

ASSEMBLY BILL NO. 15—COMMITTEE
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 4, 2024

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to Medicaid fraud.
(BDR 18-446)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 Medicaid fraud; revising the authority of the Attorney General, acting through the Medicaid Fraud Control Unit, to issue subpoenas; setting forth procedures for the enforcement of such a subpoena; revising provisions governing certain actions for false or fraudulent claims; revising the penalties for failing to maintain certain records relating to Medicaid claims; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law establishes the Medicaid Fraud Control Unit within the Office of
2 the Attorney General as the agency responsible for the investigation and
3 prosecution of violations or offenses relating to the State Plan for Medicaid. (NRS
4 228.410) In carrying out those duties and responsibilities, existing law authorizes
5 the Attorney General, acting through the chief executive of the Medicaid Fraud
6 Control Unit or his or her designee, to issue a subpoena for documents, records or
7 materials. (NRS 228.411) **Section 1** of this bill additionally authorizes such a
8 subpoena to compel a person to: (1) appear and be examined under oath; and (2)
9 answer written interrogatories under oath. **Section 1** sets forth procedures by which
10 the Attorney General may petition a court for the issuance of an order to compel
11 compliance with such a subpoena.

12 Existing federal law provides financial incentives for states that enact laws
13 establishing liability for false or fraudulent claims made to the State Plan for
14 Medicaid. (42 U.S.C. § 1396h) To be eligible for these financial incentives, the
15 laws of a state must contain provisions that are at least as effective at rewarding and
16 facilitating certain qui tam actions for false or fraudulent claims as those described
17 in the federal False Claims Act. (31 U.S.C. §§ 3729-3732) Existing federal law



18 prohibits a private person from bringing a qui tam action against a person for false
19 or fraudulent claims if the action is based upon allegations or transactions which are
20 the subject of a civil suit or an administrative civil money penalty proceeding in
21 which the Federal Government is already a party. (31 U.S.C. § 3730(e)(3)) Existing
22 state law contains similar provisions, but prohibits a private plaintiff from
23 maintaining, rather than bringing, a qui tam action for false or fraudulent claims if
24 the action is based upon allegations or transactions that are the subject of a civil
25 action or administrative proceeding for a monetary penalty to which the State or
26 political subdivision is already a party. (NRS 357.080) **Section 2** of this bill revises
27 that prohibition, consistent with federal law, to prohibit a person from bringing,
28 rather than maintaining, such an action under those circumstances.

29 Existing law makes it a gross misdemeanor for a person to intentionally fail to
30 maintain certain records relating to a claim for payment for goods or services
31 pursuant to the State Plan for Medicaid. (NRS 422.570) **Section 3** of this bill
32 instead makes the punishment for such an offense: (1) a misdemeanor if the amount
33 of the claim was less than \$650; and (2) a gross misdemeanor if the amount of the
34 claim was \$650 or more.

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

1 **Section 1.** NRS 228.411 is hereby amended to read as follows:
2 228.411 1. In carrying out the duties and responsibilities
3 under NRS 228.410, the Attorney General, acting through the chief
4 executive of the Medicaid Fraud Control Unit or his or her designee,
5 may issue a subpoena ~~for~~ *to compel a person to:*

- 6 (a) *Produce* documents, records or materials ~~for~~ ;
7 (b) *Appear and be examined under oath;*
8 (c) *Answer written interrogatories under oath; or*
9 (d) *Perform any combination of the actions described in*
10 *paragraphs (a), (b) and (c).*

11 2. The Attorney General may use any documents, records , ~~for~~
12 materials , *testimony or answers* produced pursuant to a subpoena
13 issued under this section in the course of a civil action brought
14 pursuant to NRS 228.410.

15 3. ~~Any~~ *If a* person ~~who willfully~~ fails or refuses to comply
16 with a subpoena issued pursuant to this section ~~is guilty of a~~
17 ~~misdemeanor~~ , *the Attorney General may petition the district*
18 *court in the county in which the person resides or has his or her*
19 *principal place of business. Upon the filing of such a petition, the*
20 *court shall set a time for a hearing on the petition and provide*
21 *notice of the petition and hearing to the parties.*

22 4. *Except as otherwise provided in subsection 5, the court*
23 *shall enter an order compelling compliance with the subpoena if,*
24 *at the hearing, the court finds that:*

- 25 (a) *The subpoena was properly issued;*



1 (b) *There is reasonable cause to believe that a violation of*
2 *NRS 422.540 to 422.570, inclusive, or any fraud in the*
3 *administration of the Plan or in the provision of medical*
4 *assistance pursuant to the Plan has occurred or is occurring; and*

5 (c) *The document, record, material, testimony or answer is*
6 *relevant to the investigation of the Attorney General.*

7 5. *The court may, on motion by the person upon whom the*
8 *subpoena was served and upon a showing of good cause, modify*
9 *the order issued pursuant to subsection 4 or issue any further*
10 *order that justice may require to protect the person from*
11 *unreasonable annoyance, embarrassment, oppression, burden or*
12 *expense.*

13 ~~4.~~ 6. A subpoena issued pursuant to this section must include
14 a copy of the provisions of subsections 1 ~~1, 2 and 3.~~ to 5, inclusive.

15 7. *As used in this section, "Plan" has the meaning ascribed to*
16 *it in NRS 228.410.*

17 **Sec. 2.** NRS 357.080 is hereby amended to read as follows:

18 357.080 1. Except as otherwise provided in this section and
19 NRS 357.100, a private plaintiff may bring an action pursuant to
20 this chapter for a violation of NRS 357.040 on his or her own
21 account and that of the State or a political subdivision, or both the
22 State and a political subdivision. The action must be brought in the
23 name of the State or the political subdivision, or both. After such an
24 action is commenced, it may be dismissed only with written consent
25 of the court and the Attorney General. The court and the Attorney
26 General shall take into account the public purposes of this chapter
27 and the best interests of the parties in dismissing the action or
28 consenting to the dismissal, as applicable, and provide the reasons
29 for dismissing the action or consenting to the dismissal, as
30 applicable.

31 2. If a private plaintiff brings an action pursuant to this chapter,
32 no person other than the Attorney General or the Attorney General's
33 designee may intervene or bring a related action pursuant to this
34 chapter based on the facts underlying the first action.

35 3. An action may not be ~~maintained~~ brought by a private
36 plaintiff pursuant to this chapter:

37 (a) Against a member of the Legislature or the Judiciary, an
38 elected officer of the Executive Department of the State
39 Government, or a member of the governing body of a political
40 subdivision, if the action is based upon evidence or information
41 known to the State or political subdivision at the time the action was
42 brought.

43 (b) If the action is based upon allegations or transactions that are
44 the subject of a civil action or an administrative proceeding for a



1 monetary penalty to which the State or political subdivision is
2 already a party.

3 4. A complaint filed pursuant to this section must be placed
4 under seal and so remain for at least 60 days or until the Attorney
5 General or a designee of the Attorney General pursuant to NRS
6 357.070 has elected whether to intervene. No service may be made
7 upon the defendant until so ordered by the court.

8 5. On the date the private plaintiff files a complaint, he or she
9 shall send a copy of the complaint to the Attorney General by mail
10 with return receipt requested. The private plaintiff shall send with
11 each copy of the complaint a written disclosure of substantially all
12 material evidence and information he or she possesses. If a district
13 attorney or city attorney has accepted a designation from the
14 Attorney General pursuant to NRS 357.070, the Attorney General
15 shall forward a copy of the complaint to the district attorney or city
16 attorney, as applicable.

17 6. An action pursuant to this chapter may be brought in any
18 judicial district in this State in which the defendant can be found,
19 resides, transacts business or in which any of the alleged fraudulent
20 activities occurred.

21 **Sec. 3.** NRS 422.570 is hereby amended to read as follows:

22 422.570 1. A person ~~is guilty of a gross misdemeanor if,~~
23 *who*, upon submitting a claim for or upon receiving payment for
24 goods or services pursuant to the Plan, ~~the person~~ intentionally
25 fails to maintain such records as are necessary to disclose fully the
26 nature of the goods or services for which a claim was submitted or
27 payment was received, or such records as are necessary to disclose
28 fully all income and expenditures upon which rates of payment were
29 based, for at least 5 years after the date on which payment was
30 received ~~+~~ *is guilty of:*

31 *(a) If the amount of the claim is less than \$650, a*
32 *misdemeanor.*

33 *(b) If the amount of the claim is \$650 or more, a gross*
34 *misdemeanor.*

35 2. A person who intentionally destroys such records within 5
36 years after the date payment was received is guilty of a category D
37 felony and shall be punished as provided in NRS 193.130.

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



ASSEMBLY BILL NO. 19—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 6, 2024

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to the Statewide Substance Use Response Working Group. (BDR 40-442)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 substance use disorders; adding members to the Statewide Substance Use Response Working Group; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law creates the Statewide Substance Use Response Working Group in
2 the Office of the Attorney General to leverage and expand efforts by state and local
3 governmental entities to reduce the use of substances which are associated with
4 substance use disorders. (NRS 458.460, 458.480) Existing law further provides that
5 the membership of the Working Group consists of 18 members, 12 of whom are
6 appointed by the Attorney General. (NRS 458.460) This bill adds to the
7 membership of the Working Group: (1) the Executive Director of the Department
8 of Indigent Defense Services, or his or her designee; and (2) four members
9 appointed by the Attorney General.

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

1 **Section 1.** NRS 458.460 is hereby amended to read as follows:
2 458.460 1. The Statewide Substance Use Response Working
3 Group is hereby created in the Office of the Attorney General.
4 2. The Working Group consists of the following members:
5 (a) The Attorney General or his or her designee;



1 (b) The Director of the Department of Health and Human
2 Services, or his or her designee;

3 (c) *The Executive Director of the Department of Indigent*
4 *Defense Services, or his or her designee;*

5 (d) One member of the Senate who is appointed by the Senate
6 Majority Leader;

7 ~~(d)~~ (e) One member of the Senate who is appointed by the
8 Senate Minority Leader;

9 ~~(e)~~ (f) One member of the Assembly who is appointed by the
10 Speaker of the Assembly;

11 ~~(f)~~ (g) One member of the Assembly who is appointed by the
12 Assembly Minority Leader; and

13 ~~(g)~~ (h) The following members, appointed by the Attorney
14 General:

15 (1) One representative of a local governmental entity that
16 provides or oversees the provision of human services in a county
17 whose population is 700,000 or more;

18 (2) One representative of a local governmental entity that
19 provides or oversees the provision of human services in a county
20 whose population is 100,000 or more but less than 700,000;

21 (3) One representative of a local governmental entity that
22 provides or oversees the provision of human services in a county
23 whose population is less than 100,000;

24 (4) One provider of health care with expertise in medicine
25 for the treatment of substance use disorders;

26 (5) One representative of the Nevada Sheriffs' and Chiefs'
27 Association, or its successor organization;

28 (6) One advocate for persons who have substance use
29 disorders and family members of such persons;

30 (7) One person who is in recovery from a substance use
31 disorder;

32 (8) One person who provides services relating to the
33 treatment of substance use disorders;

34 (9) One representative of a substance use disorder prevention
35 coalition;

36 (10) One representative of a program to reduce the harm
37 caused by substance misuse;

38 (11) One representative of a hospital; ~~and~~

39 (12) One representative of a school district ~~+~~;

40 (13) *One member of the general public;*

41 (14) *One person who is an emergency response employee;*

42 (15) *One representative of the Division of Child and Family*
43 *Services of the Department of Health and Human Services; and*

44 (16) *One representative of the Nevada District Attorneys*
45 *Association, or its successor organization.*



1 3. After the initial terms, members of the Working Group serve
2 terms of 2 years and serve at the pleasure of the appointing
3 authority. Members may be reappointed for additional terms of 2
4 years in the same manner as the original appointments.

5 4. If a vacancy occurs during a member's term, the appointing
6 authority shall appoint a replacement for the remainder of the
7 unexpired term. A vacancy must be filled in the same manner as the
8 original appointment.

9 5. Members of the Working Group serve without compensation
10 and are not entitled to receive the per diem allowance and travel
11 expenses provided for state officers and employees generally.

12 6. A member of the Working Group who is an officer or
13 employee of this State or a political subdivision of this State must be
14 relieved from his or her duties without loss of regular compensation
15 to prepare for and attend meetings of the Working Group and
16 perform any work necessary to carry out the duties of the Working
17 Group in the most timely manner practicable. A state agency or
18 political subdivision of this State shall not require an officer or
19 employee who is a member of the Working Group to:

20 (a) Make up the time he or she is absent from work to carry out
21 his or her duties as a member of the Working Group; or

22 (b) Take annual leave or compensatory time for the absence.

23 7. As used in this section ~~+, "substance"~~:

24 (a) *"Attendant" has the meaning ascribed to it in*
25 *NRS 450B.050.*

26 (b) *"Emergency response employee" means a firefighter,*
27 *attendant, volunteer attendant, emergency medical technician,*
28 *advanced emergency medical technician, emergency medical*
29 *dispatcher, paramedic, law enforcement officer, correctional*
30 *officer, other peace officer or person who is employed by an*
31 *agency of criminal justice, including, without limitation, a law*
32 *enforcement dispatcher, county coroner or medical examiner or*
33 *any of their employees, or any other person who, in the course of*
34 *his or her professional duties, responds to emergencies in this*
35 *State.*

36 (c) *"Substance use disorder prevention coalition" means a*
37 *coalition of persons and entities who possess knowledge and*
38 *experience related to the prevention of substance misuse and*
39 *substance use disorders in a region of this State.*

40 **Sec. 2.** As soon as practicable after October 1, 2025, the
41 Attorney General shall appoint to the Statewide Substance Use
42 Response Working Group:

43 1. The members described in subparagraphs (13) and (14) of
44 paragraph (h) of subsection 2 of NRS 458.460, as amended by



1 section 1 of this act, to initial terms that expire on January 1, 2027;
2 and
3 2. The members described in subparagraphs (15) and (16) of
4 paragraph (h) of subsection 2 of NRS 458.460, as amended by
5 section 1 of this act, to initial terms that expire on January 1, 2028.

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ASSEMBLY BILL NO. 34—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 15, 2024

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to certain crimes. (BDR 15-443)

FISCAL NOTE: Effect on Local Government: No. 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 offenders; revising the definition of the term “violent or sexual offense” for the purpose of certain provisions of existing law; requiring certain defendants to be certified as not representing a high risk to reoffend before the court may grant probation to or suspend the sentence of the defendant; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law prohibits a court from deferring judgment on a case if the
2 defendant has been convicted of a violent or sexual offense. (NRS 176.211)
3 Existing law also: (1) sets the maximum period of probation or suspension of
4 sentence for a violent or sexual offense at 60 months; and (2) requires the Division
5 of Parole and Probation of the Department of Public Safety to petition the court to
6 recommend the early discharge of a person from probation if the person has not
7 been convicted of a violent or sexual offense and satisfies certain other
8 requirements. (NRS 176A.500, 176A.840) Finally, existing law requires a person to
9 report certain violent or sexual offenses against a child to a law enforcement agency
10 under certain circumstances. (NRS 202.882) **Section 1** of this bill expands the list
11 of offenses which are deemed to be violent or sexual offenses for the purpose of
12 these provisions.

13 Existing law prohibits a court from granting probation to or suspending the
14 sentence of a person convicted of certain offenses unless the person is certified as
15 not representing a high risk to reoffend. (NRS 176A.110) **Section 2** of this bill adds
16 attempted lewdness with a child to the list of offenses which require a certification
17 that the person convicted does not represent a high risk to reoffend.



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

1 **Section 1.** NRS 202.876 is hereby amended to read as follows:
2 202.876 “Violent or sexual offense” means any act that, if
3 prosecuted in this State, would constitute any of the following
4 offenses:

5 1. Murder or voluntary manslaughter pursuant to NRS 200.010
6 to 200.260, inclusive.

7 2. Mayhem pursuant to NRS 200.280.

8 3. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive.

9 4. Sexual assault pursuant to NRS 200.366.

10 5. Robbery pursuant to NRS 200.380.

11 6. Administering poison or another noxious or destructive
12 substance or liquid with intent to cause death pursuant to
13 NRS 200.390.

14 7. Battery with intent to commit a crime pursuant to
15 NRS 200.400.

16 8. Administering a drug or controlled substance to another
17 person with the intent to enable or assist the commission of a felony
18 or crime of violence pursuant to NRS 200.405 or 200.408.

19 9. False imprisonment pursuant to NRS 200.460 if the false
20 imprisonment involves the use or threatened use of force or violence
21 against the victim or the use or threatened use of a firearm or a
22 deadly weapon.

23 10. Assault with a deadly weapon pursuant to NRS 200.471.

24 11. Battery which is committed with the use of a deadly
25 weapon or which results in substantial bodily harm as described in
26 NRS 200.481 or battery which is committed by strangulation as
27 described in NRS 200.481 or 200.485.

28 12. An offense involving pornography and a minor pursuant to
29 NRS 200.710 ~~for 200.720.~~ ***to 200.730, inclusive.***

30 13. Open or gross lewdness pursuant to NRS 201.210.

31 14. Lewdness with a child pursuant to NRS 201.230.

32 15. An offense involving pandering or sex trafficking in
33 violation of NRS 201.300, prostitution in violation of NRS 201.320
34 or advancing prostitution in violation of NRS 201.395.

35 16. ***Sexual conduct between certain employees of a school or***
36 ***volunteers at a school and a pupil pursuant to NRS 201.540.***

37 17. ***Sexual conduct between certain employees of a college or***
38 ***university and a student pursuant to NRS 201.550.***

39 18. ***Luring a child or a person with a mental illness pursuant***
40 ***to NRS 201.560.***



1 **19.** Coercion pursuant to NRS 207.190, if the coercion
2 involves the use or threatened use of force or violence against the
3 victim or the use or threatened use of a firearm or a deadly weapon.

4 ~~17-1~~ **20.** An attempt, conspiracy or solicitation to commit an
5 offense listed in this section.

6 **Sec. 2.** NRS 176A.110 is hereby amended to read as follows:

7 176A.110 1. The court shall not grant probation to or
8 suspend the sentence of a person convicted of an offense listed in
9 subsection 3 unless:

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

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

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

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

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

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

37 (c) Battery with intent to commit sexual assault pursuant to
38 NRS 200.400.

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

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

42 (f) Fertility fraud pursuant to paragraph (a) of subsection 1 of
43 NRS 200.975.

44 (g) Incest pursuant to NRS 201.180.

45 (h) Open or gross lewdness pursuant to NRS 201.210.



- 1 (i) Indecent or obscene exposure pursuant to NRS 201.220.
2 (j) Soliciting a child for prostitution pursuant to NRS 201.354.
3 (k) Sexual penetration of a dead human body pursuant to
4 NRS 201.450.
5 (l) Sexual conduct between certain employees of a school or
6 volunteers at a school and a pupil pursuant to NRS 201.540.
7 (m) Sexual conduct between certain employees of a college or
8 university and a student pursuant to NRS 201.550.
9 (n) Luring a child or a person with mental illness pursuant to
10 NRS 201.560, if punished as a felony.
11 (o) A violation of NRS 207.180.
12 (p) An attempt to commit an offense listed in paragraphs (b) to
13 (o), inclusive.
14 (q) *An attempt to commit a violation of NRS 201.230.*
15 (r) Coercion or attempted coercion that is determined to be
16 sexually motivated pursuant to NRS 207.193.
17 **Sec. 3.** This act becomes effective upon passage and approval.



ASSEMBLY BILL NO. 35—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 15, 2024

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to pornography involving minors. (BDR 15-448)

FISCAL NOTE: Effect on Local Government: No.
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 a person from receiving, distributing, producing, possessing or accessing any obscene item or material which contains a depiction of a purported child engaging in sexual conduct; providing that a violation of this prohibition constitutes a sexual offense or a violent or sexual offense for the purposes of various statutes; establishing the preferred manner of referring to items or materials that depict or describe a minor engaging in certain sexual conduct; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 In general, existing law prohibits a person from committing certain acts
2 regarding pornography involving minors. (NRS 200.700-200.760) **Section 1** of this
3 bill: (1) prohibits a person from receiving, distributing, producing, possessing or
4 accessing any obscene item or material which the person knows or reasonably
5 should know contains a depiction of a purported child engaging in sexual conduct;
6 and (2) provides that a person who violates this prohibition is guilty of a category B
7 felony. **Section 1** also defines: (1) the term “depiction of a purported child” for
8 purposes of this prohibition to mean a visual representation that appears to depict
9 an actual child but may or may not depict an actual child; and (2) certain other
10 terms relating to the prohibition. **Sections 2-5** of this bill make certain definitions,
11 exemptions and authorizations, which, under existing law, are generally applicable
12 to provisions concerning pornography involving minors, applicable to **section 1**.

