

**PROPOSED REGULATION OF THE CENTRAL REPOSITORY
FOR NEVADA RECORDS OF CRIMINAL HISTORY**

LCB File No. R045-10

April 5, 2010

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

AUTHORITY: §§1-4, NRS 179A.167; §5, NRS 179A.080.

A REGULATION relating to records; requiring the Central Repository for Nevada Records of Criminal History to make a form for the transmittal of information relating to records of mental health available to courts; establishing procedures for a person who is the subject of information relating to records of mental health held by the Central Repository to review and correct information which is inaccurately or insufficiently contained in the record of mental health; and providing other matters properly relating thereto.

Section 1. Chapter 179A of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Sec. 2. *“Information relating to records of mental health” means information contained in a record:*

1. Transmitted to the Central Repository pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310; or

2. Transmitted to the National Instant Criminal Background Check System pursuant to NRS 179A.163.

Sec. 3. *1. The Central Repository will make available to the courts of this State a form for the transmittal of information relating to records of mental health.*

2. Upon receipt of a form for the transmittal of information relating to records of mental health, the Central Repository will ensure that the information reported in the record is included in the database of the National Instant Criminal Background Check System.

3. The information included in the database of the National Instant Criminal Background Check System must provide, without limitation, the following information concerning the person who is the subject of the records of mental health:

(a) Full legal name;

(b) Date of birth;

(c) State of residence, if available;

(d) Place of birth, if available;

(e) Gender;

(f) Race, if available;

(g) Height, if available;

(h) Weight, if available;

(i) Hair and eye color, if available;

(j) Social security number, if available;

(k) Aliases, if any; and

(l) Any other information that assists with establishing the identity of the person.

4. The Central Repository will ensure the confidentiality of the information included on the forms for the transmittal of information relating to records of mental health received by the courts by maintaining such forms in a secure environment with limited access.

Sec. 4. *A person who is or believes he may be the subject of information relating to records of mental health held by the Central Repository and included in the database of the*

National Instant Criminal Background Check System may inspect, review or challenge the accuracy of the information contained in such records by:

- 1. Appearing in person at the office of the Central Repository;*
- 2. Providing a government issued photo identification card as proof of identity;*
- 3. Completing the form designated by the Central Repository to permit inspection, review or challenge of the accuracy of the information contained in such records; and*
- 4. Paying the fee of \$18.45 for inspection, review or challenge of the accuracy of the information contained in such records in the form of a certified check or money order made payable to the “Records and Technology Division of the Department of Public Safety.”*

Sec. 5. NAC 179A.010 is hereby amended to read as follows:

179A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 179A.015 to 179A.037, inclusive, *and section 2 of this regulation* have the meanings ascribed to them in those sections.