legislature, acting within
4 its jurisdiction, to investigate the activities or programs of an agency
5 which provides child welfare services if:

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

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

11 12. The Division of Parole and Probation of the Department of
12 Public Safety for use pursuant to NRS 176.135 in making a
13 presentence investigation and report to the district court or pursuant
14 to NRS 176.151 in making a general investigation and report;

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

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

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

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

27 **Sec. 31.** NRS 392.325 is hereby amended to read as follows:

28 392.325 1. An agency which provides child welfare services
29 investigating a report made pursuant to NRS 392.303 shall, upon
30 request, provide to a person named in the report as allegedly causing
31 the abuse or neglect of a child or violating the provisions of NRS
32 201.540, 201.560, 392.4633 or 394.366 ~~§~~ **or section 2 of this act:**

33 (a) A copy of:

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

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

38 (b) A written summary of the allegations made against the
39 person. The summary must not identify the person who made the
40 report, any child witnesses to the allegations contained in the report
41 or any collateral sources and reporting parties.

42 2. A person may authorize the release of information
43 maintained by an agency which provides child welfare services
44 pursuant to NRS 392.275 to 392.365, inclusive, about himself or



1 herself, but may not waive the confidentiality of such information
2 concerning any other person.

3 3. An agency which provides child welfare services may
4 provide a summary of the outcome of an investigation of the
5 allegations in a report made pursuant to NRS 392.303 to the person
6 who made the report.

7 **Sec. 32.** NRS 392.337 is hereby amended to read as follows:

8 392.337 1. An agency which provides child welfare services
9 investigating a report made pursuant to NRS 392.303 shall, upon
10 completing the investigation, notify the parent or guardian of the
11 child who is the subject of the report of the disposition assigned to
12 the report pursuant to NRS 392.339.

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

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

20 (b) Provide written notification to the person who is named in
21 the report as allegedly causing the abuse or neglect of the child or
22 violating NRS 201.540, 201.560, 392.4633 or 394.366 *or section 2*
23 *of this act* which includes statements indicating that:

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

28 (2) The person may request an administrative appeal of the
29 substantiation of the report and the agency's intention to place the
30 person's name in the Central Registry by submitting a written
31 request to the agency which provides child welfare services within
32 the time required by NRS 392.345.

33 (c) After the conclusion of any administrative appeal pursuant to
34 NRS 392.345 or the expiration of the time period prescribed by that
35 section for requesting an administrative appeal, whichever is later,
36 report to the Central Registry:

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

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

45 (3) The disposition of the case.



1 (d) Provide to the parent or guardian of the child who is the
2 subject of the report:

3 (1) A written summary of the outcome of the investigation of
4 the allegations in the report which must not identify the person who
5 made the report, any child witnesses to the allegations in the report
6 or any collateral sources and reporting parties; and

7 (2) A summary of any disciplinary action taken against the
8 person who is named in the report as allegedly causing the abuse or
9 neglect of the child or violating NRS 201.540, 201.560, 392.4633 or
10 394.366 *or section 2 of this act* which is known by the agency,
11 including, without limitation, whether the name of such person will
12 be placed in the Central Registry.

13 3. A parent or guardian who receives information pursuant to
14 paragraph (d) of subsection 2 may disclose the information to an
15 attorney for the child who is the subject of the report or the parent or
16 guardian of the child.

17 **Sec. 33.** NRS 394.155 is hereby amended to read as follows:

18 394.155 1. Except as otherwise provided in NRS 394.157,
19 each applicant for employment with or employee at a private school,
20 except a licensed teacher or other person licensed by the
21 Superintendent of Public Instruction, or volunteer at a private school
22 who is likely to have unsupervised contact with pupils, must, before
23 beginning his or her employment or service as a volunteer and at
24 least once every 5 years thereafter, submit to the administrator of the
25 private school:

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

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

41 2. The administrator of the private school shall:

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



1 (b) Request any information that may be available from the
2 Statewide Central Registry for the Collection of Information
3 Concerning the Abuse or Neglect of a Child established by NRS
4 432.100 and any equivalent registry maintained by a governmental
5 entity in a jurisdiction in which the applicant, employee or volunteer
6 has resided within the immediately preceding 5 years.

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

13 4. The administrator or governing body of a private school may
14 use a substantiated report of the abuse or neglect of a child, as
15 defined in NRS 392.281, or a violation of NRS 201.540, 201.560,
16 392.4633 or 394.366 *or section 2 of this act* obtained from the
17 Statewide Central Registry or an equivalent registry maintained by a
18 governmental agency in another jurisdiction:

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

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

24 5. The administrator or governing body of a private school may
25 not be held liable for damages resulting from taking any action
26 authorized by subsection 3 or 4 or NRS 394.157.

27 **Sec. 34.** NRS 432.100 is hereby amended to read as follows:

28 432.100 1. There is hereby established a Statewide Central
29 Registry for the Collection of Information Concerning the Abuse or
30 Neglect of a Child. This Central Registry must be maintained by the
31 Division.

32 2. The Central Registry must contain:

33 (a) The information in any substantiated report of child abuse or
34 neglect made pursuant to NRS 392.303 or 432B.220;

35 (b) The information in any substantiated report of a violation of
36 NRS 201.540, 201.560, 392.4633 or 394.366 *or section 2 of this act*
37 made pursuant to NRS 392.303;

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

40 (d) Any other information which the Division determines to be
41 in furtherance of NRS 392.275 to 392.365, inclusive, 432.097 to
42 432.130, inclusive, and 432B.010 to 432B.400, inclusive.