13 Existing law: (1) prohibits a court from deferring judgment on a case if the
14 defendant has been convicted of a violent or sexual offense; (2) sets the maximum



15 period of probation or suspension of sentence for a violent or sexual offense at 60
16 months; and (3) prohibits the early discharge from probation of a person convicted
17 of a violent or sexual offense. (NRS 176.211, 176A.500, 176A.840, 202.876)
18 Existing law also requires a person to report certain violent or sexual offenses
19 against a child to a law enforcement agency under certain circumstances. (NRS
20 202.882) **Section 6** of this bill makes a violation of **section 1** a violent or sexual
21 offense for purposes of these provisions.

22 Existing law prohibits a court from ordering a victim of or a witness to certain
23 sexual offenses to take or submit to a psychological or psychiatric examination.
24 (NRS 50.700) **Section 7** of this bill applies this prohibition to a victim of or a
25 witness to a violation of **section 1**.

26 Existing law defines the term "sexual offense" for the purposes of certain
27 provisions which prohibit a person convicted of a sexual offense from obtaining
28 certain licenses or employment or receiving certain services to include an offense
29 involving pornography and a minor. (NRS 62B.270, 62G.223, 424.031, 424.145,
30 432A.170, 432A.1755, 432B.198, 432B.199, 433B.183) **Sections 8, 12, 13 and 32-**
31 **37** of this bill revise the list of sexual offenses to which these statutory provisions
32 apply to include a violation of **section 1**.

33 **Section 9** of this bill requires a district attorney to provide certain
34 documentation to a victim of a violation of **section 1** and, if the victim is less than
35 18 years of age, to his or her parent or guardian. (NRS 62C.120)

36 **Section 10** of this bill makes certain restrictions concerning attendance in
37 school which are applicable to juveniles who are adjudicated delinquent for
38 committing sexual offenses applicable to a juvenile who is adjudicated delinquent
39 for committing a violation of **section 1**. (NRS 62F.100-62F.150) **Section 11** of this
40 bill makes certain registration and community notification requirements which are
41 applicable to juveniles who are adjudicated delinquent for committing sexual
42 offenses applicable to a juvenile who is adjudicated delinquent for committing a
43 violation of **section 1**. (NRS 62F.205-62F.360)

44 Under existing law, the fingerprints of a child who is taken into custody for an
45 unlawful act that, if committed by an adult, would have been a sexual offense, must
46 be taken, retained locally and submitted to the Central Repository for Nevada
47 Records of Criminal History under certain circumstances. (NRS 62H.010) **Section**
48 **14** of this bill makes these requirements applicable to a child who is taken into
49 custody for a violation of **section 1**.

50 Existing law requires the Director of the Department of Health and Human
51 Services to establish a program to compile and analyze data concerning juvenile
52 sex offenders. (NRS 62H.320) Existing law also requires the Division of Child and
53 Family Services of the Department to: (1) collect certain information concerning
54 each child adjudicated delinquent for committing a sexual offense; and (2) provide
55 the information collected by the Division to the Director for use in the program.
56 (NRS 62H.210, 62H.220, 62H.320) **Sections 15 and 16** of this bill add a violation
57 of **section 1** to the list of sexual offenses to which these requirements apply.
58 **Sections 15 and 16** thereby require the Division to collect and provide to the
59 Department certain information concerning a child who is adjudicated delinquent
60 for a violation of **section 1**.

61 Existing law: (1) requires that a person convicted of certain sexual offenses
62 undergo a psychosexual evaluation as part of the presentence investigation report
63 prepared by the Division of Parole and Probation of the Department of Public
64 Safety; and (2) prohibits a court from granting probation to or suspending the
65 sentence of a person convicted of certain sexual offenses, unless the person who
66 conducts the psychosexual evaluation certifies that the person convicted of the
67 sexual offense does not represent a high risk to reoffend. (NRS 176.135, 176A.110)
68 **Sections 18 and 19** of this bill add a violation of **section 1** to the list of sexual
69 offenses that require a psychosexual evaluation to be conducted and for which a



70 court is prohibited from granting probation to or suspending the sentence of a
71 person, unless the person who conducts the psychosexual evaluation certifies that
72 the person does not represent a high risk to reoffend.

73 Existing law requires a court that grants probation to or suspends the sentence
74 of certain persons convicted of an offense that involved pornography and a minor to
75 order, as a condition of probation or suspension, that the person not own or use a
76 computer. (NRS 176A.413) **Section 20** of this bill adds a violation of **section 1** to
77 the list of offenses for which a court is required to issue such an order. Existing law
78 similarly requires the State Board of Parole Commissioners to require that certain
79 persons convicted of an offense that involved pornography and a minor not own or
80 use a computer. (NRS 213.1258) **Section 26** of this bill adds a violation of **section**
81 **1** to the list of offenses for which the Board is required to impose this condition of
82 parole.

83 Existing law requires a court to provide certain documentation to certain
84 persons if an offender is convicted of certain sexual offenses. (NRS 178.5698)
85 **Section 21** of this bill requires that such documentation be provided to such persons
86 if an offender is convicted of a violation of **section 1**. **Section 22** of this bill makes
87 the provisions of law which prohibit a person convicted of a sexual offense from
88 petitioning a court to seal the records relating to such a conviction applicable to a
89 person convicted of a violation of **section 1**. (NRS 179.245)

90 Existing law authorizes the Central Repository and its employees to inquire into
91 and inspect certain sealed records that constitute information relating to sexual
92 offenses and to notify employers of the information in accordance with federal laws
93 and regulations. (NRS 179.301) **Section 23** of this bill revises the list of sexual
94 offenses to which this provision applies to include a violation of **section 1**.

95 Existing law defines the term "sexual offense" for the purpose of requiring
96 persons convicted of certain sexual offenses to be prohibited from certain
97 employment, to register as a sex offender, to comply with certain mandatory
98 conditions of probation or parole and to fulfill certain other requirements. (NRS
99 118A.335, 176.0913, 176A.410, 179D.095, 179D.097, 179D.441, 213.1099,
100 213.1245) **Section 24** of this bill revises the list of sexual offenses to which these
101 statutory provisions apply to include a violation of **section 1**. **Section 25** of this bill
102 designates an offender convicted of a violation of **section 1** a Tier II offender for
103 the purpose of certain requirements relating to registration as a sex offender.

104 **Sections 27-29** of this bill make a minor who was the victim of a violation of
105 **section 1** or a parent or guardian of any such minor eligible to apply for
106 compensation from the Fund for the Compensation of Victims of Crime for certain
107 expenses and losses. (NRS 217.010-217.270)

108 **Sections 30 and 31** of this bill establish the preferred manner of referring to
109 items or materials that depict or describe a minor as the subject of a sexual
110 portrayal or engaging in or simulating, or assisting others to engage in or simulate
111 sexual conduct in the Nevada Revised Statutes and the Nevada Administrative
112 Code. **Sections 6-29 and 32-37** make conforming changes to replace words and
113 terms that are not preferred for use in the Nevada Revised Statutes, including the
114 term "child pornography" and various related terms, with the term "child sexual
115 abuse material" in accordance with **section 30**.



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

1 **Section 1.** Chapter 200 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *A person shall not receive, distribute, produce, possess or*
4 *access in any way, with the intent to view, any obscene item or*
5 *material which he or she knows or reasonably should know*
6 *contains a depiction of a purported child engaging in sexual*
7 *conduct.*

8 2. *Unless a greater penalty is provided in NRS 200.725, a*
9 *person who violates the provisions of subsection 1 is guilty of a*
10 *category B felony and shall be punished by imprisonment in the*
11 *state prison for a minimum term of not less than 1 year and a*
12 *maximum term of not more than 6 years, and may be further*
13 *punished by a fine of not more than \$5,000.*

14 3. *As used in this section:*

15 (a) *“Child” means a person who is less than 18 years of age.*

16 (b) *“Depiction of a purported child” means a visual*
17 *representation that appears to depict an actual child but may or*
18 *may not depict an actual child.*

19 (c) *“Obscene” means any item or material which:*

20 (1) *An average person applying contemporary community*
21 *standards would find, taken as a whole, appeals to prurient*
22 *interest and lacks serious literary, artistic, political or scientific*
23 *value; and*

24 (2) *Depicts sexual conduct in a patently offensive way.*

25 **Sec. 2.** NRS 200.700 is hereby amended to read as follows:

26 200.700 As used in NRS 200.700 to 200.760, inclusive, *and*
27 *section 1 of this act*, unless the context otherwise requires:

28 1. *“Performance” means any play, film, photograph, computer-*
29 *generated image, electronic representation, dance or other visual*
30 *presentation.*

31 2. *“Promote” means to produce, direct, procure, manufacture,*
32 *sell, give, lend, publish, distribute, exhibit, advertise or possess for*
33 *the purpose of distribution.*

34 3. *“Sexual conduct” means sexual intercourse, lewd exhibition*
35 *of the genitals, fellatio, cunnilingus, bestiality, anal intercourse,*
36 *excretion, sado-masochistic abuse, masturbation, or the penetration*
37 *of any part of a person’s body or of any object manipulated or*
38 *inserted by a person into the genital or anal opening of the body of*
39 *another.*

40 4. *“Sexual portrayal” means the depiction of a person in a*
41 *manner which appeals to the prurient interest in sex and which does*
42 *not have serious literary, artistic, political or scientific value.*



1 **Sec. 3.** NRS 200.735 is hereby amended to read as follows:
2 200.735 The provisions of NRS 200.710 to 200.730, inclusive,
3 *and section 1 of this act* do not apply to law enforcement personnel
4 during the investigation or prosecution of a violation of the
5 provisions of NRS 200.710 to 200.730, inclusive ~~†~~, *and section 1*
6 *of this act.*

7 **Sec. 4.** NRS 200.740 is hereby amended to read as follows:
8 200.740 For the purposes of NRS 200.710 to 200.737,
9 inclusive, *and section 1 of this act*, to determine whether a person
10 was a minor, the court or jury may:

- 11 1. Inspect the person in question;
- 12 2. View the performance;
- 13 3. Consider the opinion of a witness to the performance
14 regarding the person's age;
- 15 4. Consider the opinion of a medical expert who viewed the
16 performance; or
- 17 5. Use any other method authorized by the rules of evidence at
18 common law.

19 **Sec. 5.** NRS 200.760 is hereby amended to read as follows:
20 200.760 All assets derived from or relating to any violation of
21 NRS 200.366, 200.710 to 200.730, inclusive, *and section 1 of this*
22 *act* or 201.230 are subject to forfeiture. A proceeding for their
23 forfeiture may be brought pursuant to NRS 179.1156 to 179.1205,
24 inclusive.

25 **Sec. 6.** NRS 202.876 is hereby amended to read as follows:
26 202.876 "Violent or sexual offense" means any act that, if
27 prosecuted in this State, would constitute any of the following
28 offenses:

- 29 1. Murder or voluntary manslaughter pursuant to NRS 200.010
30 to 200.260, inclusive.
- 31 2. Mayhem pursuant to NRS 200.280.
- 32 3. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive.
- 33 4. Sexual assault pursuant to NRS 200.366.
- 34 5. Robbery pursuant to NRS 200.380.
- 35 6. Administering poison or another noxious or destructive
36 substance or liquid with intent to cause death pursuant to
37 NRS 200.390.
- 38 7. Battery with intent to commit a crime pursuant to
39 NRS 200.400.
- 40 8. Administering a drug or controlled substance to another
41 person with the intent to enable or assist the commission of a felony
42 or crime of violence pursuant to NRS 200.405 or 200.408.
- 43 9. False imprisonment pursuant to NRS 200.460 if the false
44 imprisonment involves the use or threatened use of force or violence



1 against the victim or the use or threatened use of a firearm or a
2 deadly weapon.

3 10. Assault with a deadly weapon pursuant to NRS 200.471.

4 11. Battery which is committed with the use of a deadly
5 weapon or which results in substantial bodily harm as described in
6 NRS 200.481 or battery which is committed by strangulation as
7 described in NRS 200.481 or 200.485.

8 12. An offense involving ~~pornography and a minor~~ *child*
9 *sexual abuse material* pursuant to NRS 200.710 ~~for 200.720~~ *to*
10 *200.730, inclusive, and section 1 of this act.*

11 13. Open or gross lewdness pursuant to NRS 201.210.

12 14. Lewdness with a child pursuant to NRS 201.230.

13 15. An offense involving pandering or sex trafficking in
14 violation of NRS 201.300, prostitution in violation of NRS 201.320
15 or advancing prostitution in violation of NRS 201.395.

16 16. Coercion pursuant to NRS 207.190, if the coercion
17 involves the use or threatened use of force or violence against the
18 victim or the use or threatened use of a firearm or a deadly weapon.

19 17. An attempt, conspiracy or solicitation to commit an offense
20 listed in this section.

21 **Sec. 7.** NRS 50.700 is hereby amended to read as follows:

22 50.700 1. In any criminal or juvenile delinquency action
23 relating to the commission of a sexual offense, a court may not order
24 the victim of or a witness to the sexual offense to take or submit to a
25 psychological or psychiatric examination.

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

29 (a) There is a prima facie showing of a compelling need for an
30 additional psychological or psychiatric examination of the victim or
31 witness by a licensed psychologist, psychiatrist or clinical social
32 worker; and

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

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

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

44 (b) Any corroboration of the offense exists beyond the
45 testimony of the victim or witness.



1 4. If the court determines there is a prima facie showing of a
2 compelling need for an additional psychological or psychiatric
3 examination of the victim or witness, the court shall issue a factual
4 finding that details with particularity the reasons why an additional
5 psychological or psychiatric examination of the victim or witness is
6 warranted.

7 5. If the court issues a factual finding pursuant to subsection 4
8 and the victim or witness consents to an additional psychological or
9 psychiatric examination, the court shall set the parameters for the
10 examination consistent with the purpose of determining the ability
11 of the victim or witness to perceive and relate events relevant to the
12 criminal prosecution.

13 6. As used in this section, "sexual offense" includes, without
14 limitation:

15 (a) An offense that is found to be sexually motivated pursuant to
16 NRS 175.547 or 207.193;

17 (b) Sexual assault pursuant to NRS 200.366;

18 (c) Statutory sexual seduction pursuant to NRS 200.368;

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

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

23 (f) An offense involving ~~pornography and a minor~~ **child**
24 **sexual abuse material** pursuant to NRS 200.710 to 200.730,
25 inclusive ~~†~~, **and section 1 of this act**;

26 (g) Fertility fraud pursuant to paragraph (a) of subsection 1 of
27 NRS 200.975;

28 (h) Incest pursuant to NRS 201.180;

29 (i) Open or gross lewdness pursuant to NRS 201.210;

30 (j) Indecent or obscene exposure pursuant to NRS 201.220;

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

32 (l) Pandering or sex trafficking of a child pursuant to
33 NRS 201.300;

34 (m) An offense involving the administration of a drug to another
35 person with the intent to enable or assist the commission of a felony
36 pursuant to NRS 200.405, if the felony is an offense listed in this
37 section;

38 (n) An offense involving the administration of a controlled
39 substance to another person with the intent to enable or assist the
40 commission of a crime of violence pursuant to NRS 200.408, if the
41 crime of violence is an offense listed in this section;

42 (o) Sexual penetration of a dead human body pursuant to
43 NRS 201.450;

44 (p) A violation of NRS 201.553;



1 (q) Luring a child or a person with mental illness pursuant to
2 NRS 201.560;

3 (r) Any other offense that has an element involving a sexual act
4 or sexual conduct with another person; or

5 (s) Any attempt or conspiracy to commit an offense listed in this
6 subsection.

7 **Sec. 8.** NRS 62B.270 is hereby amended to read as follows:

8 62B.270 1. A public institution or agency to which a juvenile
9 court commits a child or the licensing authority of a private
10 institution to which a juvenile court commits a child, including,
11 without limitation, a facility for the detention of children, shall
12 secure from appropriate law enforcement agencies information on
13 the background and personal history of each employee of the
14 institution or agency to determine:

15 (a) Whether the employee has been convicted of:

16 (1) Murder, voluntary manslaughter, involuntary
17 manslaughter or mayhem;

18 (2) Any other felony involving the use or threatened use of
19 force or violence or the use of a firearm or other deadly weapon;

20 (3) Assault with intent to kill or to commit sexual assault or
21 mayhem;

22 (4) Battery which results in substantial bodily harm to the
23 victim;

24 (5) Battery that constitutes domestic violence that is
25 punishable as a felony;

26 (6) Battery that constitutes domestic violence, other than a
27 battery described in subparagraph (5), within the immediately
28 preceding 3 years;

29 (7) Sexual assault, statutory sexual seduction, incest,
30 lewdness, indecent exposure, an offense involving ~~pornography and~~
31 ~~a minor~~ *child sexual abuse material* or any other sexually related
32 crime;

33 (8) A crime involving pandering or prostitution, including,
34 without limitation, a violation of any provision of NRS 201.295 to
35 201.440, inclusive, other than a violation of NRS 201.354 or
36 201.353 by engaging in prostitution;

37 (9) Abuse or neglect of a child, including, without limitation,
38 a violation of any provision of NRS 200.508 or 200.5083;

39 (10) A violation of any federal or state law regulating the
40 possession, distribution or use of any controlled substance or any
41 dangerous drug as defined in chapter 454 of NRS within the
42 immediately preceding 3 years;

43 (11) A violation of any federal or state law prohibiting
44 driving or being in actual physical control of a vehicle while under



1 the influence of intoxicating liquor or a controlled substance that is
2 punishable as a felony;

3 (12) A violation of any federal or state law prohibiting
4 driving or being in actual physical control of a vehicle while under
5 the influence of intoxicating liquor or a controlled substance, other
6 than a violation described in subparagraph (11), within the
7 immediately preceding 3 years;

8 (13) Abuse, neglect, exploitation, isolation or abandonment
9 of older persons or vulnerable persons, including, without
10 limitation, a violation of any provision of NRS 200.5091 to
11 200.50995, inclusive, or a law of any other jurisdiction that
12 prohibits the same or similar conduct; or

13 (14) Any offense involving arson, fraud, theft,
14 embezzlement, burglary, robbery, fraudulent conversion,
15 misappropriation of property or perjury within the immediately
16 preceding 7 years; or

17 (b) Whether there are criminal charges pending against the
18 employee for a crime listed in paragraph (a).

19 2. An employee of the public or private institution or agency
20 must submit to the public institution or agency or the licensing
21 authority, as applicable, a complete set of fingerprints and written
22 authorization to forward those fingerprints to the Central Repository
23 for Nevada Records of Criminal History for submission to the
24 Federal Bureau of Investigation for its report.

25 3. The public institution or agency or the licensing authority, as
26 applicable, may exchange with the Central Repository or the Federal
27 Bureau of Investigation any information concerning the fingerprints
28 submitted.

29 4. The public institution or agency or the licensing authority, as
30 applicable, may charge an employee investigated pursuant to this
31 section for the reasonable cost of that investigation.

32 5. When a report from the Federal Bureau of Investigation is
33 received by the Central Repository, the Central Repository shall
34 immediately forward a copy of the report to the public institution or
35 agency or the licensing authority, as applicable, for a determination
36 of whether the employee has criminal charges pending against him
37 or her for a crime listed in paragraph (a) of subsection 1 or has been
38 convicted of a crime listed in paragraph (a) of subsection 1.

39 6. A person who is required to submit to an investigation
40 required pursuant to this section shall not have contact with a child
41 without supervision in a public or private institution or agency to
42 which a juvenile court commits a child, including, without
43 limitation, a facility for the detention of children, before the
44 investigation of the background and personal history of the person
45 has been conducted.



1 7. The public institution or agency or the licensing authority, as
2 applicable, shall conduct an investigation of each employee of the
3 institution or agency pursuant to this section at least once every 5
4 years after the initial investigation.

5 8. For the purposes of this section, the period during which
6 criminal charges are pending against an employee for a crime listed
7 in paragraph (a) of subsection 1 begins when the employee is
8 arrested for such a crime and ends when:

9 (a) A determination is made as to the guilt or innocence of the
10 employee with regard to such a crime at a trial or by a plea; or

11 (b) The prosecuting attorney makes a determination to:

12 (1) Decline charging the employee with a crime listed in
13 paragraph (a) of subsection 1; or

14 (2) Proceed with charges against the employee for only one
15 or more crimes not listed in paragraph (a) of subsection 1.

16 **Sec. 9.** NRS 62C.120 is hereby amended to read as follows:

17 62C.120 1. If a petition filed pursuant to the provisions of
18 this title contains allegations that a child committed an unlawful act
19 which would have been a sexual offense if committed by an adult or
20 which involved the use or threatened use of force or violence against
21 the victim, the district attorney shall provide to the victim and, if the
22 victim is less than 18 years of age, to the parent or guardian of the
23 victim, as soon as practicable after the petition is filed,
24 documentation that includes:

25 (a) A form advising the victim and the parent or guardian of the
26 victim of their rights pursuant to the provisions of this title; and

27 (b) The form or procedure that must be used to request
28 disclosure pursuant to NRS 62D.440.

29 2. As used in this section, "sexual offense" means:

30 (a) Sexual assault pursuant to NRS 200.366;

31 (b) Battery with intent to commit sexual assault pursuant to
32 NRS 200.400;

33 (c) An offense involving ~~pornography and a minor~~ *child*
34 *sexual abuse material* pursuant to NRS 200.710 to 200.730,
35 inclusive ~~H~~, *and section 1 of this act*;

36 (d) Open or gross lewdness pursuant to NRS 201.210;

37 (e) Indecent or obscene exposure pursuant to NRS 201.220;

38 (f) Lewdness with a child pursuant to NRS 201.230;

39 (g) Sexual penetration of a dead human body pursuant to
40 NRS 201.450;

41 (h) Luring a child or person with mental illness pursuant to NRS
42 201.560, if punishable as a felony; or

43 (i) An attempt to commit an offense listed in this subsection.



1 **Sec. 10.** NRS 62F.100 is hereby amended to read as follows:
2 62F.100 As used in NRS 62F.100 to 62F.150, inclusive, unless
3 the context otherwise requires, “sexual offense” means:

- 4 1. Sexual assault pursuant to NRS 200.366;
- 5 2. Battery with intent to commit sexual assault pursuant to
6 NRS 200.400;
- 7 3. An offense involving ~~pornography and a minor~~ *child*
8 *sexual abuse material* pursuant to NRS 200.710 to 200.730,
9 inclusive ~~§~~, *and section 1 of this act*;
- 10 4. Open or gross lewdness pursuant to NRS 201.210, if
11 punishable as a felony;
- 12 5. Indecent or obscene exposure pursuant to NRS 201.220, if
13 punishable as a felony;
- 14 6. Lewdness with a child pursuant to NRS 201.230;
- 15 7. Sexual penetration of a dead human body pursuant to
16 NRS 201.450;
- 17 8. Luring a child or person with mental illness pursuant to NRS
18 201.560, if punishable as a felony; or
- 19 9. An attempt to commit an offense listed in this section, if
20 punishable as a felony.

21 **Sec. 11.** NRS 62F.225 is hereby amended to read as follows:

- 22 62F.225 1. “Sexual offense” means:
- 23 (a) Sexual assault pursuant to NRS 200.366;
 - 24 (b) An offense involving ~~pornography and a minor~~ *child*
25 *sexual abuse material* pursuant to NRS 200.710 to 200.730,
26 inclusive ~~§~~, *and section 1 of this act*;
 - 27 (c) Lewdness with a child pursuant to NRS 201.230;
 - 28 (d) An attempt or conspiracy to commit an offense listed in
29 paragraph (a), (b) or (c), if punishable as a felony;
 - 30 (e) An offense that is determined to be sexually motivated
31 pursuant to NRS 175.547 or 207.193; or
 - 32 (f) An aggravated sexual offense.
- 33 2. The term does not include an offense involving consensual
34 sexual conduct if the victim was:
- 35 (a) An adult, unless the adult was under the custodial authority
36 of the offender at the time of the offense; or
 - 37 (b) At least 13 years of age and the offender was not more than
38 4 years older than the victim at the time of the commission of the
39 offense.

40 **Sec. 12.** NRS 62G.223 is hereby amended to read as follows:

- 41 62G.223 1. A department of juvenile justice services shall
42 secure from appropriate law enforcement agencies information on
43 the background and personal history of each applicant for
44 employment with the department of juvenile justice services, and



1 each employee of the department of juvenile justice services, to
2 determine:

3 (a) Whether the applicant or employee has been convicted of:

4 (1) Murder, voluntary manslaughter, involuntary
5 manslaughter or mayhem;

6 (2) Any felony involving the use or threatened use of force or
7 violence or the use of a firearm or other deadly weapon;

8 (3) Assault with intent to kill or to commit sexual assault or
9 mayhem;

10 (4) Battery which results in substantial bodily harm to the
11 victim;

12 (5) Battery that constitutes domestic violence that is
13 punishable as a felony;

14 (6) Battery that constitutes domestic violence, other than a
15 battery described in subparagraph (5), within the immediately
16 preceding 3 years;

17 (7) Sexual assault, statutory sexual seduction, incest,
18 lewdness, indecent exposure or an offense involving ~~pornography~~
19 ~~and a minor;~~ *child sexual abuse material;*

20 (8) A crime involving pandering or prostitution, including,
21 without limitation, a violation of any provision of NRS 201.295 to
22 201.440, inclusive;

23 (9) Abuse or neglect of a child, including, without limitation,
24 a violation of any provision of NRS 200.508 or 200.5083 or
25 contributory delinquency;

26 (10) A violation of any federal or state law regulating the
27 possession, distribution or use of any controlled substance or any
28 dangerous drug as defined in chapter 454 of NRS;

29 (11) A violation of any federal or state law prohibiting
30 driving or being in actual physical control of a vehicle while under
31 the influence of intoxicating liquor or a controlled substance that is
32 punishable as a felony;

33 (12) A violation of any federal or state law prohibiting
34 driving or being in actual physical control of a vehicle while under
35 the influence of intoxicating liquor or a controlled substance, other
36 than a violation described in subparagraph (11), within the
37 immediately preceding 3 years;

38 (13) Abuse, neglect, exploitation, isolation or abandonment
39 of older persons or vulnerable persons, including, without
40 limitation, a violation of any provision of NRS 200.5091 to
41 200.50995, inclusive, or a law of any other jurisdiction that
42 prohibits the same or similar conduct; or

43 (14) Any offense involving arson, fraud, theft,
44 embezzlement, burglary, robbery, fraudulent conversion,



1 misappropriation of property or perjury within the immediately
2 preceding 7 years; or

3 (b) Whether there are criminal charges pending against the
4 applicant or employee for a violation of an offense listed in
5 paragraph (a).

6 2. A department of juvenile justice services shall request
7 information from:

8 (a) The Statewide Central Registry concerning an applicant for
9 employment with the department of juvenile justice services, or an
10 employee of the department of juvenile justice services, to
11 determine whether there has been a substantiated report of child
12 abuse or neglect made against the applicant or employee; and

13 (b) The central registry of information concerning the abuse or
14 neglect of a child established by any other state in which the
15 applicant or employee resided within the immediately preceding 5
16 years to ensure satisfactory clearance with that registry.

17 3. Each applicant for employment with the department of
18 juvenile justice services, and each employee of the department of
19 juvenile justice services, must submit to the department of juvenile
20 justice services:

21 (a) A complete set of his or her fingerprints and written
22 authorization to forward those fingerprints to the Central Repository
23 for Nevada Records of Criminal History for submission to the
24 Federal Bureau of Investigation for its report; and

25 (b) Written authorization for the department of juvenile justice
26 services to obtain any information that may be available from the
27 Statewide Central Registry or the central registry of information
28 concerning the abuse or neglect of a child established by any other
29 state in which the applicant or employee resided within the
30 immediately preceding 5 years.

31 4. The department of juvenile justice services may exchange
32 with the Central Repository or the Federal Bureau of Investigation
33 any information concerning the fingerprints submitted pursuant to
34 this section.

35 5. When a report from the Federal Bureau of Investigation is
36 received by the Central Repository, the Central Repository shall
37 immediately forward a copy of the report to the department of
38 juvenile justice services for a determination of whether the applicant
39 or employee has criminal charges pending against him or her for a
40 crime listed in paragraph (a) of subsection 1 or has been convicted
41 of a crime listed in paragraph (a) of subsection 1.

42 6. A department of juvenile justice services shall conduct an
43 investigation of each employee of the department pursuant to this
44 section at least once every 5 years after the initial investigation.



1 7. As used in this section, "Statewide Central Registry" means
2 the Statewide Central Registry for the Collection of Information
3 Concerning the Abuse or Neglect of a Child established by
4 NRS 432.100.

5 **Sec. 13.** NRS 62G.353 is hereby amended to read as follows:

6 62G.353 1. A department of juvenile justice services shall
7 secure from appropriate law enforcement agencies information on
8 the background and personal history of each applicant for
9 employment with the department of juvenile justice services, and
10 each employee of the department of juvenile justice services, to
11 determine:

12 (a) Whether the applicant or employee has been convicted of:

13 (1) Murder, voluntary manslaughter, involuntary
14 manslaughter or mayhem;

15 (2) Any felony involving the use or threatened use of force or
16 violence or the use of a firearm or other deadly weapon;

17 (3) Assault with intent to kill or to commit sexual assault or
18 mayhem;

19 (4) Battery which results in substantial bodily harm to the
20 victim;

21 (5) Battery that constitutes domestic violence that is
22 punishable as a felony;

23 (6) Battery that constitutes domestic violence, other than a
24 battery described in subparagraph (5), within the immediately
25 preceding 3 years;

26 (7) Sexual assault, statutory sexual seduction, incest,
27 lewdness, indecent exposure or an offense involving ~~pornography~~
28 ~~and a minor;~~ *child sexual abuse material;*

29 (8) A crime involving pandering or prostitution, including,
30 without limitation, a violation of any provision of NRS 201.295 to
31 201.440, inclusive;

32 (9) Abuse or neglect of a child, including, without limitation,
33 a violation of any provision of NRS 200.508 or 200.5083 or
34 contributory delinquency;

35 (10) A violation of any federal or state law regulating the
36 possession, distribution or use of any controlled substance or any
37 dangerous drug as defined in chapter 454 of NRS;

38 (11) A violation of any federal or state law prohibiting
39 driving or being in actual physical control of a vehicle while under
40 the influence of intoxicating liquor or a controlled substance that is
41 punishable as a felony;

42 (12) A violation of any federal or state law prohibiting
43 driving or being in actual physical control of a vehicle while under
44 the influence of intoxicating liquor or a controlled substance, other



1 than a violation described in subparagraph (11), within the
2 immediately preceding 3 years;

3 (13) Abuse, neglect, exploitation, isolation or abandonment
4 of older persons or vulnerable persons, including, without
5 limitation, a violation of any provision of NRS 200.5091 to
6 200.50995, inclusive, or a law of any other jurisdiction that
7 prohibits the same or similar conduct; or

8 (14) Any offense involving arson, fraud, theft,
9 embezzlement, burglary, robbery, fraudulent conversion,
10 misappropriation of property or perjury within the immediately
11 preceding 7 years; or

12 (b) Whether there are criminal charges pending against the
13 applicant or employee for a violation of an offense listed in
14 paragraph (a).

15 2. A department of juvenile justice services shall request
16 information from:

17 (a) The Statewide Central Registry concerning an applicant for
18 employment with the department of juvenile justice services, or an
19 employee of the department of juvenile justice services, to
20 determine whether there has been a substantiated report of child
21 abuse or neglect made against the applicant or employee; and

22 (b) The central registry of information concerning the abuse or
23 neglect of a child established by any other state in which the
24 applicant or employee resided within the immediately preceding 5
25 years to ensure satisfactory clearance with that registry.

26 3. Each applicant for employment with the department of
27 juvenile justice services, and each employee of the department of
28 juvenile justice services, must submit to the department of juvenile
29 justice services:

30 (a) A complete set of his or her fingerprints and written
31 authorization to forward those fingerprints to the Central Repository
32 for Nevada Records of Criminal History for submission to the
33 Federal Bureau of Investigation for its report; and

34 (b) Written authorization for the department of juvenile justice
35 services to obtain any information that may be available from the
36 Statewide Central Registry or the central registry of information
37 concerning the abuse or neglect of a child established by any other
38 state in which the applicant or employee resided within the
39 immediately preceding 5 years.

40 4. The department of juvenile justice services may exchange
41 with the Central Repository or the Federal Bureau of Investigation
42 any information concerning the fingerprints submitted pursuant to
43 this section.

44 5. When a report from the Federal Bureau of Investigation is
45 received by the Central Repository, the Central Repository shall



1 immediately forward a copy of the report to the department of
2 juvenile justice services for a determination of whether the applicant
3 or employee has criminal charges pending against him or her for a
4 crime listed in paragraph (a) of subsection 1 or has been convicted
5 of a crime listed in paragraph (a) of subsection 1.

6 6. A department of juvenile justice services shall conduct an
7 investigation of each employee of the department pursuant to this
8 section at least once every 5 years after the initial investigation.

9 7. As used in this section, "Statewide Central Registry" means
10 the Statewide Central Registry for the Collection of Information
11 Concerning the Abuse or Neglect of a Child established by
12 NRS 432.100.

13 **Sec. 14.** NRS 62H.010 is hereby amended to read as follows:

14 62H.010 1. The fingerprints of a child must be taken if the
15 child is in custody for an unlawful act that, if committed by an adult,
16 would have been:

17 (a) A felony, gross misdemeanor or sexual offense; or

18 (b) A misdemeanor and the unlawful act involved:

19 (1) The use or threatened use of force or violence against the
20 victim; or

21 (2) The possession, use or threatened use of a firearm or a
22 deadly weapon.

23 2. The fingerprints of a child who is in custody but who is not
24 subject to the provisions of subsection 1 may be taken if a law
25 enforcement officer finds latent fingerprints during the investigation
26 of an offense and the officer has reason to believe that the latent
27 fingerprints are those of the child. The officer shall use the
28 fingerprints taken from the child to make an immediate comparison
29 with the latent fingerprints. If the comparison is:

30 (a) Negative, the fingerprint card and other copies of the
31 fingerprints taken may be immediately destroyed or may be retained
32 for future use.

33 (b) Positive, the fingerprint card and other copies of the
34 fingerprints:

35 (1) Must be delivered to the juvenile court for disposition if
36 the child is referred to the juvenile court.

37 (2) May be immediately destroyed or may be retained for
38 future use if the child is not referred to the juvenile court.

39 3. Fingerprints that are taken from a child pursuant to the
40 provisions of this section:

41 (a) May be retained in a local file or a local system for the
42 automatic retrieval of fingerprints if they are retained under special
43 security measures that limit inspection of the fingerprints to law
44 enforcement officers who are conducting criminal investigations. If
45 the child from whom the fingerprints are taken subsequently is not



1 adjudicated delinquent, the parent or guardian of the child or, when
2 the child becomes at least 18 years of age, the child may petition the
3 juvenile court for the removal of the fingerprints from any local file
4 or local system.

5 (b) Must be submitted to the Central Repository if the child is
6 adjudicated delinquent for an unlawful act that would have been a
7 felony or a sexual offense if committed by an adult, and may be
8 submitted to the Central Repository for any other act. Any such
9 fingerprints submitted to the Central Repository must be submitted
10 with a description of the child and the unlawful act, if any, that the
11 child committed. The Central Repository shall retain the fingerprints
12 and information of the child under special security measures that
13 limit inspection of the fingerprints and the information to:

14 (1) Law enforcement officers who are conducting criminal
15 investigations; and

16 (2) Officers and employees of the Central Repository who
17 are assisting law enforcement officers with criminal investigations
18 or who are conducting research or performing a statistical analysis.

19 (c) Must not be submitted to the Federal Bureau of Investigation
20 unless the child is adjudicated delinquent for an unlawful act that
21 would have been a felony or a sexual offense if committed by an
22 adult.

23 4. A child who is in custody must be photographed for the
24 purpose of identification. Except as otherwise provided in this
25 subsection, the photographs of the child must be kept in the file
26 pertaining to the child under special security measures which
27 provide that the photographs may be inspected only to conduct
28 criminal investigations and photographic lineups. If the juvenile
29 court subsequently determines that the child is not delinquent, the
30 juvenile court shall order the photographs to be destroyed.

31 5. Any person who willfully violates any provision of this
32 section is guilty of a misdemeanor.

33 6. As used in this section, "sexual offense" means:

34 (a) Sexual assault pursuant to NRS 200.366;

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

36 (c) Battery with intent to commit sexual assault pursuant to
37 NRS 200.400;

38 (d) An offense involving ~~pornography and a minor~~ **child**
39 **sexual abuse material** pursuant to NRS 200.710 to 200.730,
40 inclusive ~~§~~, **and section 1 of this act**;

41 (e) Incest pursuant to NRS 201.180;

42 (f) Open or gross lewdness pursuant to NRS 201.210;

43 (g) Indecent or obscene exposure pursuant to NRS 201.220;

44 (h) Lewdness with a child pursuant to NRS 201.230;



1 (i) Sexual penetration of a dead human body pursuant to
2 NRS 201.450;

3 (j) Luring a child or person with mental illness pursuant to NRS
4 201.560, if punishable as a felony;

5 (k) An attempt to commit an offense listed in paragraphs (a) to
6 (j), inclusive; or

7 (l) An offense that is determined to be sexually motivated
8 pursuant to NRS 175.547.

9 **Sec. 15.** NRS 62H.220 is hereby amended to read as follows:

10 62H.220 1. For each child adjudicated delinquent for an
11 unlawful act that would have been a sexual offense if committed by
12 an adult, the Division of Child and Family Services shall collect
13 from the juvenile courts, local juvenile probation departments and
14 the staff of the youth correctional services, as directed by the
15 Department of Health and Human Services:

16 (a) The information listed in NRS 62H.210;

17 (b) The name of the child; and

18 (c) All information concerning programs of treatment in which
19 the child participated that:

20 (1) Were directly related to the delinquent act committed by
21 the child; or

22 (2) Were designed or utilized to prevent the commission of
23 another such act by the child in the future.

24 2. The Division of Child and Family Services shall provide the
25 information collected pursuant to subsection 1 to the Director of the
26 Department of Health and Human Services for use in the program
27 established pursuant to NRS 62H.300, 62H.310 and 62H.320.

28 3. Except as otherwise provided in NRS 239.0115, all
29 information containing the name of the child and all information
30 relating to programs of treatment in which the child participated is
31 confidential and must not be used for a purpose other than that
32 provided for in this section and NRS 62H.320.

33 4. As used in this section, "sexual offense" means:

34 (a) Sexual assault pursuant to NRS 200.366;

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

36 (c) Battery with intent to commit sexual assault pursuant to
37 NRS 200.400;

38 (d) An offense involving ~~pornography and a minor~~ *child*
39 *sexual abuse material* pursuant to NRS 200.710 to 200.730,
40 inclusive ~~†~~, *and section 1 of this act*;

41 (e) Incest pursuant to NRS 201.180;

42 (f) Open or gross lewdness pursuant to NRS 201.210;

43 (g) Indecent or obscene exposure pursuant to NRS 201.220;

44 (h) Lewdness with a child pursuant to NRS 201.230;



1 (i) Sexual penetration of a dead human body pursuant to
2 NRS 201.450;

3 (j) Luring a child using a computer, system or network pursuant
4 to NRS 201.560, if punished as a felony;

5 (k) Annoyance or molestation of a minor pursuant to
6 NRS 207.260;

7 (l) An attempt to commit an offense listed in paragraphs (a) to
8 (k), inclusive;

9 (m) An offense that is determined to be sexually motivated
10 pursuant to NRS 175.547; or

11 (n) An offense committed in another jurisdiction that, if
12 committed in this State, would have been an offense listed in this
13 subsection.

14 **Sec. 16.** NRS 62H.310 is hereby amended to read as follows:

15 62H.310 As used in this section and NRS 62H.300 and
16 62H.320:

17 1. "Juvenile sex offender" means a child adjudicated
18 delinquent for an act that, if committed by an adult, would be a
19 sexual offense.

20 2. "Sexual offense" means:

21 (a) Sexual assault pursuant to NRS 200.366;

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

23 (c) Battery with intent to commit sexual assault pursuant to
24 NRS 200.400;

25 (d) An offense involving ~~pornography and a minor~~ *child*
26 *sexual abuse material* pursuant to NRS 200.710 to 200.730,
27 inclusive ~~§~~, *and section 1 of this act*;

28 (e) Incest pursuant to NRS 201.180;

29 (f) Open or gross lewdness pursuant to NRS 201.210;

30 (g) Indecent or obscene exposure pursuant to NRS 201.220;

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

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

34 (j) Luring a child or a person with mental illness pursuant to
35 NRS 201.560, if punished as a felony;

36 (k) An attempt to commit an offense listed in paragraphs (a) to
37 (j), inclusive;

38 (l) An offense that is determined to be sexually motivated
39 pursuant to NRS 175.547; or

40 (m) An offense committed in another jurisdiction that, if
41 committed in this State, would be an offense listed in this
42 subsection.

43 **Sec. 17.** NRS 127.1869 is hereby amended to read as follows:

44 127.1869 1. If the court determines that tribal customary
45 adoption is in the best interests, as described in NRS 125E.230, of a



1 ward who is an Indian child and the Indian child's tribe consents to
2 the tribal customary adoption:

3 (a) The appropriate agency which provides child welfare
4 services shall provide the Indian child's tribe and proposed tribal
5 customary adoptive parents with a written report on the Indian child,
6 including, without limitation, to the extent not otherwise prohibited
7 by state or federal law, the medical background, if known, of the
8 Indian child's parents, and the Indian child's educational
9 information, developmental history and medical background,
10 including all known diagnostic information, current medical reports
11 and any psychological evaluations.