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



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

4 (b) Either:

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

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

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

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

18 (a) An employee of the Division;

19 (b) An agency which provides child welfare services;

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

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

30 **Sec. 35.** NRS 432.120 is hereby amended to read as follows:

31 432.120 1. Information contained in the Central Registry
32 must not be released unless the right of the applicant to the
33 information is confirmed, the information concerning the report of
34 abuse or neglect of the child or a violation of NRS 201.540,
35 201.560, 392.4633 or 394.366 *or section 2 of this act* has been
36 reported pursuant to NRS 392.337 or 432B.310, as applicable, the
37 released information discloses the disposition of the case and, if the
38 information is being provided pursuant to subsection 3 of NRS
39 432.100, the person who is the subject of the background
40 investigation provides written authorization for the release of the
41 information.

42 2. The information contained in the Central Registry
43 concerning cases in which a report of abuse or neglect of a child has
44 been substantiated by an agency which provides child welfare
45 services must be deleted from the Central Registry not later than 10



1 years after the child who is the subject of the report reaches the age
2 of 18 years.

3 3. The Division shall not release information from the Central
4 Registry regarding a report of child abuse or neglect made pursuant
5 to NRS 392.303 or 432B.220 that received a disposition other than
6 substantiated to any person or entity except for an agency which
7 provides child welfare services.

8 4. The Division shall adopt regulations to carry out the
9 provisions of this section.

10 **Sec. 36.** NRS 433.639 is hereby amended to read as follows:

11 433.639 1. Not later than 3 days after employing a person to
12 provide or supervise the provision of peer recovery support services
13 in a position where the person has regular and substantial contact
14 with minors or retaining a person as an independent contractor to
15 provide or supervise the provision of peer recovery support services
16 in such a position and every 5 years thereafter, an employer, or
17 person or entity who retained the independent contractor, shall:

18 (a) Obtain from the employee or independent contractor written
19 authorization for the release of any information that may be
20 available from the Statewide Central Registry for the Collection of
21 Information Concerning the Abuse or Neglect of a Child established
22 pursuant to NRS 432.100; and

23 (b) Complete a child abuse and neglect screening through the
24 Central Registry to determine whether there has been a substantiated
25 report of child abuse or neglect or a violation of NRS 201.540,
26 201.560, 392.4633 or 394.366 *or section 2 of this act* made against
27 the person.

28 2. Except as otherwise provided in any regulations adopted
29 pursuant to subsection 4, upon receiving information pursuant to
30 subsection 1 from the Central Registry or from any other source that
31 an employee or independent contractor described in subsection 1
32 has, within the immediately preceding 5 years, had a substantiated
33 report of child abuse or neglect or a violation of NRS 201.540,
34 201.560, 392.4633 or 394.366 *or section 2 of this act* made against
35 him or her, the employer or person or entity who retained the
36 independent contractor shall terminate the employment or contract
37 of the employee or independent contractor, as applicable, after
38 allowing the employee or independent contractor time to correct the
39 information as required pursuant to subsection 3.

40 3. If an employee or independent contractor described in
41 subsection 1 believes that the information provided to the employer
42 or person or entity who retained the independent contractor pursuant
43 to subsection 2 is incorrect, the employee or independent contractor
44 must inform the employer, person or entity immediately. The



1 employer, person or entity shall give any such employee or
2 independent contractor 30 days to correct the information.

3 4. The Division, in consultation with each agency which
4 provides child welfare services, may establish by regulation a
5 process by which it may review evidence upon request to determine
6 whether an employee or independent contractor described in
7 subsection 1 who has, within the immediately preceding 5 years,
8 had a substantiated report of child abuse or neglect or a violation of
9 NRS 201.540, 201.560, 392.4633 or 394.366 *or section 2 of this act*
10 made against him or her may continue to provide or supervise the
11 provision of peer recovery support services and have regular and
12 substantial contact with minors despite the report. Any such review
13 must be conducted in a manner which does not discriminate against
14 a person in violation of 42 U.S.C. §§ 2000e et seq.

15 5. If a process for review is established pursuant to subsection
16 4, an employee or independent contractor described in subsection 1
17 may request such a review in the manner established by the
18 Division. Any determination made by the Division is final for
19 purposes of judicial review.

20 6. During any period in which an employee or independent
21 contractor seeks to correct information pursuant to subsection 3 or
22 requests a review of information pursuant to subsection 5, it is
23 within the discretion of the employer or person or entity who
24 retained the independent contractor whether to allow the employee
25 or independent contractor to continue to work for the employer,
26 person or entity, as applicable, except that the employee or
27 independent contractor shall not have regular and substantial contact
28 with minors without supervision during such a period.

29 7. The Division shall adopt regulations to establish civil
30 penalties to be imposed against any person or entity that fails to
31 comply with the requirements of this section.

32 8. As used in this section, "agency which provides child
33 welfare services" has the meaning ascribed to it in NRS 424.011.

34 **Sec. 37.** The amendatory provisions of sections 1 to 36,
35 inclusive, of this act apply to offenses committed on or after
36 October 1, 2023.