12 (b) The court shall accept a tribal customary adoptive home
13 study conducted by the Indian child's tribe if the home study:

14 (1) Includes federal criminal background checks, including
15 reports of child abuse, that meet the standards applicable under the
16 laws of this State for all other proposed adoptive placements;

17 (2) Uses the prevailing social and cultural standards of the
18 Indian child's tribe as the standards for evaluation of the proposed
19 adoptive placement;

20 (3) Includes an evaluation of the background, safety and
21 health information of the proposed adoptive placement, including
22 the biological, psychological and social factors of the proposed
23 adoptive placement and assessment of the commitment, capability
24 and suitability of the proposed adoptive placement to meet the
25 Indian child's needs; and

26 (4) Except where the proposed adoptive placement is the
27 Indian child's current foster care placement, is completed before the
28 placement of the Indian child in the proposed adoptive placement.

29 (c) Notwithstanding subsection 2, the court may not accept the
30 tribe's order or judgment of tribal customary adoption if any adult
31 living in the proposed adoptive placement has a felony conviction
32 for child abuse or neglect, spousal abuse, crimes against a child,
33 including child ~~pornography,~~ *sexual abuse material*, or a crime
34 involving violence. The Division shall, by regulation, define "crime
35 involving violence" for the purposes of this paragraph. The
36 definition must include rape, sexual assault and homicide, but must
37 not include other physical assault or battery.

38 2. The court shall accept an order or judgment for tribal
39 customary adoption that is filed by the Indian child's tribe if:

40 (a) The court determines that tribal customary adoption is an
41 appropriate permanent placement option for the Indian child;

42 (b) The court finds that the tribal customary adoption is in the
43 Indian child's best interests, as described in NRS 125E.230; and

44 (c) The order or judgment:



1 (1) Includes a description of the modification of the legal
2 relationship of the Indian child's parents or Indian custodian and the
3 Indian child, including any contact between the Indian child and
4 the Indian child's parents or Indian custodian, responsibilities of the
5 Indian child's parents or Indian custodian and the rights of
6 inheritance of the parents and Indian child;

7 (2) Includes a description of the Indian child's legal
8 relationship with the tribe; and

9 (3) Does not include any child support obligation from the
10 Indian child's parents or Indian custodian.

11 ➤ The court shall afford full faith and credit to a tribal customary
12 adoption order or judgment that is accepted under this subsection.

13 3. A tribal customary adoptive parent is not required to file a
14 petition for adoption when the court accepts a tribal customary
15 adoption order or judgment under subsection 2. The clerk of the
16 court may not charge or collect a fee for a proceeding under this
17 subsection.

18 4. After accepting a tribal customary adoption order or
19 judgment under subsection 2, the court that accepted the order or
20 judgment shall proceed as provided in NRS 127.150 and enter an
21 order or decree of adoption. In addition to the requirements under
22 NRS 127.151, the order or decree of adoption must include a
23 statement that any parental rights or obligations not specified in the
24 order or decree are transferred to the tribal customary adoptive
25 parents and a description of any parental rights or duties retained by
26 the Indian child's parents, the rights of inheritance of the parents
27 and Indian child and the Indian child's legal relationship with the
28 child's tribe.

29 5. A tribal customary adoption under this section does not
30 require the consent of the Indian child or the child's parents.

31 6. Upon the court's entry of an order or decree of adoption
32 under this section, the court's jurisdiction over the Indian child
33 terminates.

34 7. Any parental rights or obligations not specifically retained
35 by the Indian child's parents in the order or decree of adoption are
36 conclusively presumed to transfer to the tribal customary adoptive
37 parents.

38 8. This section remains operative only to the extent that
39 compliance with the provisions of this section do not conflict with
40 federal law as a condition of receiving funding under Title IV-E of
41 the Social Security Act, 42 U.S.C. §§ ~~601~~ 670 et seq.

42 9. The Division shall adopt regulations requiring that any
43 report regarding a ward who is an Indian child that an agency which
44 provides child welfare services submits to the court, including any
45 home studies, placement reports or other reports required by law



1 must address tribal customary adoption as a permanency option. The
2 Supreme Court may adopt rules necessary for the court processes to
3 implement the provisions of this section, and the Court
4 Administrator may prepare necessary forms for the implementation
5 of this section.

6 10. As used in this section, “tribal customary adoption” means
7 the adoption of an Indian child, by and through the tribal custom,
8 traditions or law of the child’s tribe, and which may be effected
9 without the termination of parental rights.

10 **Sec. 18.** NRS 176.133 is hereby amended to read as follows:

11 176.133 As used in NRS 176.133 to 176.161, inclusive, unless
12 the context otherwise requires:

13 1. “Person professionally qualified to conduct psychosexual
14 evaluations” means a person who has received training in
15 conducting psychosexual evaluations and is:

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

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

19 (c) A social worker holding a master’s degree in social work and
20 licensed in this State as a clinical social worker;

21 (d) A registered nurse holding a master’s degree in the field of
22 psychiatric nursing and licensed to practice professional nursing in
23 this State;

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

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

28 2. “Psychosexual evaluation” means an evaluation conducted
29 pursuant to NRS 176.139.

30 3. “Sexual offense” means:

31 (a) Sexual assault pursuant to NRS 200.366;

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

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 and is punished as a
38 felony;

39 (e) An offense involving ~~pornography and a minor~~ *child*
40 *sexual abuse material* pursuant to NRS 200.710 to 200.730,
41 inclusive ~~H~~, and *section 1 of this act*;

42 (f) Fertility fraud pursuant to paragraph (a) of subsection 1 of
43 NRS 200.975;

44 (g) Incest pursuant to NRS 201.180;



1 (h) Open or gross lewdness pursuant to NRS 201.210, if
2 punished as a felony;

3 (i) Indecent or obscene exposure pursuant to NRS 201.220, if
4 punished as a felony;

5 (j) Lewdness with a child pursuant to NRS 201.230;

6 (k) Soliciting a child for prostitution pursuant to NRS 201.354;

7 (l) Sexual penetration of a dead human body pursuant to
8 NRS 201.450;

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

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

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

15 (p) An attempt to commit an offense listed in paragraphs (a) to
16 (o), inclusive, if punished as a felony; or

17 (q) An offense that is determined to be sexually motivated
18 pursuant to NRS 175.547 or 207.193.

19 **Sec. 19.** NRS 176A.110 is hereby amended to read as follows:

20 176A.110 1. The court shall not grant probation to or
21 suspend the sentence of a person convicted of an offense listed in
22 subsection 3 unless:

23 (a) If a psychosexual evaluation of the person is required
24 pursuant to NRS 176.139, the person who conducts the
25 psychosexual evaluation certifies in the report prepared pursuant to
26 NRS 176.139 that the person convicted of the offense does not
27 represent a high risk to reoffend based upon a currently accepted
28 standard of assessment; or

29 (b) If a psychosexual evaluation of the person is not required
30 pursuant to NRS 176.139, a psychologist licensed to practice in this
31 State who is trained to conduct psychosexual evaluations or a
32 psychiatrist licensed to practice medicine in this State who is
33 certified by the American Board of Psychiatry and Neurology, Inc.,
34 and is trained to conduct psychosexual evaluations certifies in a
35 written report to the court that the person convicted of the offense
36 does not represent a high risk to reoffend based upon a currently
37 accepted standard of assessment.

38 2. This section does not create a right in any person to be
39 certified or to continue to be certified. No person may bring a cause
40 of action against the State, its political subdivisions, or the agencies,
41 boards, commissions, departments, officers or employees of the
42 State or its political subdivisions for not certifying a person pursuant
43 to this section or for refusing to consider a person for certification
44 pursuant to this section.



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

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

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

6 (c) Battery with intent to commit sexual assault pursuant to
7 NRS 200.400.

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

9 (e) An offense involving ~~pornography and a minor~~ *child*
10 *sexual abuse material* pursuant to NRS 200.710 to 200.730,
11 inclusive ~~+~~, and *section 1 of this act*.

12 (f) Fertility fraud pursuant to paragraph (a) of subsection 1 of
13 NRS 200.975.

14 (g) Incest pursuant to NRS 201.180.

15 (h) Open or gross lewdness pursuant to NRS 201.210.

16 (i) Indecent or obscene exposure pursuant to NRS 201.220.

17 (j) Soliciting a child for prostitution pursuant to NRS 201.354.

18 (k) Sexual penetration of a dead human body pursuant to
19 NRS 201.450.

20 (l) Sexual conduct between certain employees of a school or
21 volunteers at a school and a pupil pursuant to NRS 201.540.

22 (m) Sexual conduct between certain employees of a college or
23 university and a student pursuant to NRS 201.550.

24 (n) Luring a child or a person with mental illness pursuant to
25 NRS 201.560, if punished as a felony.

26 (o) A violation of NRS 207.180.

27 (p) An attempt to commit an offense listed in paragraphs (b) to
28 (o), inclusive.

29 (q) Coercion or attempted coercion that is determined to be
30 sexually motivated pursuant to NRS 207.193.

31 **Sec. 20.** NRS 176A.413 is hereby amended to read as follows:

32 176A.413 1. Except as otherwise provided in subsection 2, if
33 a defendant is convicted of stalking with the use of an Internet or
34 network site, electronic mail, text messaging or any other similar
35 means of communication pursuant to subsection 4 of NRS 200.575,
36 an offense involving ~~pornography and a minor~~ *child sexual abuse*
37 *material* pursuant to NRS 200.710 to 200.730, inclusive, and
38 *section 1 of this act*, luring a child or a person with mental illness
39 through the use of a computer, system or network pursuant to
40 paragraph (a) or (b) of subsection 4 of NRS 201.560 or a violation
41 of NRS 201.553 which involved the use of an electronic
42 communication device and the court grants probation or suspends
43 the sentence, the court shall, in addition to any other condition
44 ordered pursuant to NRS 176A.400, order as a condition of
45 probation or suspension that the defendant not own or use a



1 computer, including, without limitation, use electronic mail, a chat
2 room or the Internet.

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

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

8 (b) The defendant will use the computer to provide
9 technological training concerning technology of which the
10 defendant has a unique knowledge; or

11 (c) The use of the computer by the defendant will assist
12 companies that require the use of the specific technological
13 knowledge of the defendant that is unique and is otherwise
14 unavailable to the company.

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

22 4. As used in this section:

23 (a) "Computer" has the meaning ascribed to it in NRS 205.4735
24 and includes, without limitation, an electronic communication
25 device.

26 (b) "Electronic communication device" has the meaning
27 ascribed to it in NRS 200.737.

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

29 (d) "System" has the meaning ascribed to it in NRS 205.476.

30 (e) "Text messaging" has the meaning ascribed to it in
31 NRS 200.575.

32 **Sec. 21.** NRS 178.5698 is hereby amended to read as follows:

33 178.5698 1. The prosecuting attorney, sheriff or chief of
34 police shall, upon the request of a victim or witness, inform the
35 victim or witness:

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

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

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

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



- 1 (a) In writing; or
2 (b) By telephone through an automated or computerized system
3 of notification, if such a system is available.

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

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

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

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

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

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

17 (1) A form advising the person of the right to be notified
18 pursuant to subsection 5 or 6 and NRS 176.015, 176A.630,
19 178.4715, 209.392, 209.3923, 209.3925, 209.429, 209.521, 213.010,
20 213.040, 213.095 and 213.131 or NRS 213.10915;

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

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

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

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

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

31 (c) If a person listed in paragraph (a) or (b) is under the age of
32 18 years, each parent or guardian who is not the offender.

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

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

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

43 6. If the offender was convicted of a violation of subsection 3
44 of NRS 200.366 or a violation of subsection 1, paragraph (a) of



1 subsection 2 or subparagraph (2) of paragraph (b) of subsection 2 of
2 NRS 200.508, the warden of the prison shall notify:

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

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

8 (c) The victim, if the victim will be 18 years of age or older at
9 the time of the release and has provided a current address,

10 ↪ before the offender is released from prison.

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

15 8. As used in this section:

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

18 (b) "Sexual offense" means:

19 (1) Sexual assault pursuant to NRS 200.366;

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

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

23 (4) An offense involving ~~pornography and a minor~~ *child*
24 *sexual abuse material* pursuant to NRS 200.710 to 200.730,
25 inclusive ~~§~~, and *section 1 of this act*;

26 (5) Fertility fraud pursuant to paragraph (a) of subsection 1
27 of NRS 200.975;

28 (6) Incest pursuant to NRS 201.180;

29 (7) Open or gross lewdness pursuant to NRS 201.210;

30 (8) Indecent or obscene exposure pursuant to NRS 201.220;

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

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

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

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

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

40 (14) An offense that, pursuant to a specific statute, is
41 determined to be sexually motivated; or

42 (15) An attempt to commit an offense listed in this
43 paragraph.



1 **Sec. 22.** NRS 179.245 is hereby amended to read as follows:
2 179.245 1. Except as otherwise provided in subsection 6 and
3 NRS 176.211, 176A.245, 176A.265, 176A.295, 179.247, 179.259,
4 201.354 and 453.3365, a person may petition the court in which the
5 person was convicted for the sealing of all records relating to a
6 conviction of:

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

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

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

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

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

27 (f) Except as otherwise provided in paragraph (e), if the offense
28 is punished as a misdemeanor, a battery pursuant to NRS 200.481,
29 harassment pursuant to NRS 200.571, stalking pursuant to NRS
30 200.575 or a violation of a temporary or extended order for
31 protection, after 2 years from the date of release from actual custody
32 or from the date when the person is no longer under a suspended
33 sentence, whichever occurs later; or

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

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

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

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



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

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

8 (1) Date of birth of the petitioner;

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

11 (3) Date of arrest relating to the specific conviction to which
12 the records to be sealed pertain; and

13 (e) If applicable, include a statement from the petitioner
14 certifying that at the time the crime for which the records to be
15 sealed was committed, the petitioner was being sex trafficked
16 pursuant to NRS 201.300.

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

24 4. If the prosecuting agency that prosecuted the petitioner for
25 the crime stipulates to the sealing of the records, the court shall
26 apply the presumption set forth in NRS 179.2445 and seal the
27 records. If the prosecuting agency does not stipulate to the sealing of
28 the records or does not file a written objection within 30 days after
29 receiving notification pursuant to subsection 3 and the court makes
30 the findings set forth in subsection 5, the court may order the sealing
31 of the records in accordance with subsection 5 without a hearing. If
32 the court does not order the sealing of the records or the prosecuting
33 agency files a written objection, a hearing on the petition must be
34 conducted. At the hearing, unless an objecting party presents
35 evidence sufficient to rebut the presumption set forth in NRS
36 179.2445, the court shall apply the presumption and seal the records.

37 5. If the court finds that, in the period prescribed in subsection
38 1, the petitioner has not been charged with any offense for which the
39 charges are pending or convicted of any offense, except for minor
40 moving or standing traffic violations, the court may order sealed all
41 records of the conviction which are in the custody of any agency of
42 criminal justice or any public or private agency, company, official
43 or other custodian of records in the State of Nevada, and may also
44 order all such records of the petitioner returned to the file of the
45 court where the proceeding was commenced from, including,



1 without limitation, the Federal Bureau of Investigation and all other
2 agencies of criminal justice which maintain such records and which
3 are reasonably known by either the petitioner or the court to have
4 possession of such records.

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

7 (a) A crime against a child;

8 (b) A sexual offense;

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

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

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

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

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

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

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

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

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

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

38 9. Notwithstanding any other provision of law, no fee may be
39 charged by any court or agency of criminal justice in this State
40 related to a petition for the sealing of records pursuant to this section
41 if, at the time the crime for which the records to be sealed was
42 committed, the petitioner was being sex trafficked pursuant to NRS
43 201.300. As used in this subsection, "fee" includes, without
44 limitation, any fee to file a petition, obtain fingerprints if provided
45 by a governmental agency of this State, obtain any records of



1 criminal history, obtain records of past arrests and convictions or
2 obtain or certify copies of documents pursuant to NRS 19.013 and
3 any other fee related to the sealing of records pursuant to this
4 section.

5 10. As used in this section:

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

8 (b) "Sexual offense" means:

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

13 (2) Sexual assault pursuant to NRS 200.366.

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

16 (4) Battery with intent to commit sexual assault pursuant to
17 NRS 200.400.

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

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

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

28 (8) An offense involving ~~pornography and a minor~~ *child*
29 *sexual abuse material* pursuant to NRS 200.710 to 200.730,
30 inclusive ~~+~~, and *section 1 of this act*.

31 (9) Fertility fraud pursuant to paragraph (a) of subsection 1
32 of NRS 200.975.

33 (10) Incest pursuant to NRS 201.180.

34 (11) Open or gross lewdness pursuant to NRS 201.210, if
35 punishable as a felony.

36 (12) Indecent or obscene exposure pursuant to NRS 201.220,
37 if punishable as a felony.

38 (13) Lewdness with a child pursuant to NRS 201.230.

39 (14) Sexual penetration of a dead human body pursuant to
40 NRS 201.450.

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

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



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

3 (18) An attempt to commit an offense listed in this
4 paragraph.

5 **Sec. 23.** NRS 179A.073 is hereby amended to read as follows:

6 179A.073 1. "Sexual offense" includes acts upon a child
7 constituting:

8 (a) Sexual assault under NRS 200.366;

9 (b) Statutory sexual seduction under NRS 200.368;

10 (c) Use of a minor in producing ~~pornography~~ *child sexual*
11 *abuse material* under NRS 200.710;

12 (d) Promotion of a sexual performance of a minor under
13 NRS 200.720;

14 (e) Possession of a visual presentation depicting the sexual
15 conduct of a child under NRS 200.730;

16 (f) Incest under NRS 201.180;

17 (g) Lewdness with a child under NRS 201.230; ~~or~~

18 (h) Luring a child or a person with mental illness pursuant to
19 NRS 201.560, if punished as a felony ~~+~~; *or*

20 *(i) A violation of section 1 of this act.*

21 2. "Sexual offense" also includes acts committed outside the
22 State that would constitute any of the offenses in subsection 1 if
23 committed in the State, and the aiding, abetting, attempting or
24 conspiring to engage in any of the offenses in subsection 1.

25 **Sec. 24.** NRS 179D.097 is hereby amended to read as follows:

26 179D.097 1. "Sexual offense" means any of the following
27 offenses:

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

32 (b) Sexual assault pursuant to NRS 200.366.

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

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

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

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

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



1 (h) An offense involving ~~pornography and a minor~~ *child*
2 *sexual abuse material* pursuant to NRS 200.710 to 200.730,
3 inclusive ~~H~~, and *section 1 of this act*.

4 (i) Fertility fraud pursuant to paragraph (a) of subsection 1 of
5 NRS 200.975.

6 (j) Incest pursuant to NRS 201.180.

7 (k) Open or gross lewdness pursuant to NRS 201.210.

8 (l) Indecent or obscene exposure pursuant to NRS 201.220.

9 (m) Lewdness with a child pursuant to NRS 201.230.

10 (n) Sexual penetration of a dead human body pursuant to
11 NRS 201.450.

12 (o) Sexual conduct between certain employees of a school or
13 volunteers at a school and a pupil pursuant to NRS 201.540.

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

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

18 (r) Sex trafficking pursuant to NRS 201.300.

19 (s) Any other offense that has an element involving a sexual act
20 or sexual conduct with another.

21 (t) An attempt or conspiracy to commit an offense listed in
22 paragraphs (a) to (s), inclusive.

23 (u) An offense that is determined to be sexually motivated
24 pursuant to NRS 175.547 or 207.193.

25 (v) An offense committed in another jurisdiction that, if
26 committed in this State, would be an offense listed in this
27 subsection. This paragraph includes, without limitation, an offense
28 prosecuted in:

29 (1) A tribal court.

30 (2) A court of the United States or the Armed Forces of the
31 United States.

32 (w) An offense of a sexual nature committed in another
33 jurisdiction, whether or not the offense would be an offense listed in
34 this section, if the person who committed the offense resides or has
35 resided or is or has been a student or worker in any jurisdiction in
36 which the person is or has been required by the laws of that
37 jurisdiction to register as a sex offender because of the offense. This
38 paragraph includes, without limitation, an offense prosecuted in:

39 (1) A tribal court.

40 (2) A court of the United States or the Armed Forces of the
41 United States.

42 (3) A court having jurisdiction over juveniles.

43 2. Except for the offenses described in paragraphs (o) and (p)
44 of subsection 1, the term does not include an offense involving
45 consensual sexual conduct if the victim was:



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

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

6 **Sec. 25.** NRS 179D.115 is hereby amended to read as follows:

7 179D.115 "Tier II offender" means an offender convicted of a
8 crime against a child or a sex offender, other than a Tier III
9 offender, whose crime against a child is punishable by
10 imprisonment for more than 1 year or whose sexual offense:

11 1. If committed against a child, constitutes:

12 (a) Luring a child pursuant to NRS 201.560, if punishable as a
13 felony;

14 (b) Abuse of a child pursuant to NRS 200.508, if the abuse
15 involved sexual abuse or sexual exploitation;

16 (c) An offense involving sex trafficking pursuant to NRS
17 201.300 or prostitution pursuant to NRS 201.320 or 201.395;

18 (d) An offense involving ~~pornography and a minor~~ *child*
19 *sexual abuse material* pursuant to NRS 200.710 to 200.730,
20 inclusive ~~{}~~, *and section 1 of this act*; or

21 (e) Any other offense that is comparable to or more severe than
22 the offenses described in 34 U.S.C. § 20911(3);

23 2. Involves an attempt or conspiracy to commit any offense
24 described in subsection 1;

25 3. If committed in another jurisdiction, is an offense that, if
26 committed in this State, would be an offense listed in this section.
27 This subsection includes, without limitation, an offense prosecuted
28 in:

29 (a) A tribal court; or

30 (b) A court of the United States or the Armed Forces of the
31 United States; or

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

35 **Sec. 26.** NRS 213.1258 is hereby amended to read as follows:

36 213.1258 1. Except as otherwise provided in subsection 2, if
37 the Board releases on parole a prisoner convicted of stalking with
38 the use of an Internet or network site, electronic mail, text
39 messaging or any other similar means of communication pursuant to
40 subsection 4 of NRS 200.575, an offense involving ~~pornography~~
41 ~~and a minor~~ *child sexual abuse material* pursuant to NRS 200.710
42 to 200.730, inclusive, *and section 1 of this act*, luring a child or a
43 person with mental illness through the use of a computer, system or
44 network pursuant to paragraph (a) or (b) of subsection 4 of NRS
45 201.560 or a violation of NRS 201.553 which involved the use of an



1 electronic communication device, the Board shall, in addition to any
2 other condition of parole, require as a condition of parole that the
3 parolee not own or use a computer, including, without limitation,
4 use electronic mail, a chat room or the Internet.

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

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

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

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

15 3. Except as otherwise provided in subsection 1, if the Board
16 releases on parole a prisoner convicted of an offense that involved
17 the use of a computer, system or network, the Board may, in
18 addition to any other condition of parole, require as a condition of
19 parole that the parolee not own or use a computer, including,
20 without limitation, use electronic mail, a chat room or the Internet.

21 4. As used in this section:

22 (a) "Computer" has the meaning ascribed to it in NRS 205.4735
23 and includes, without limitation, an electronic communication
24 device.

25 (b) "Electronic communication device" has the meaning
26 ascribed to it in NRS 200.737.

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

28 (d) "System" has the meaning ascribed to it in NRS 205.476.

29 (e) "Text messaging" has the meaning ascribed to it in
30 NRS 200.575.

31 **Sec. 27.** NRS 217.050 is hereby amended to read as follows:

32 217.050 "Personal injury" means:

33 1. Actual bodily harm or threat of bodily harm which results in
34 a need for medical treatment;

35 2. In the case of a minor who was involved in the production of
36 ~~pornography~~ *child sexual abuse material* in violation of NRS
37 200.710, 200.720, 200.725, ~~or~~ 200.730 ~~or~~ *or section 1 of this act*,
38 any harm which results in a need for medical treatment or any
39 psychological or psychiatric counseling, or both;

40 3. Any harm which results from sexual abuse; or

41 4. Any harm which results from a violation of NRS 200.5099
42 or 200.50995.



1 **Sec. 28.** NRS 217.070 is hereby amended to read as follows:

2 217.070 1. "Victim" means a person who suffers direct or
3 threatened physical, financial or psychological harm as a result of
4 the commission of a crime, including, without limitation:

5 (a) A person who is injured or killed as the direct result of a
6 criminal act;

7 (b) A minor who was involved in the production of
8 ~~pornography~~ *child sexual abuse material* in violation of NRS
9 200.710, 200.720, 200.725, ~~or~~ 200.730 ~~or~~ *or section 1 of this act;*

10 (c) A minor who was sexually abused, as "sexual abuse" is
11 defined in NRS 432B.100;

12 (d) A person who is physically injured or killed as the direct
13 result of a violation of NRS 484C.110 or any act or neglect of duty
14 punishable pursuant to NRS 484C.430 or 484C.440;

15 (e) A pedestrian who is physically injured or killed as the direct
16 result of a driver of a motor vehicle who failed to stop at the scene
17 of a crash involving the driver and the pedestrian in violation of
18 NRS 484E.010;

19 (f) An older person or a vulnerable person who is abused,
20 neglected, exploited, isolated or abandoned in violation of NRS
21 200.5099 or 200.50995;

22 (g) A person who is physically injured or killed as the direct
23 result of an act of international terrorism as defined in 18 U.S.C. §
24 2331(1);

25 (h) A person who is trafficked in violation of subsection 2 of
26 NRS 201.300;

27 (i) A veteran who experienced an act of sexual assault while
28 serving on active duty, active duty for training or inactive duty
29 training;

30 (j) A person who is subjected to facilitating sex trafficking in
31 violation of subsection 1 of NRS 201.301; or

32 (k) A person who is an immediate family member of a victim
33 who:

34 (1) Is a minor;

35 (2) Is physically or mentally incompetent; or

36 (3) Was killed.

37 2. The term includes any person who was harmed by an act
38 listed in subsection 1, regardless of whether:

39 (a) The person is a resident of this State, a citizen of the United
40 States or is lawfully entitled to reside in the United States; or

41 (b) The act was committed by an adult or a minor.

42 **Sec. 29.** NRS 217.100 is hereby amended to read as follows:

43 217.100 1. Except as otherwise provided in subsection 5, any
44 person eligible for compensation under the provisions of NRS
45 217.010 to 217.270, inclusive, may apply to the Director for such



1 compensation not later than 24 months after the injury or death for
2 which compensation is claimed or, for a person who is a victim of
3 sex trafficking or facilitating sex trafficking, not later than 60
4 months after the injury or death for which compensation is claimed,
5 unless waived by the Director or a person designated by the Director
6 for good cause shown, and the personal injury or death was the
7 result of an incident or offense that was reported to the police within
8 5 days of its occurrence or, if the incident or offense could not
9 reasonably have been reported within that period, within 5 days of
10 the time when a report could reasonably have been made.

11 2. An order for the payment of compensation must not be
12 made unless the application is made within the time set forth in
13 subsection 1.

14 3. Where the person entitled to make application is:

15 (a) A minor, the application may be made on his or her behalf
16 by a parent or guardian.

17 (b) Mentally incapacitated, the application may be made on his
18 or her behalf by a parent, guardian or other person authorized to
19 administer his or her estate.

20 4. The applicant must submit with his or her application the
21 reports, if reasonably available, from all physicians who, at the time
22 of or subsequent to the victim's injury or death, treated or examined
23 the victim in relation to the injury for which compensation is
24 claimed.

25 5. The limitations upon payment of compensation established
26 in subsection 1 do not apply to a minor who is sexually abused or
27 who is involved in the production of ~~pornography~~ *child sexual*
28 *abuse material*. Such a minor must apply for compensation before
29 reaching 21 years of age.

30 6. As used in this section:

31 (a) "Facilitating sex trafficking" means a violation of
32 NRS 201.301.

33 (b) "Sex trafficking" means a violation of subsection 2 of
34 NRS 201.300.

35 **Sec. 30.** NRS 220.125 is hereby amended to read as follows:

36 220.125 1. The Legislative Counsel shall, to the extent
37 practicable, ensure that persons with physical, mental or cognitive
38 disabilities are referred to in Nevada Revised Statutes using
39 language that is commonly viewed as respectful and sentence
40 structure that refers to the person before referring to his or her
41 disability as follows:

42 (a) Words and terms that are preferred for use in Nevada
43 Revised Statutes include, without limitation, "persons with
44 disabilities," "persons with mental illness," "persons with



1 developmental disabilities,” “persons with intellectual disabilities”
2 and other words and terms that are structured in a similar manner.

3 (b) Words and terms that are not preferred for use in Nevada
4 Revised Statutes include, without limitation, “disabled,”
5 “handicapped,” “mentally disabled,” “mentally ill,” “mentally
6 retarded” and other words and terms that tend to equate the
7 disability with the person.

8 2. The Legislative Counsel shall, to the extent practicable,
9 ensure that terms related to persons affected by addictive disorders
10 are referred to in Nevada Revised Statutes using language that is
11 commonly viewed as respectful and sentence structure that refers to
12 the person before referring to his or her disorder as follows:

13 (a) Words and terms that are preferred for use in Nevada
14 Revised Statutes include, without limitation, “addictive disorder,”
15 “persons with addictive disorders,” “person with an addictive
16 disorder,” “person with an addictive disorder related to gambling”
17 and “substance use disorder.”

18 (b) Words and terms that are not preferred for use in Nevada
19 Revised Statutes include, without limitation, “addict,” “alcoholic,”
20 “alcohol abuse,” “alcohol abuser,” “alcohol and drug abuser,” “drug
21 abuse,” “drug addict,” “problem gambler,” “substance abuse” and
22 “substance abuser.”

23 3. The Legislative Counsel shall, to the extent practicable,
24 ensure that terms related to persons with mental illness are referred
25 to in Nevada Revised Statutes using language that is commonly
26 viewed as respectful and sentence structure that refers to the person
27 before referring to his or her illness as follows:

28 (a) Words and terms that are preferred for use in Nevada
29 Revised Statutes include, without limitation, “persons with mental
30 illness” and other words and terms that are structured in a similar
31 manner.

32 (b) Words and terms that are not preferred for use in Nevada
33 Revised Statutes include, without limitation, “insane” and
34 “insanity.”

35 4. The Legislative Counsel shall, to the extent practicable,
36 ensure that terms related to persons who are deaf or hard of hearing
37 are referred to in Nevada Revised Statutes using language that is
38 commonly viewed as respectful and sentence structure that refers to
39 the person before referring to his or her condition. Words and terms
40 that are not preferred for use in Nevada Revised Statutes include,
41 without limitation, “deaf and dumb.”

42 5. The Legislative Counsel shall, to the extent practicable,
43 ensure that:

44 (a) Terms related to persons living with the human
45 immunodeficiency virus are referred to in Nevada Revised Statutes



1 using language that is commonly viewed as respectful and sentence
2 structure that refers to the person before referring to the human
3 immunodeficiency virus as follows:

4 (1) Words and terms that are preferred for use in Nevada
5 Revised Statutes include, without limitation, “person living with the
6 human immunodeficiency virus” and “person diagnosed with the
7 human immunodeficiency virus.”

8 (2) Words and terms that are not preferred for use in Nevada
9 Revised Statutes include, without limitation, “HIV positive” and
10 “human immunodeficiency virus positive.”

11 (b) The human immunodeficiency virus is referred to in Nevada
12 Revised Statutes using language that refers only to the human
13 immunodeficiency virus or HIV rather than using duplicative
14 references to both the human immunodeficiency virus or HIV and
15 acquired immunodeficiency syndrome, acquired immune deficiency
16 syndrome or AIDS.

17 (c) Duplicative references to both communicable diseases and
18 the human immunodeficiency virus or HIV are not used in Nevada
19 Revised Statutes.

20 **6. *The Legislative Counsel shall, to the extent practicable,***
21 ***ensure that terms related to items or materials that depict or***
22 ***describe a minor as the subject of a sexual portrayal or engaging***
23 ***in or simulating, or assisting others to engage in or simulate***
24 ***sexual conduct are referred to in Nevada Revised Statutes using***
25 ***language that is commonly viewed as respectful and sentence***
26 ***structure which clearly indicates that a minor depicted or***
27 ***described in any such item or material is a victim as follows:***

28 (a) ***Words and terms that are preferred in Nevada Revised***
29 ***Statutes include, without limitation, “child sexual abuse material”***
30 ***and words and terms that are structured in a similar manner.***

31 (b) ***Words and terms that are not preferred for use in Nevada***
32 ***Revised Statutes include, without limitation, “child pornography.”***

33 **Sec. 31.** NRS 233B.062 is hereby amended to read as follows:

34 233B.062 1. It is the policy of this State that every regulation
35 of an agency be made easily accessible to the public and expressed
36 in clear and concise language. To assist in carrying out this policy:

37 (a) The Attorney General must develop guidelines for drafting
38 regulations; and

39 (b) Every permanent regulation must be incorporated, excluding
40 any forms used by the agency, any publication adopted by reference,
41 the title, any signature and other formal parts, in the Nevada
42 Administrative Code, and every emergency or temporary regulation
43 must be distributed in the same manner as the Nevada
44 Administrative Code.

45 2. It is the policy of this State that:



1 (a) Persons with physical, mental or cognitive disabilities and
2 persons living with the human immunodeficiency virus are to be
3 referred to in the Nevada Administrative Code using language that
4 is commonly viewed as respectful and sentence structure that refers
5 to the person before referring to the person's disability or the human
6 immunodeficiency virus, as applicable;

7 (b) Terms related to persons affected by addictive disorders are
8 referred to in the Nevada Administrative Code using language that
9 is commonly viewed as respectful and sentence structure that refers
10 to the person before referring to his or her disorder;

11 (c) Terms related to persons with mental illness are referred to in
12 the Nevada Administrative Code using language that is commonly
13 viewed as respectful and sentence structure that refers to the person
14 before referring to his or her illness;

15 (d) Terms related to persons who are deaf or hard of hearing are
16 referred to in the Nevada Administrative Code using language that
17 is commonly viewed as respectful and sentence structure that refers
18 to the person before referring to his or her condition; ~~and~~

19 (e) References to only the human immunodeficiency virus or
20 HIV should be used in the Nevada Administrative Code instead of
21 duplicative references to both human immunodeficiency virus or
22 HIV and acquired immunodeficiency syndrome, acquired immune
23 deficiency syndrome or AIDS ~~and~~; ~~and~~

24 *(f) Terms related to items or materials that depict or describe a
25 minor as the subject of a sexual portrayal or engaging in or
26 simulating, or assisting others to engage in or simulate sexual
27 conduct are referred to in the Nevada Administrative Code using
28 language that is commonly viewed as respectful and sentence
29 structure which clearly indicates that a minor depicted or
30 described in any such item or material is a victim,*

31 ➤ in the same manner as provided in NRS 220.125 for Nevada
32 Revised Statutes.

33 3. The Legislative Counsel shall:

34 (a) Include each permanent regulation in the Nevada
35 Administrative Code; and

36 (b) Distribute in the same manner as the Nevada Administrative
37 Code each emergency or temporary regulation,

38 ➤ that is required to be adopted pursuant to the provisions of this
39 chapter and which is adopted by an entity other than an agency.

40 4. The Legislative Commission may authorize inclusion in the
41 Nevada Administrative Code of the regulations of an agency
42 otherwise exempted from the requirements of this chapter.

43 **Sec. 32.** NRS 424.031 is hereby amended to read as follows:

44 424.031 1. The licensing authority or a person or entity
45 designated by the licensing authority shall obtain from appropriate



1 law enforcement agencies information on the background and
2 personal history of each applicant for a license to conduct a foster
3 home, person who is licensed to conduct a foster home, employee of
4 that applicant or licensee, and resident of a foster home who is 18
5 years of age or older, other than a resident who remains under the
6 jurisdiction of a court pursuant to NRS 432B.594, to determine
7 whether the person investigated has been arrested for, has charges
8 pending for or has been convicted of:

9 (a) Murder, voluntary manslaughter or mayhem;

10 (b) Any other felony involving the use or threatened use of force
11 or violence against the victim or the use of a firearm or other deadly
12 weapon;

13 (c) Assault with intent to kill or to commit sexual assault or
14 mayhem;

15 (d) Sexual assault, statutory sexual seduction, incest, lewdness,
16 indecent exposure or any other sexually related crime or a felony
17 relating to prostitution;

18 (e) Abuse or neglect of a child or contributory delinquency;

19 (f) A violation of any federal or state law regulating the
20 possession, distribution or use of any controlled substance or any
21 dangerous drug as defined in chapter 454 of NRS;

22 (g) Abuse, neglect, exploitation, isolation or abandonment of
23 older persons or vulnerable persons, including, without limitation, a
24 violation of any provision of NRS 200.5091 to 200.50995,
25 inclusive, or a law of any other jurisdiction that prohibits the same
26 or similar conduct;

27 (h) Any offense involving fraud, theft, embezzlement, burglary,
28 robbery, fraudulent conversion or misappropriation of property
29 within the immediately preceding 7 years;

30 (i) Any offense relating to ~~pornography involving minors,†~~
31 *child sexual abuse material*, including, without limitation, a
32 violation of any provision of NRS 200.700 to 200.760, inclusive,
33 *and section 1 of this act* or a law of any other jurisdiction that
34 prohibits the same or similar conduct;

35 (j) Prostitution, solicitation, lewdness or indecent exposure, or
36 any other sexually related crime that is punishable as a
37 misdemeanor, within the immediately preceding 7 years;

38 (k) A crime involving domestic violence that is punishable as a
39 felony;

40 (l) A crime involving domestic violence that is punishable as a
41 misdemeanor, within the immediately preceding 7 years;

42 (m) A criminal offense under the laws governing Medicaid or
43 Medicare, within the immediately preceding 7 years;

44 (n) Any offense involving the sale, furnishing, purchase,
45 consumption or possession of alcoholic beverages by a minor



1 including, without limitation, a violation of any provision of NRS
2 202.015 to 202.067, inclusive, or driving a vehicle under the
3 influence of alcohol or a controlled substance in violation of chapter
4 484C of NRS or a law of any other jurisdiction that prohibits the
5 same or similar conduct, within the immediately preceding 7 years;
6 or

7 (o) An attempt or conspiracy to commit any of the offenses
8 listed in this subsection within the immediately preceding 7 years.

9 2. A licensing authority or a person or entity designated by the
10 licensing authority may conduct an investigation of the background
11 and personal history of a person who is 18 years of age or older who
12 routinely supervises a child in a foster home in the same manner as
13 described in subsection 1.

14 3. The licensing authority or its approved designee may charge
15 each person investigated pursuant to this section for the reasonable
16 cost of that investigation.

17 4. Unless a preliminary Federal Bureau of Investigation
18 Interstate Identification Index name-based check of the records of
19 criminal history has been conducted pursuant to NRS 424.039, a
20 person who is required to submit to an investigation pursuant to
21 subsection 1 shall not have contact with a child in a foster home
22 without supervision before the investigation of the background and
23 personal history of the person has been conducted.

24 5. The licensing authority or its designee:

25 (a) Shall conduct an investigation of each licensee, employee
26 and resident pursuant to this section at least once every 5 years after
27 the initial investigation; and

28 (b) May conduct an investigation of any person who is 18 years
29 of age or older who routinely supervises a child in a foster home at
30 such times as it deems appropriate.

31 **Sec. 33.** NRS 424.145 is hereby amended to read as follows:

32 424.145 1. The licensing authority or a person designated by
33 the licensing authority shall obtain from appropriate law
34 enforcement agencies information on the background and personal
35 history of each applicant for or holder of a license to conduct a
36 foster care agency and each owner, member of the governing body,
37 employee, paid consultant, contractor, volunteer or vendor of that
38 applicant or licensee who may come into direct contact with a child
39 placed by the foster care agency, to determine whether the person
40 investigated has been arrested for, has charges pending for or has
41 been convicted of:

42 (a) Murder, voluntary manslaughter or mayhem;

43 (b) Any other felony involving the use or threatened use of force
44 or violence against the victim or the use of a firearm or other deadly
45 weapon;



1 (c) Assault with intent to kill or to commit sexual assault or
2 mayhem;

3 (d) Sexual assault, statutory sexual seduction, incest, lewdness,
4 indecent exposure or any other sexually related crime or a felony
5 relating to prostitution;

6 (e) Abuse or neglect of a child or contributory delinquency;

7 (f) A violation of any federal or state law regulating the
8 possession, distribution or use of any controlled substance or any
9 dangerous drug as defined in chapter 454 of NRS;

10 (g) Abuse, neglect, exploitation, isolation or abandonment of
11 older persons or vulnerable persons, including, without limitation, a
12 violation of any provision of NRS 200.5091 to 200.50995,
13 inclusive, or a law of any other jurisdiction that prohibits the same
14 or similar conduct;

15 (h) Any offense involving fraud, theft, embezzlement, burglary,
16 robbery, fraudulent conversion or misappropriation of property
17 within the immediately preceding 7 years;

18 (i) Any offense relating to ~~pornography involving minors,~~
19 *child sexual abuse materials*, including, without limitation, a
20 violation of any provision of NRS 200.700 to 200.760, inclusive,
21 *and section 1 of this act* or a law of any other jurisdiction that
22 prohibits the same or similar conduct;

23 (j) Prostitution, solicitation, lewdness or indecent exposure, or
24 any other sexually related crime that is punishable as a
25 misdemeanor, within the immediately preceding 7 years;

26 (k) A crime involving domestic violence that is punishable as a
27 felony;

28 (l) A crime involving domestic violence that is punishable as a
29 misdemeanor, within the immediately preceding 7 years;

30 (m) A criminal offense under the laws governing Medicaid or
31 Medicare, within the immediately preceding 7 years;

32 (n) Any offense involving the sale, furnishing, purchase,
33 consumption or possession of alcoholic beverages by a minor,
34 including, without limitation, a violation of any provision of NRS
35 202.015 to 202.067, inclusive, or driving a vehicle under the
36 influence of alcohol or a controlled substance in violation of chapter
37 484C of NRS or a law of any other jurisdiction that prohibits the
38 same or similar conduct, within the immediately preceding 7 years;
39 or

40 (o) An attempt or conspiracy to commit any of the offenses
41 listed in this subsection within the immediately preceding 7 years.

42 2. Unless a preliminary Federal Bureau of Investigation
43 Interstate Identification Index name-based check of the records of
44 criminal history has been conducted pursuant to NRS 424.039, a
45 person who is required to submit to an investigation pursuant to this



1 section shall not have contact with a child in a foster home without
2 supervision before the investigation of the background and personal
3 history of the person is completed.

4 3. The licensing authority or its designee shall conduct an
5 investigation of each holder of a license to conduct a foster care
6 agency and each owner, member of a governing body, employee,
7 paid consultant, contractor, volunteer or vendor who may come into
8 direct contact with a child placed by the foster care agency pursuant
9 to this section at least once every 5 years after the initial
10 investigation.

11 **Sec. 34.** NRS 432.150 is hereby amended to read as follows:

12 432.150 As used in NRS 432.150 to 432.220, inclusive, unless
13 the context otherwise requires:

14 1. "Clearinghouse" means the program established by the
15 Attorney General pursuant to NRS 432.170.

16 2. "Director" means the Director of the Clearinghouse.

17 3. "Exploited child" means a person under the age of 18 years
18 who has been:

19 (a) Used in the production of ~~pornography~~ *child sexual abuse*
20 *material* in violation of the provisions of NRS 200.710 ~~to~~ *to*
21 *200.730, inclusive, and section 1 of this act;*

22 (b) Subjected to sexual exploitation as defined in NRS
23 432B.110; or

24 (c) Employed or exhibited in any injurious, immoral or
25 dangerous business or occupation in violation of the provisions of
26 NRS 609.210.

27 4. "Missing child" means a person under the age of 18 years
28 who has run away or is otherwise missing from the lawful care,
29 custody and control of a parent or guardian.

30 **Sec. 35.** NRS 432A.170 is hereby amended to read as follows:

31 432A.170 1. The Division may, upon receipt of an
32 application for a license to operate a child care facility, conduct an
33 investigation into the:

34 (a) Buildings or premises of the facility and, if the application is
35 for an outdoor youth program, the area of operation of the program;

36 (b) Qualifications and background of the applicant or the
37 employees of the applicant;

38 (c) Method of operation for the facility; and

39 (d) Policies and purposes of the applicant.

40 2. Subject to the provisions of subsection 7, the Division shall
41 secure from appropriate law enforcement agencies information on
42 the background and personal history of every applicant, licensee,
43 operator of a small child care establishment, employee of an
44 applicant, licensee or small child care establishment, resident of a
45 child care facility or small child care establishment who is 18 years



1 of age or older, other than a resident who remains under the
2 jurisdiction of a court pursuant to NRS 432B.594, or participant in
3 an outdoor youth program who is 18 years of age or older, to
4 determine whether the person has been convicted of:

5 (a) Murder, voluntary manslaughter or mayhem;

6 (b) Any other felony involving the use of a firearm or other
7 deadly weapon;

8 (c) Assault with intent to kill or to commit sexual assault or
9 mayhem;

10 (d) Sexual assault, statutory sexual seduction, incest, lewdness,
11 indecent exposure or any other sexually related crime;

12 (e) Any crime against a child, including, without limitation,
13 abuse, neglect or endangerment of a child, contributory delinquency
14 or ~~pornography involving a minor;~~ *child sexual abuse material;*

15 (f) Arson;

16 (g) Assault;

17 (h) Battery, including, without limitation, battery which
18 constitutes domestic violence;

19 (i) Kidnapping;

20 (j) Any offense relating to the possession or use of any
21 controlled substance or any dangerous drug as defined in chapter
22 454 of NRS within the immediately preceding 5 years;

23 (k) Any offense relating to the distribution or manufacture of
24 any controlled substance or any dangerous drug as defined in
25 chapter 454 of NRS, including, without limitation, possession of a
26 controlled substance for the purpose of sale;

27 (l) Abuse, neglect, exploitation, isolation or abandonment of
28 older persons or vulnerable persons, including, without limitation, a
29 violation of any provision of NRS 200.5091 to 200.50995,
30 inclusive, or a law of any other jurisdiction that prohibits the same
31 or similar conduct;

32 (m) Any offense involving fraud, theft, embezzlement, burglary,
33 robbery, fraudulent conversion or misappropriation of property
34 within the immediately preceding 7 years;

35 (n) A crime that constitutes domestic violence pursuant to
36 NRS 33.018;

37 (o) A violation of NRS 484C.430; or

38 (p) A violation of NRS 484C.110 or 484C.120 within the
39 immediately preceding 5 years.

40 3. Subject to the provisions of subsection 7, the Division shall
41 request information concerning every applicant, licensee, operator
42 of a small child care establishment, employee of an applicant,
43 licensee or small child care establishment, resident of a child care
44 facility or small child care establishment who is 18 years of age or
45 older, other than a resident who remains under the jurisdiction of a



1 court pursuant to NRS 432B.594, or participant in an outdoor youth
2 program who is 18 years of age or older, from:

3 (a) The Central Repository for Nevada Records of Criminal
4 History for its report concerning a conviction in this State of any of
5 the crimes set forth in subsection 2 and for submission to the
6 Federal Bureau of Investigation for its report pursuant to NRS
7 432A.175; and

8 (b) The Statewide Central Registry for the Collection of
9 Information Concerning the Abuse or Neglect of a Child established
10 pursuant to NRS 432.100 to determine whether there has been a
11 substantiated report of child abuse or neglect made against any of
12 them.

13 4. The Division may charge each person investigated pursuant
14 to this section for the reasonable cost of that investigation.

15 5. The information required to be obtained pursuant to
16 subsections 2 and 3 must be requested concerning an:

17 (a) Employee of an applicant, licensee or small child care
18 establishment, resident of a child care facility or small child care
19 establishment who is 18 years of age or older, other than a resident
20 who remains under the jurisdiction of a court pursuant to NRS
21 432B.594, or participant in an outdoor youth program who is 18
22 years of age or older for an initial background check not later than 3
23 days after the employee is hired, the residency begins or the
24 participant begins participating in the program and before the
25 employee, resident or participant has direct contact with any child at
26 the child care facility, and then at least once every 5 years thereafter.

27 (b) Applicant at the time that an application is submitted for
28 licensure, and then at least once every 5 years after the license is
29 issued.

30 (c) Operator of a small child care establishment before the
31 operator begins operating the establishment, and then at least once
32 every 5 years after the establishment begins operating.

33 6. A person who is required to submit to an investigation
34 required pursuant to this section shall not have contact with a child
35 in a child care facility without supervision before the investigation
36 of the background and personal history of the person has been
37 conducted.

38 7. The provisions of subsections 2, 3 and 5 apply to a small
39 child care establishment and an operator of a small child care
40 establishment if the operator of such an establishment has applied or
41 registered with the Division of Welfare and Supportive Services of
42 the Department pursuant to NRS 432A.1756.

43 **Sec. 36.** NRS 432B.198 is hereby amended to read as follows:

44 432B.198 1. An agency which provides child welfare
45 services shall secure from appropriate law enforcement agencies



1 information on the background and personal history of each
2 applicant for employment with the agency, and each employee of
3 the agency, to determine:

4 (a) Whether the applicant or employee has been convicted of:

5 (1) Murder, voluntary manslaughter, involuntary
6 manslaughter or mayhem;

7 (2) Any other felony involving the use or threatened use of
8 force or violence or the use of a firearm or other deadly weapon;

9 (3) Assault with intent to kill or to commit sexual assault or
10 mayhem;

11 (4) Battery which results in substantial bodily harm to the
12 victim;

13 (5) Battery that constitutes domestic violence that is
14 punishable as a felony;

15 (6) Battery that constitutes domestic violence, other than a
16 battery described in subparagraph (5), within the immediately
17 preceding 3 years;

18 (7) Sexual assault, statutory sexual seduction, incest,
19 lewdness, indecent exposure, an offense involving ~~pornography and~~
20 ~~a minor~~ *child sexual abuse material* or any other sexually related
21 crime;

22 (8) A crime involving pandering or prostitution, including,
23 without limitation, a violation of any provision of NRS 201.295 to
24 201.440, inclusive, other than a violation of NRS 201.354 by
25 engaging in prostitution;

26 (9) Abuse or neglect of a child, including, without limitation,
27 a violation of any provision of NRS 200.508 or 200.5083;

28 (10) A violation of any federal or state law regulating the
29 possession, distribution or use of any controlled substance or any
30 dangerous drug as defined in chapter 454 of NRS within the
31 immediately preceding 3 years;

32 (11) A violation of any federal or state law prohibiting
33 driving or being in actual physical control of a vehicle while under
34 the influence of intoxicating liquor or a controlled substance that is
35 punishable as a felony;

36 (12) A violation of any federal or state law prohibiting
37 driving or being in actual physical control of a vehicle while under
38 the influence of intoxicating liquor or a controlled substance, other
39 than a violation described in subparagraph (11), within the
40 immediately preceding 3 years;

41 (13) Abuse, neglect, exploitation, isolation or abandonment
42 of older persons or vulnerable persons, including, without
43 limitation, a violation of any provision of NRS 200.5091 to
44 200.50995, inclusive, or a law of any other jurisdiction that
45 prohibits the same or similar conduct; or



1 (14) Any offense involving arson, fraud, theft,
2 embezzlement, burglary, robbery, fraudulent conversion,
3 misappropriation of property or perjury within the immediately
4 preceding 7 years; or

5 (b) Whether there are criminal charges pending against the
6 applicant or employee for a crime listed in paragraph (a).

7 2. An agency which provides child welfare services shall
8 request information from:

9 (a) The Statewide Central Registry concerning an applicant for
10 employment with the agency, or an employee of the agency, to
11 determine whether there has been a substantiated report of child
12 abuse or neglect made against the applicant or employee; and

13 (b) The central registry of information concerning the abuse or
14 neglect of a child established by any other state in which the
15 applicant or employee resided within the immediately preceding 5
16 years to ensure satisfactory clearance with that registry.

17 3. Each applicant for employment with an agency which
18 provides child welfare services, and each employee of an agency
19 which provides child welfare services, must submit to the agency:

20 (a) A complete set of his or her fingerprints and written
21 authorization to forward those fingerprints to the Central Repository
22 for Nevada Records of Criminal History for submission to the
23 Federal Bureau of Investigation for its report; and

24 (b) Written authorization for the agency to obtain any
25 information that may be available from the Statewide Central
26 Registry or the central registry of information concerning the abuse
27 or neglect of a child established by any other state in which the
28 applicant or employee resided within the immediately preceding 5
29 years.

30 4. An agency which provides child welfare services may
31 exchange with the Central Repository or the Federal Bureau of
32 Investigation any information concerning the fingerprints submitted
33 pursuant to this section.

34 5. When a report from the Federal Bureau of Investigation is
35 received by the Central Repository, the Central Repository shall
36 immediately forward a copy of the report to the agency which
37 provides child welfare services for a determination of whether the
38 applicant or employee has criminal charges pending against him or
39 her for a crime listed in paragraph (a) of subsection 1 or has been
40 convicted of a crime listed in paragraph (a) of subsection 1.

41 6. An agency which provides child welfare services shall
42 conduct an investigation of each employee of the agency pursuant to
43 this section at least once every 5 years after the initial investigation.

44 7. For the purposes of this section, the period during which
45 criminal charges are pending against an applicant or employee for a



1 crime listed in paragraph (a) of subsection 1 begins when the
2 applicant or employee is arrested for such a crime and ends when:

3 (a) A determination is made as to the guilt or innocence of the
4 applicant or employee with regard to such a crime at a trial or by a
5 plea; or

6 (b) The prosecuting attorney makes a determination to:

7 (1) Decline charging the applicant or employee with a crime
8 listed in paragraph (a) of subsection 1; or

9 (2) Proceed with charges against the applicant or employee
10 for only one or more crimes not listed in paragraph (a) of
11 subsection 1.

12 8. As used in this section, "Statewide Central Registry" means
13 the Statewide Central Registry for the Collection of Information
14 Concerning the Abuse or Neglect of a Child established by
15 NRS 432.100.

16 **Sec. 37.** NRS 433B.183 is hereby amended to read as follows:

17 433B.183 1. A division facility which provides residential
18 treatment to children shall secure from appropriate law enforcement
19 agencies information on the background and personal history of
20 each employee of the facility to determine:

21 (a) Whether the employee has been convicted of:

22 (1) Murder, voluntary manslaughter, involuntary
23 manslaughter or mayhem;

24 (2) Any other felony involving the use or threatened use of
25 force or violence or the use of a firearm or other deadly weapon;

26 (3) Assault with intent to kill or to commit sexual assault or
27 mayhem;

28 (4) Battery which results in substantial bodily harm to the
29 victim;

30 (5) Battery that constitutes domestic violence that is
31 punishable as a felony;

32 (6) Battery that constitutes domestic violence, other than a
33 battery described in subparagraph (5), within the immediately
34 preceding 3 years;

35 (7) Sexual assault, statutory sexual seduction, incest,
36 lewdness, indecent exposure, an offense involving ~~pornography and~~
37 ~~a minor~~ *child sexual abuse material* or any other sexually related
38 crime;

39 (8) A crime involving pandering or prostitution, including,
40 without limitation, a violation of any provision of NRS 201.295 to
41 201.440, inclusive, other than a violation of NRS 201.354 by
42 engaging in prostitution;

43 (9) Abuse or neglect of a child, including, without limitation,
44 a violation of any provision of NRS 200.508 or 200.5083;



1 (10) A violation of any federal or state law regulating the
2 possession, distribution or use of any controlled substance or any
3 dangerous drug as defined in chapter 454 of NRS within the
4 immediately preceding 3 years;

5 (11) A violation of any federal or state law prohibiting
6 driving or being in actual physical control of a vehicle while under
7 the influence of intoxicating liquor or a controlled substance that is
8 punishable as a felony;

9 (12) A violation of any federal or state law prohibiting
10 driving or being in actual physical control of a vehicle while under
11 the influence of intoxicating liquor or a controlled substance, other
12 than a violation described in subparagraph (11), within the
13 immediately preceding 3 years;

14 (13) Abuse, neglect, exploitation, isolation or abandonment
15 of older persons or vulnerable persons, including, without
16 limitation, a violation of any provision of NRS 200.5091 to
17 200.50995, inclusive, or a law of any other jurisdiction that
18 prohibits the same or similar conduct; or

19 (14) Any offense involving arson, fraud, theft,
20 embezzlement, burglary, robbery, fraudulent conversion,
21 misappropriation of property or perjury within the immediately
22 preceding 7 years; or

23 (b) Whether there are criminal charges pending against the
24 employee for a crime listed in paragraph (a).

25 2. An employee must submit to the Division a complete set of
26 fingerprints and written authorization to forward those fingerprints
27 to the Central Repository for Nevada Records of Criminal History
28 for submission to the Federal Bureau of Investigation for its report.

29 3. The Division may exchange with the Central Repository or
30 the Federal Bureau of Investigation any information concerning the
31 fingerprints submitted.

32 4. The Division may charge an employee investigated pursuant
33 to this section for the reasonable cost of that investigation.

34 5. When a report from the Federal Bureau of Investigation is
35 received by the Central Repository, the Central Repository shall
36 immediately forward a copy of the report to the Division for a
37 determination of whether the employee has criminal charges
38 pending against him or her for a crime listed in paragraph (a) of
39 subsection 1 or has been convicted of a crime listed in paragraph (a)
40 of subsection 1.

41 6. An employee who is required to submit to an investigation
42 required pursuant to this section shall not have contact with a child
43 in a division facility without supervision before the investigation of
44 the background and personal history of the employee has been
45 conducted.



1 7. The division facility shall conduct an investigation of each
2 employee pursuant to this section at least once every 5 years after
3 the initial investigation.

4 8. For the purposes of this section, the period during which
5 criminal charges are pending against an employee for a crime listed
6 in paragraph (a) of subsection 1 begins when the employee is
7 arrested for such a crime and ends when:

8 (a) A determination is made as to the guilt or innocence of the
9 employee with regard to such a crime at a trial or by a plea; or

10 (b) The prosecuting attorney makes a determination to:

11 (1) Decline charging the employee with a crime listed in
12 paragraph (a) of subsection 1; or

13 (2) Proceed with charges against the employee for only one
14 or more crimes not listed in paragraph (a) of subsection 1.

15 **Sec. 38.** This act becomes effective upon passage and
16 approval.



ASSEMBLY BILL NO. 44—COMMITTEE
ON COMMERCE AND LABOR

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 19, 2024

Referred to Committee on Commerce and Labor

SUMMARY—Prohibits manipulating the price of an essential good or service in this State. (BDR 52-503)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 unfair trade practices; revising the list of activities that constitute an unlawful contract, combination or conspiracy in restraint of trade to include manipulating the price of an essential good or service in this State; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 The Nevada Unfair Trade Practice Act sets forth various activities that
2 constitute an unlawful contract, combination or conspiracy in restraint of trade and
3 authorizes the Attorney General to investigate and take certain actions against
4 persons who engage in such activities, which may include, without limitation,
5 criminal prosecution and the imposition of civil penalties. (Chapter 598A of NRS)
6 Existing law makes it a category D felony to engage in such activities. (NRS
7 598A.280) This bill includes among the activities that constitute an unlawful
8 contract, combination or conspiracy in restraint of trade manipulating the price of
9 an essential good or service in this State. This bill defines “essential good or
10 service” to mean any good or service: (1) that is needed on a daily or recurring
11 basis for the livelihood of a person, including, without limitation, food, medicine or
12 shelter; and (2) the price for which results in the person paying more than \$750 for
13 the good or service over a 30-day period or \$9,000 for the good or service over a 1-
14 year period. Under this bill, a person manipulates the price of an essential good or
15 service when the person, alone or in concert with others, intentionally engages in
16 any fraudulent or deceptive conduct which is intended to and does cause the price
17 of an essential good or service in this State, as compared to the price of comparable
18 essential goods or services readily available in the 24 months immediately



19 preceding the conduct, to increase in a manner that does not reflect the basic forces
20 of supply and demand.

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

1 **Section 1.** NRS 598A.060 is hereby amended to read as
2 follows:

3 598A.060 1. Every activity enumerated in this subsection
4 constitutes a contract, combination or conspiracy in restraint of
5 trade, and it is unlawful to conduct any part of any such activity in
6 this State:

7 (a) Price fixing, which consists of raising, depressing, fixing,
8 pegging or stabilizing the price of any commodity or service, and
9 which includes, but is not limited to:

10 (1) Agreements among competitors to depress prices at
11 which they will buy essential raw material for the end product.

12 (2) Agreements to establish prices for commodities or
13 services.

14 (3) Agreements to establish uniform discounts, or to
15 eliminate discounts.

16 (4) Agreements between manufacturers to price a premium
17 commodity a specified amount above inferior commodities.

18 (5) Agreements not to sell below cost.

19 (6) Agreements to establish uniform trade-in allowances.

20 (7) Establishment of uniform cost surveys.

21 (8) Establishment of minimum markup percentages.

22 (9) Establishment of single or multiple basing point systems
23 for determining the delivered price of commodities.

24 (10) Agreements not to advertise prices.

25 (11) Agreements among competitors to fix uniform list
26 prices as a place to start bargaining.

27 (12) Bid rigging, including the misuse of bid depositories,
28 foreclosures of competitive activity for a period of time, rotation of
29 jobs among competitors, submission of identical bids, and
30 submission of complementary bids not intended to secure
31 acceptance by the customer.

32 (13) Agreements to discontinue a product, or agreements
33 with anyone engaged in the manufacture of competitive lines to
34 limit size, styles or quantities of items comprising the lines.

35 (14) Agreements to restrict volume of production.

36 (b) Division of markets, consisting of agreements between
37 competitors to divide territories and to refrain from soliciting or
38 selling in certain areas.



1 (c) Allocation of customers, consisting of agreements not to sell
2 to specified customers of a competitor.

3 (d) Tying arrangements, consisting of contracts in which the
4 seller or lessor conditions the sale or lease of commodities or
5 services on the purchase or leasing of another commodity or service.

6 (e) Monopolization of trade or commerce in this State,
7 including, without limitation, attempting to monopolize or otherwise
8 combining or conspiring to monopolize trade or commerce in this
9 State.

10 (f) *Manipulating the price of an essential good or service in*
11 *this State. For the purposes of this paragraph, a person*
12 *manipulates the price of an essential good or service in this State*
13 *when the person, alone or in concert with others, intentionally*
14 *engages in any fraudulent or deceptive conduct which is intended*
15 *to and does cause the price of an essential good or service in this*
16 *State, as compared to the price of comparable essential goods or*
17 *services readily available in the 24 months immediately preceding*
18 *the conduct, to increase in a manner that does not reflect basic*
19 *forces of supply and demand.*

20 (g) Except as otherwise provided in subsection 2, consolidation,
21 conversion, merger, acquisition of shares of stock or other equity
22 interest, directly or indirectly, of another person engaged in
23 commerce in this State or the acquisition of any assets of another
24 person engaged in commerce in this State that may:

25 (1) Result in the monopolization of trade or commerce in this
26 State or would further any attempt to monopolize trade or commerce
27 in this State; or

28 (2) Substantially lessen competition or be in restraint of
29 trade.

30 2. The provisions of paragraph ~~(f)~~ (g) of subsection 1 do not:

31 (a) Apply to a person who, solely for an investment purpose,
32 purchases stock or other equity interest or assets of another person if
33 the purchaser does not use his or her acquisition to bring about or
34 attempt to bring about the substantial lessening of competition in
35 this State.

36 (b) Prevent a person who is engaged in commerce in this State
37 from forming a subsidiary corporation or other business
38 organization and owning and holding all or part of the stock or
39 equity interest of that corporation or organization.

40 3. *As used in this section, "essential good or service" means*
41 *any good or service:*

42 (a) *That is needed on a daily or recurring basis for the*
43 *livelihood of a person, including, without limitation, food,*
44 *medicine and shelter; and*



- 1 ***(b) The price for which results in the person paying more than***
- 2 ***\$750 for the good or service over a 30-day period or \$9,000 for the***
- 3 ***good or service over a 1-year period.***

⑩



ASSEMBLY BILL NO. 45—COMMITTEE
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 19, 2024

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to certain public bodies.
(BDR 18-504)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 public bodies; renaming the Account for Programs Related to Domestic Violence; revising provisions governing the expenditures authorized from the Account; renaming the Committee on Domestic Violence; revising the membership and duties of the Committee; transferring certain duties from the Sexual Assault Kit Working Group to the Committee; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law creates the Committee on Domestic Violence and requires the
2 Committee to carry out certain duties relating to domestic violence, including
3 increasing awareness, reviewing certain programs provided to peace officers for
4 training related to domestic violence and making recommendations regarding such
5 training, providing financial support to certain programs for the prevention of
6 domestic violence under certain circumstances and studying certain issues relating
7 to domestic violence. (NRS 228.470) **Section 4** of this bill requires the Committee
8 to also perform such duties as they relate to sexual assault.
9 **Section 4** also requires the Committee to: (1) make recommendations relating
10 to the need for additional sexual assault victims’ advocates; (2) make
11 recommendations relating to the need for ongoing evaluation of the rights of
12 survivors; and (3) review the effectiveness of the statewide program to track sexual
13 assault forensic evidence kits.
14 **Section 4** further renames the Committee on Domestic Violence to the
15 Committee on Domestic Violence and Sexual Assault to reflect the expansion of
16 duties of the Committee. **Sections 1, 2, 7, 8 and 10-16** of this bill make conforming
17 changes to reflect the renaming of the Committee.



18 Existing law sets forth the membership of the Committee, which consists of: (1)
19 certain persons appointed by the Attorney General, including two survivors of
20 domestic violence; and (2) one member who is a representative of the Division of
21 Public and Behavioral Health of the Department of Health and Human Services
22 who has certain experience and is appointed by the Administrator of the Division.
23 (NRS 228.470) **Section 4** revises the membership of the Committee by reducing the
24 number of survivors of domestic violence who are members of the Committee from
25 two to one and requiring the Attorney General to additionally appoint to the
26 Committee: (1) one staff member of a program for victims of sexual assault; (2)
27 one survivor of sexual assault; and (3) one medical professional with experience in
28 working with sexual assault forensic evidence kits.

29 Existing law requires the Attorney General to designate a department or
30 division of the Executive Department of State Government to establish a statewide
31 program to track sexual assault forensic evidence kits. Existing law further requires
32 such a designation to be made pursuant to the recommendation of the Sexual
33 Assault Kit Working Group, which is the statewide working group led by the
34 Office of the Attorney General to create policies and procedures to address the
35 backlog of sexual assault forensic evidence kits that have not been tested. (NRS
36 200.3788) **Section 9** of this bill requires such a designation to instead be made
37 pursuant to the recommendation of the Committee.

38 Existing law creates the Account for Programs Related to Domestic Violence
39 and authorizes the Ombudsman for Victims of Domestic Violence, Sexual Assault
40 and Human Trafficking to expend money in the Account for certain purposes
41 relating to domestic violence, including training certain persons about domestic
42 violence, assisting victims of domestic violence and educating the public on
43 domestic violence. (NRS 228.460) **Section 3** of this bill authorizes the Ombudsman
44 to expend money in the Account for such purposes as they relate to sexual assault.
45 **Section 3** additionally renames the Account for Programs Related to Domestic
46 Violence as the Account for Programs Related to Domestic Violence and Sexual
47 Assault to reflect the changes made by **section 3** to the scope of authorized
48 expenditures from the Account. **Sections 5 and 6** of this bill make conforming
49 changes to reflect the renaming of the Account.

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

1 **Section 1.** NRS 228.205 is hereby amended to read as follows:

2 228.205 1. There is hereby created in the Office of the
3 Attorney General the Victim Information Notification Everyday
4 System, which consists of a toll-free telephone number and an
5 Internet website through which victims of crime and members of the
6 public may register to receive automated information and
7 notification concerning changes in the custody status of an offender.

8 2. The Committee on Domestic Violence *and Sexual Assault*
9 appointed pursuant to NRS 228.470 shall serve as the Governance
10 Committee for the System.

11 3. The Governance Committee may adopt policies, protocols
12 and regulations for the operation and oversight of the System.

13 4. The Attorney General may apply for and accept gifts, grants
14 and donations for use in carrying out the provisions of this section.



1 5. To the extent of available funding, each sheriff and chief of
2 police, the Department of Corrections, the Department of Public
3 Safety and the State Board of Parole Commissioners shall cooperate
4 with the Attorney General to establish and maintain the System.

5 6. The failure of the System to notify a victim of a crime of a
6 change in the custody status of an offender does not establish a basis
7 for any cause of action by the victim or any other party against the
8 State, its political subdivisions, or the agencies, boards,
9 commissions, departments, officers or employees of the State or its
10 political subdivisions.

11 7. As used in this section:

12 (a) "Custody status" means the transfer of the custody of an
13 offender or the release or escape from custody of an offender.

14 (b) "Offender" means a person convicted of a crime and
15 sentenced to imprisonment in a county jail or in the state prison.

16 **Sec. 2.** NRS 228.427 is hereby amended to read as follows:

17 228.427 "Committee" means the Committee on Domestic
18 Violence *and Sexual Assault* appointed pursuant to NRS 228.470.

19 **Sec. 3.** NRS 228.460 is hereby amended to read as follows:

20 228.460 1. The Account for Programs Related to Domestic
21 Violence *and Sexual Assault* is hereby created in the State General
22 Fund. Any fee imposed and collected pursuant to NRS 176.094
23 must be deposited with the State Controller for credit to the
24 Account.

25 2. The Ombudsman for Victims of Domestic Violence, Sexual
26 Assault and Human Trafficking:

27 (a) Shall administer the Account for Programs Related to
28 Domestic Violence *and Sexual Assault*; and

29 (b) May expend money in the Account only to pay for expenses
30 related to:

31 (1) The Committee;

32 (2) Training law enforcement officers, attorneys and
33 members of the judicial system about domestic violence *and*
34 *sexual assault*;

35 (3) Assisting victims of domestic violence *and sexual*
36 *assault* and educating the public concerning domestic violence *and*
37 *sexual assault*; and

38 (4) Carrying out the duties and functions of his or her office.

39 3. All claims against the Account for Programs Related to
40 Domestic Violence *and Sexual Assault* must be paid as other claims
41 against the State are paid.

42 **Sec. 4.** NRS 228.470 is hereby amended to read as follows:

43 228.470 1. The Committee on Domestic Violence *and*
44 *Sexual Assault* is hereby created. The Committee is comprised of
45 the Attorney General or a designee of the Attorney General and:



1 (a) The following members appointed by the Attorney General:

2 (1) One staff member of a program for victims of domestic
3 violence;

4 (2) *One staff member of a program for victims of sexual
5 assault;*

6 (3) One staff member of a program for the treatment of
7 persons who commit domestic violence;

8 ~~+(3)+~~ (4) One representative from an office of the district
9 attorney with experience in prosecuting criminal offenses;

10 ~~+(4)+~~ (5) One representative from an office of the city
11 attorney with experience in prosecuting criminal offenses;

12 ~~+(5)+~~ (6) One law enforcement officer;

13 ~~+(6)+~~ (7) One provider of mental health care;

14 ~~+(7)+ Two survivors~~

15 (8) *One survivor* of domestic violence;

16 ~~+(8)+~~ (9) *One survivor of sexual assault;*

17 (10) One justice of the peace or municipal judge;

18 ~~+(9)+~~ (11) One representative from the Office of Court
19 Administrator; ~~and~~

20 ~~—+(10)+~~ (12) *One medical professional with experience in
21 working with sexual assault forensic evidence kits; and*

22 (13) Any other person appointed by the Attorney General.

23 (b) One member who is a representative of the Division of
24 Public and Behavioral Health of the Department of Health and
25 Human Services, who is appointed by the Administrator of the
26 Division and who has experience related to the certification of
27 programs for the treatment of persons who commit domestic
28 violence.

29 ➔ Each appointed member serves a term of 2 years. Members may
30 be reappointed for additional terms of 2 years. At least two members
31 of the Committee must be residents of a county whose population is
32 less than 100,000.

33 2. The Committee shall:

34 (a) Increase awareness of the existence and unacceptability of
35 domestic violence *and sexual assault* in this State;

36 (b) Review and evaluate existing programs provided to peace
37 officers for training related to domestic violence *and sexual assault*
38 and make recommendations to the Peace Officers' Standards and
39 Training Commission regarding such training;

40 (c) To the extent that money is available, provide financial
41 support to programs for the prevention of domestic violence *and*
42 *sexual assault* in this State;

43 (d) Study and review all appropriate issues related to the
44 administration of the criminal justice system in rural Nevada with
45 respect to offenses involving domestic violence ~~+~~ *and sexual*



1 **assault**, including, without limitation, the availability of counseling
2 services;

3 (e) Study issues that relate to domestic violence ~~H~~ **and sexual**
4 **assault**, including, without limitation, the intersections between
5 domestic violence and sexual assault and domestic violence and
6 human trafficking;

7 (f) *Make recommendations regarding whether a need exists:*

8 (1) *For additional sexual assault victims' advocates and, if*
9 *such a need exists, create a plan for how the State can provide*
10 *additional sexual assault victims' advocates to meet such a need;*

11 (2) *To provide ongoing evaluation of the implementation of*
12 *the rights of survivors pursuant to the Sexual Assault Survivors'*
13 *Bill of Rights and, if such a need exists, shall:*

14 (I) *Identify the scope and nature of the need; and*

15 (II) *Make recommendations on how to best fill such a*
16 *need, legislatively or otherwise;*

17 (g) *Review the effectiveness of the statewide program to track*
18 *sexual assault forensic evidence kits established pursuant to NRS*
19 *200.3788; and*

20 ~~H~~ (h) Submit on or before March 1 of each odd-numbered
21 year a report to the Director of the Legislative Counsel Bureau for
22 distribution to the regular session of the Legislature. In preparing the
23 report, the Committee shall solicit comments and recommendations
24 from district judges, municipal judges and justices of the peace in
25 rural Nevada. The report must include, without limitation:

26 (1) A summary of the work of the Committee and
27 recommendations for any necessary legislation concerning domestic
28 violence ~~H~~ **and sexual assault**; and

29 (2) All comments and recommendations received by the
30 Committee.

31 3. The Attorney General or the designee of the Attorney
32 General is the Chair of the Committee.

33 4. The Committee shall annually elect a Vice Chair from
34 among its members.

35 5. The Committee shall meet regularly at least three times in
36 each calendar year and may meet at other times upon the call of the
37 Chair.

38 6. At least one meeting in each calendar year must be held at a
39 location within the Fourth Judicial District, Fifth Judicial District,
40 Sixth Judicial District, Seventh Judicial District or Eleventh Judicial
41 District.

42 7. The Attorney General shall provide the Committee with
43 such staff as is necessary to carry out the duties of the Committee.

44 8. While engaged in the business of the Committee, each
45 member and employee of the Committee is entitled to receive the



1 per diem allowance and travel expenses provided for state officers
2 and employees generally.

3 9. The Committee may adopt regulations necessary to carry out
4 its duties pursuant to NRS 228.470 to 228.497, inclusive.

5 *10. As used in this section:*

6 *(a) "Sexual assault forensic evidence kit" has the meaning*
7 *ascribed to it in NRS 200.364.*

8 *(b) "Sexual assault victims' advocate" has the meaning*
9 *ascribed to it in NRS 178A.120.*

10 *(c) "Survivor" has the meaning ascribed to it in*
11 *NRS 178A.140.*

12 **Sec. 5.** NRS 228.490 is hereby amended to read as follows:

13 228.490 The Committee may apply for and accept gifts, grants,
14 donations and contributions from any source for the purpose of
15 carrying out its duties pursuant to NRS 228.470. Any money that
16 the Committee receives pursuant to this section must be deposited in
17 and accounted for separately in the Account for Programs Related to
18 Domestic Violence *and Sexual Assault* created pursuant to NRS
19 228.460 for use by the Committee in carrying out its duties.

20 **Sec. 6.** NRS 176.094 is hereby amended to read as follows:

21 176.094 In addition to any other fine or penalty, if the court
22 finds that a person is guilty of committing an act which constitutes
23 domestic violence pursuant to NRS 33.018, the court shall:

24 1. Enter a finding of fact in the judgment of conviction.

25 2. Order the person to pay a fee of \$35. Any money so
26 collected must be paid by the clerk of the court to the State
27 Controller on or before the fifth day of each month for the preceding
28 month for credit to the Account for Programs Related to Domestic
29 Violence *and Sexual Assault* established pursuant to NRS 228.460.

30 3. Require for the:

31 (a) First offense within 7 years of any act which constitutes
32 domestic violence, the person to participate in weekly counseling
33 sessions of not less than 1 1/2 hours per week for not less than 6
34 months, but not more than 12 months, at his or her expense, in a
35 program for the treatment of persons who commit domestic violence
36 that has been certified pursuant to NRS 439.258; or

37 (b) Second offense within 7 years of any act which constitutes
38 domestic violence, the person to participate in weekly counseling
39 sessions of not less than 1 1/2 hours per week for 12 months, at his
40 or her expense, in a program for the treatment of persons who
41 commit domestic violence that has been certified pursuant to
42 NRS 439.258.



1 **Sec. 7.** NRS 179A.075 is hereby amended to read as follows:

2 179A.075 1. The Central Repository for Nevada Records of
3 Criminal History is hereby created within the Records,
4 Communications and Compliance Division of the Department.

5 2. Each agency of criminal justice and any other agency
6 dealing with crime shall:

7 (a) Collect and maintain records, reports and compilations of
8 statistical data required by the Department; and

9 (b) Submit the information collected to the Central Repository:

10 (1) In the manner approved by the Director of the
11 Department; and

12 (2) In accordance with the policies, procedures and
13 definitions of the Uniform Crime Reporting Program of the Federal
14 Bureau of Investigation.

15 3. Each agency of criminal justice shall submit the information
16 relating to records of criminal history that it creates, issues or
17 collects, and any information in its possession relating to the DNA
18 profile of a person from whom a biological specimen is obtained
19 pursuant to NRS 176.09123 or 176.0913, to the Division. The
20 information must be submitted to the Division:

21 (a) Through an electronic network;

22 (b) On a medium of magnetic storage; or

23 (c) In the manner prescribed by the Director of the Department,
24 ➔ within 60 days after the date of the disposition of the case. If an
25 agency has submitted a record regarding the arrest of a person who
26 is later determined by the agency not to be the person who
27 committed the particular crime, the agency shall, immediately upon
28 making that determination, so notify the Division. The Division
29 shall delete all references in the Central Repository relating to that
30 particular arrest.

31 4. Each state and local law enforcement agency shall submit
32 Uniform Crime Reports to the Central Repository:

33 (a) In the manner prescribed by the Director of the Department;

34 (b) In accordance with the policies, procedures and definitions
35 of the Uniform Crime Reporting Program of the Federal Bureau of
36 Investigation; and

37 (c) Within the time prescribed by the Director of the
38 Department.

39 5. The Division shall, in the manner prescribed by the Director
40 of the Department:

41 (a) Collect, maintain and arrange all information submitted to it
42 relating to:

43 (1) Records of criminal history; and

44 (2) The DNA profile of a person from whom a biological
45 specimen is obtained pursuant to NRS 176.09123 or 176.0913.



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

4 (c) Upon request, provide, in paper or electronic form, the
5 information that is contained in the Central Repository to the
6 Committee on Domestic Violence *and Sexual Assault* appointed
7 pursuant to NRS 228.470 when, pursuant to NRS 228.495, the
8 Committee is reviewing the death of the victim of a crime that
9 constitutes domestic violence pursuant to NRS 33.018.

10 6. The Division may:

11 (a) Disseminate any information which is contained in the
12 Central Repository to any other agency of criminal justice;

13 (b) Enter into cooperative agreements with repositories of the
14 United States and other states to facilitate exchanges of information
15 that may be disseminated pursuant to paragraph (a); and

16 (c) Request of and receive from the Federal Bureau of
17 Investigation information on the background and personal history of
18 any person whose record of fingerprints or other biometric identifier
19 the Central Repository submits to the Federal Bureau of
20 Investigation and:

21 (1) Who has applied to any agency of the State of Nevada or
22 any political subdivision thereof for a license which it has the power
23 to grant or deny;

24 (2) With whom any agency of the State of Nevada or any
25 political subdivision thereof intends to enter into a relationship of
26 employment or a contract for personal services;

27 (3) Who has applied to any agency of the State of Nevada or
28 any political subdivision thereof to attend an academy for training
29 peace officers approved by the Peace Officers' Standards and
30 Training Commission;

31 (4) For whom such information is required or authorized to
32 be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031,
33 432A.170, 432B.198, 433B.183, 449.123 and 449.4329; or

34 (5) About whom any agency of the State of Nevada or any
35 political subdivision thereof is authorized by law to have accurate
36 personal information for the protection of the agency or the persons
37 within its jurisdiction.

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

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

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

44 (2) Employment;

45 (3) Contractual services; or



- 1 (4) Services related to occupational licensing;
- 2 (b) One or more of the person's fingerprints for the purposes of
- 3 mobile identification by an agency of criminal justice; or
- 4 (c) Any other biometric identifier of the person as it may require
- 5 for the purposes of:
- 6 (1) Arrest; or
- 7 (2) Criminal investigation,
- 8 ↪ from the agency of criminal justice or agency of the State of
- 9 Nevada or any political subdivision thereof and submit the received
- 10 data to the Federal Bureau of Investigation for its report.
- 11 8. The Central Repository shall:
- 12 (a) Collect and maintain records, reports and compilations of
- 13 statistical data submitted by any agency pursuant to subsection 2.
- 14 (b) Tabulate and analyze all records, reports and compilations of
- 15 statistical data received pursuant to this section.
- 16 (c) Disseminate to federal agencies engaged in the collection of
- 17 statistical data relating to crime information which is contained in
- 18 the Central Repository.
- 19 (d) Investigate the criminal history of any person who:
- 20 (1) Has applied to the Superintendent of Public Instruction
- 21 for the issuance or renewal of a license;
- 22 (2) Has applied to a county school district, charter school or
- 23 private school for employment or to serve as a volunteer; or
- 24 (3) Is employed by or volunteers for a county school district,
- 25 charter school or private school,
- 26 ↪ and immediately notify the superintendent of each county school
- 27 district, the governing body of each charter school and the
- 28 Superintendent of Public Instruction, or the administrator of each
- 29 private school, as appropriate, if the investigation of the Central
- 30 Repository indicates that the person has been convicted of a
- 31 violation of NRS 200.508, 201.230, 453.3385, 453.3387 or 453.339,
- 32 or convicted of a felony or any offense involving moral turpitude.
- 33 (e) Upon discovery, immediately notify the superintendent of
- 34 each county school district, the governing body of each charter
- 35 school or the administrator of each private school, as appropriate, by
- 36 providing the superintendent, governing body or administrator with
- 37 a list of all persons:
- 38 (1) Investigated pursuant to paragraph (d); or
- 39 (2) Employed by or volunteering for a county school district,
- 40 charter school or private school whose fingerprints were sent
- 41 previously to the Central Repository for investigation,
- 42 ↪ who the Central Repository's records indicate have been
- 43 convicted of a violation of NRS 200.508, 201.230, 453.3385,
- 44 453.3387 or 453.339, or convicted of a felony or any offense
- 45 involving moral turpitude since the Central Repository's initial



1 investigation. The superintendent of each county school district, the
2 governing body of a charter school or the administrator of each
3 private school, as applicable, shall determine whether further
4 investigation or action by the district, charter school or private
5 school, as applicable, is appropriate.

6 (f) Investigate the criminal history of each person who submits
7 one or more fingerprints or other biometric identifier or has such
8 data submitted pursuant to NRS 62B.270, 62G.223, 62G.353,
9 424.031, 432A.170, 432B.198, 433B.183, 449.122, 449.123 or
10 449.4329.

11 (g) Provide an electronic means to access on the Central
12 Repository's Internet website statistical data relating to crime.

13 (h) Provide an electronic means to access on the Central
14 Repository's Internet website statistical data about domestic
15 violence in this State.

16 (i) Identify and review the collection and processing of
17 statistical data relating to criminal justice by any agency identified
18 in subsection 2 and make recommendations for any necessary
19 changes in the manner of collecting and processing statistical data
20 by any such agency.

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

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

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

30 9. The Central Repository may:

31 (a) In the manner prescribed by the Director of the Department,
32 disseminate compilations of statistical data and publish statistical
33 reports relating to crime.

34 (b) Charge a reasonable fee for any publication or special report
35 it distributes relating to data collected pursuant to this section. The
36 Central Repository may not collect such a fee from an agency of
37 criminal justice or any other agency dealing with crime which is
38 required to submit information pursuant to subsection 2. All money
39 collected pursuant to this paragraph must be used to pay for the cost
40 of operating the Central Repository or for any other purpose
41 authorized by the Legislature, and any balance of the money
42 remaining at the end of a fiscal year reverts to the State General
43 Fund.

44 (c) In the manner prescribed by the Director of the Department,
45 use electronic means to receive and disseminate information



1 contained in the Central Repository that it is authorized to
2 disseminate pursuant to the provisions of this chapter.

3 10. As used in this section:

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

7 (b) "Personal identifying information" means any information
8 designed, commonly used or capable of being used, alone or in
9 conjunction with any other information, to identify a person,
10 including, without limitation:

11 (1) The name, driver's license number, social security
12 number, date of birth and photograph or computer-generated image
13 of a person; and

14 (2) A biometric identifier of a person.

15 (c) "Private school" has the meaning ascribed to it in
16 NRS 394.103.

17 **Sec. 8.** NRS 179A.100 is hereby amended to read as follows:

18 179A.100 1. The following records of criminal history may
19 be disseminated by an agency of criminal justice without any
20 restriction pursuant to this chapter:

21 (a) Any which reflect records of conviction only; and

22 (b) Any which pertain to an incident for which a person is
23 currently within the system of criminal justice, including parole or
24 probation.

25 2. Without any restriction pursuant to this chapter, a record of
26 criminal history or the absence of such a record may be:

27 (a) Disclosed among agencies which maintain a system for the
28 mutual exchange of criminal records.

29 (b) Furnished by one agency to another to administer the system
30 of criminal justice, including the furnishing of information by a
31 police department to a district attorney.

32 (c) Reported to the Central Repository.

33 3. An agency of criminal justice shall disseminate to a
34 prospective employer, upon request, records of criminal history
35 concerning a prospective employee or volunteer which are the result
36 of a name-based inquiry and which:

37 (a) Reflect convictions only; or

38 (b) Pertain to an incident for which the prospective employee or
39 volunteer is currently within the system of criminal justice,
40 including parole or probation.

41 4. Records of criminal history must be disseminated by an
42 agency of criminal justice, upon request, to the following persons or
43 governmental entities:

44 (a) The person who is the subject of the record of criminal
45 history for the purposes of NRS 179A.150.



1 (b) The person who is the subject of the record of criminal
2 history when the subject is a party in a judicial, administrative,
3 licensing, disciplinary or other proceeding to which the information
4 is relevant.

5 (c) The Nevada Gaming Control Board.

6 (d) The State Board of Nursing.

7 (e) The Private Investigator's Licensing Board to investigate an
8 applicant for a license.

9 (f) A public administrator or a person employed or contracted
10 with pursuant to NRS 253.125, as applicable, to carry out the duties
11 as prescribed in chapter 253 of NRS.

12 (g) A public guardian to investigate a protected person or
13 proposed protected person or persons who may have knowledge of
14 assets belonging to a protected person or proposed protected person.

15 (h) Any agency of criminal justice of the United States or of
16 another state or the District of Columbia.

17 (i) Any public utility subject to the jurisdiction of the Public
18 Utilities Commission of Nevada when the information is necessary
19 to conduct a security investigation of an employee or prospective
20 employee or to protect the public health, safety or welfare.

21 (j) Persons and agencies authorized by statute, ordinance,
22 executive order, court rule, court decision or court order as
23 construed by appropriate state or local officers or agencies.

24 (k) Any person or governmental entity which has entered into a
25 contract to provide services to an agency of criminal justice relating
26 to the administration of criminal justice, if authorized by the
27 contract, and if the contract also specifies that the information will
28 be used only for stated purposes and that it will be otherwise
29 confidential in accordance with state and federal law and regulation.

30 (l) Any reporter or editorial employee who is employed or
31 affiliated with a newspaper, press association or commercially
32 operated, federally licensed radio or television station who requests
33 a record of a named person or aggregate information for statistical
34 purposes, excluding any personal identifying information, in a
35 professional capacity for communication to the public.

36 (m) Prospective employers if the person who is the subject of
37 the information has given written consent to the release of that
38 information by the agency which maintains it.

39 (n) For the express purpose of research, evaluative or statistical
40 programs pursuant to an agreement with an agency of criminal
41 justice.

42 (o) An agency which provides child welfare services, as defined
43 in NRS 432B.030.

44 (p) The Division of Welfare and Supportive Services of the
45 Department of Health and Human Services or its designated



1 representative, as needed to ensure the safety of investigators and
2 caseworkers.

3 (q) The Aging and Disability Services Division of the
4 Department of Health and Human Services or its designated
5 representative, as needed to ensure the safety of investigators and
6 caseworkers.

7 (r) An agency of this or any other state or the Federal
8 Government that is conducting activities pursuant to Part D of
9 Subchapter IV of Chapter 7 of Title 42 of the Social Security Act,
10 42 U.S.C. §§ 651 et seq.

11 (s) The Commissioner of Insurance.

12 (t) The Board of Medical Examiners.

13 (u) The State Board of Osteopathic Medicine.

14 (v) The Board of Massage Therapy and its Executive Director.

15 (w) The Board of Examiners for Social Workers.

16 (x) The State Board of Cosmetology and its Executive Director.

17 (y) The Committee on Domestic Violence *and Sexual Assault*
18 appointed pursuant to NRS 228.470 when, pursuant to NRS
19 228.495, the Committee is reviewing the death of the victim of a
20 crime that constitutes domestic violence pursuant to NRS 33.018.

21 (z) A county coroner or medical examiner, as needed to conduct
22 an investigation of the death of a person.

23 5. Agencies of criminal justice in this State which receive
24 information from sources outside this State concerning transactions
25 involving criminal justice which occur outside Nevada shall treat the
26 information as confidentially as is required by the provisions of this
27 chapter.

28 **Sec. 9.** NRS 200.3788 is hereby amended to read as follows:

29 200.3788 1. A statewide program to track sexual assault
30 forensic evidence kits must be established in this State. The
31 Attorney General shall, pursuant to the recommendation of the
32 ~~{Sexual Assault Kit Working Group,}~~ *Committee on Domestic*
33 *Violence and Sexual Assault appointed pursuant to NRS 228.470,*
34 designate a department or division of the Executive Department of
35 State Government to establish the program. The designated
36 department or division may contract with any appropriate public or
37 private agency, organization or institution to carry out the provisions
38 of this section.

39 2. The program to track sexual assault forensic evidence kits
40 must:

41 (a) Track the location and status of sexual assault forensic
42 evidence kits, including, without limitation, the initial forensic
43 medical examination, receipt by a law enforcement agency and
44 receipt and genetic marker analysis at a forensic laboratory.



1 (b) Allow providers of health care who perform forensic medical
2 examinations, law enforcement agencies, prosecutors, forensic
3 laboratories and any other entities having sexual assault forensic
4 evidence kits in their custody to track the status and location of
5 sexual assault forensic evidence kits.

6 (c) Allow a victim of sexual assault to anonymously track or
7 receive, by telephone or on an Internet website, updates regarding
8 the status and location of his or her sexual assault forensic evidence
9 kit.

10 3. The department or division designated pursuant to
11 subsection 1 shall, on or before January 1 and July 1 of each year,
12 submit to the Governor and the Director of the Legislative Counsel
13 Bureau for transmittal to the Joint Interim Standing Committee on
14 the Judiciary and post on the Internet website maintained by the
15 department or division a report concerning the statewide program to
16 track sexual assault forensic evidence kits. The report must include:

17 (a) The number of sexual assault forensic evidence kits in the
18 program in each county.

19 (b) The number of sexual assault forensic evidence kits for
20 which genetic marker analysis has been completed for each county
21 for the last 6 months.

22 (c) The number of sexual assault forensic evidence kits added to
23 the program in each county during the last 6 months.

24 (d) The number of sexual assault forensic evidence kits for
25 which genetic marker analysis has been requested but not completed
26 for each county.

27 (e) For this State as a whole and each county, the average and
28 median time between a forensic medical examination and receipt of
29 a sexual assault forensic evidence kit by a forensic laboratory for
30 genetic marker analysis, overall and for the last 6 months.

31 (f) For this State as a whole and each county, the average and
32 median time between receipt of a sexual assault forensic evidence
33 kit by a forensic laboratory and genetic marker analysis, overall and
34 for the last 6 months.

35 (g) The number of sexual assault forensic evidence kits in each
36 county awaiting genetic marker analysis for more than 1 year and 6
37 months after forensic medical examination.

38 4. Each law enforcement agency, prosecutor, forensic
39 laboratory and provider of health care who performs forensic
40 medical examinations in this State shall participate in the statewide
41 program to track sexual assault forensic evidence kits for the
42 purpose of tracking the status of any sexual assault forensic
43 evidence kits in the custody of the agency, prosecutor, laboratory or
44 provider, or a third party under contract with such agency,
45 prosecutor, laboratory or provider.



1 5. Any agency or person who acts pursuant to this section in
2 good faith and without gross negligence is immune from civil
3 liability for those acts.

4 6. The department or division designated pursuant to
5 subsection 1 may apply for and accept any gift, donation, bequest,
6 grant or other source of money to carry out the provisions of this
7 section.

8 ~~7. As used in this section, "Sexual Assault Kit Working~~
9 ~~Group" means the statewide working group led by the Office of the~~
10 ~~Attorney General to create policies and procedures to address the~~
11 ~~backlog of sexual assault forensic evidence kits that have not been~~
12 ~~tested.~~

13 **Sec. 10.** NRS 217.475 is hereby amended to read as follows:

14 217.475 1. A court or an agency of a local government may
15 organize or sponsor one or more multidisciplinary teams to review
16 the death of the victim of a crime that constitutes domestic violence
17 pursuant to NRS 33.018.

18 2. If a multidisciplinary team is organized or sponsored
19 pursuant to subsection 1, the court or agency shall review the death
20 of a victim upon receiving a written request from a person related to
21 the victim within the third degree of consanguinity, if the request is
22 received by the court or agency within 1 year after the date of death
23 of the victim.

24 3. Members of a team that is organized or sponsored pursuant
25 to subsection 1 serve at the pleasure of the court or agency that
26 organizes or sponsors the team and must include, without limitation,
27 representatives of organizations concerned with law enforcement,
28 issues related to physical or mental health, or the prevention of
29 domestic violence and assistance to victims of domestic violence.

30 4. Each organization represented on such a team may share
31 with other members of the team information in its possession
32 concerning the victim who is the subject of the review or any person
33 who was in contact with the victim and any other information
34 deemed by the organization to be pertinent to the review. Any
35 information shared by an organization with other members of a team
36 is confidential.

37 5. A team organized or sponsored pursuant to this section may,
38 upon request, provide a report concerning its review to a person
39 related to the victim within the third degree of consanguinity.

40 6. Before establishing a team to review the death of a victim
41 pursuant to this section, a court or an agency shall adopt a written
42 protocol describing its objectives and the structure of the team.

43 7. A team organized or sponsored pursuant to this section may
44 request any person, agency or organization that is in possession of
45 information or records concerning the victim who is the subject of



1 the review or any person who was in contact with the victim to
2 provide the team with any information or records that are relevant to
3 the team's review. Any information or records provided to a team
4 pursuant to this subsection are confidential.

5 8. A team organized or sponsored pursuant to this section may,
6 if appropriate, meet with any person, agency or organization that the
7 team believes may have information relevant to the review
8 conducted by the team, including, without limitation:

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

11 (b) A multidisciplinary team to oversee the review of the death
12 of a child organized pursuant to NRS 432B.4075; or

13 (c) The Committee on Domestic Violence *and Sexual Assault*
14 appointed pursuant to NRS 228.470.

15 9. Except as otherwise provided in subsection 10, each member
16 of a team organized or sponsored pursuant to this section is immune
17 from civil or criminal liability for an activity related to the review of
18 the death of a victim.

19 10. Each member of a team organized or sponsored pursuant to
20 this section who discloses any confidential information concerning
21 the death of a child is personally liable for a civil penalty of not
22 more than \$500.

23 11. The Attorney General:

24 (a) May bring an action to recover a civil penalty imposed
25 pursuant to subsection 10 against a member of a team organized or
26 sponsored pursuant to this section; and

27 (b) Shall deposit any money received from the civil penalty with
28 the State Treasurer for credit to the State General Fund.

29 12. The results of the review of the death of a victim pursuant
30 to this section are not admissible in any civil action or proceeding.

31 **Sec. 11.** NRS 427A.940 is hereby amended to read as follows:
32 427A.940 1. The Committee is entitled to access to:

33 (a) All final investigative information of law enforcement
34 agencies regarding a death that may have been caused by or related
35 to adult maltreatment or other incident of adult maltreatment being
36 investigated by the Committee for which the investigation by the
37 law enforcement agency has been closed;

38 (b) Any autopsy and coroner's investigative records relating to a
39 death of an older person or a vulnerable person that may have been
40 caused by or related to adult maltreatment;

41 (c) Any medical or mental health records of a decedent or other
42 victim of adult maltreatment;

43 (d) Any records of the Division or any other agency which has
44 provided services to a decedent or other victim of adult
45 maltreatment; and



1 (e) Any other records determined by the Committee to be
2 necessary to perform its duties, except for records of a law
3 enforcement agency not described in paragraph (a).

4 2. The Committee may, if appropriate, meet and share
5 information with:

6 (a) A multidisciplinary team to review the death of the victim of
7 a crime that constitutes domestic violence organized or sponsored
8 pursuant to NRS 217.475;

9 (b) The Committee on Domestic Violence *and Sexual Assault*
10 appointed pursuant to NRS 228.470; or

11 (c) The Unit for the Investigation and Prosecution of Crimes
12 Against Older Persons or Vulnerable Persons in the Office of the
13 Attorney General created by NRS 228.265.

14 3. The Committee may petition the district court for the
15 issuance of, and the district court may issue, a subpoena to compel
16 the production of any books, records or papers described in
17 subsection 1 that are relevant to the cause of any death or incident of
18 adult maltreatment being investigated by the Committee. Except as
19 otherwise provided in NRS 239.0115, any books, records or papers
20 received by the Committee pursuant to a subpoena issued pursuant
21 to this subsection shall be deemed confidential and privileged and
22 not subject to disclosure.

23 4. The Committee may use data collected concerning a death
24 that is known or suspected to have been caused by or be related to
25 adult maltreatment for the purpose of research or to prevent future
26 adult maltreatment if the data is aggregated and does not allow for
27 the identification of any person.

28 5. Except as otherwise provided in this section, information
29 acquired by, and the records of, the Committee are confidential, are
30 not public records, must not be disclosed and are not subject to
31 subpoena, discovery or introduction into evidence in any civil or
32 criminal proceeding. The disclosure of information or records to the
33 Committee does not make such information or records confidential
34 with respect to the person or entity that disclosed the records if the
35 information or records are not otherwise confidential.

36 6. The meetings of the Committee are closed to the public.

37 **Sec. 12.** NRS 432B.290 is hereby amended to read as follows:

38 432B.290 1. Information maintained by an agency which
39 provides child welfare services must be maintained by the agency
40 which provides child welfare services as required by federal law as a
41 condition of the allocation of federal money to this State.

42 2. Except as otherwise provided in this section and NRS
43 432B.165, 432B.175 and 432B.513, information maintained by an
44 agency which provides child welfare services may, at the discretion



1 of the agency which provides child welfare services, be made
2 available only to:

3 (a) A physician, if the physician has before him or her a child
4 who the physician has reasonable cause to believe has been abused
5 or neglected;

6 (b) A person authorized to place a child in protective custody, if
7 the person has before him or her a child who the person has
8 reasonable cause to believe has been abused or neglected and the
9 person requires the information to determine whether to place the
10 child in protective custody;

11 (c) An agency, including, without limitation, an agency in
12 another jurisdiction, responsible for or authorized to undertake the
13 care, treatment or supervision of:

14 (1) The child; or

15 (2) The person responsible for the welfare of the child;

16 (d) A district attorney or other law enforcement officer who
17 requires the information in connection with an investigation or
18 prosecution of the abuse or neglect of a child;

19 (e) Except as otherwise provided in paragraph (f), a court other
20 than a juvenile court, for in camera inspection only, unless the court
21 determines that public disclosure of the information is necessary for
22 the determination of an issue before it;

23 (f) A court, as defined in NRS 159A.015, to determine whether
24 a guardian or successor guardian of a child should be appointed
25 pursuant to chapter 159A of NRS or NRS 432B.466 to 432B.468,
26 inclusive;

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

30 (h) The attorney and the guardian ad litem of the child, if the
31 information is reasonably necessary to promote the safety,
32 permanency and well-being of the child;

33 (i) A person who files or intends to file a petition for the
34 appointment of a guardian or successor guardian of a child pursuant
35 to chapter 159A of NRS or NRS 432B.466 to 432B.468, inclusive,
36 if the identity of the person responsible for reporting the abuse or
37 neglect of the child to a public agency is kept confidential and the
38 information is reasonably necessary to promote the safety,
39 permanency and well-being of the child;

40 (j) The proposed guardian or proposed successor guardian of a
41 child over whom a guardianship is sought pursuant to chapter 159A
42 of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of
43 the person responsible for reporting the abuse or neglect of the child
44 to a public agency is kept confidential and the information is



1 reasonably necessary to promote the safety, permanency and well-
2 being of the child;

3 (k) A grand jury upon its determination that access to these
4 records and the information is necessary in the conduct of its official
5 business;

6 (l) A federal, state or local governmental entity, or an agency of
7 such an entity, or a juvenile court, that needs access to the
8 information to carry out its legal responsibilities to protect children
9 from abuse and neglect;

10 (m) A person or an organization that has entered into a written
11 agreement with an agency which provides child welfare services to
12 provide assessments or services and that has been trained to make
13 such assessments or provide such services;

14 (n) A team organized pursuant to NRS 432B.350 for the
15 protection of a child;

16 (o) A team organized pursuant to NRS 432B.405 to review the
17 death of a child;

18 (p) A multidisciplinary team, as defined in NRS 432B.4014;

19 (q) A parent or legal guardian of the child and an attorney of a
20 parent or legal guardian of the child, including, without limitation,
21 the parent or guardian of a child over whom a guardianship is
22 sought pursuant to chapter 159A of NRS or NRS 432B.466 to
23 432B.468, inclusive, if the identity of the person responsible for
24 reporting the abuse or neglect of the child to a public agency is kept
25 confidential and the information is reasonably necessary to promote
26 the safety, permanency and well-being of the child and is limited to
27 information concerning that parent or guardian;

28 (r) The child over whom a guardianship is sought pursuant to
29 chapter 159A of NRS or NRS 432B.466 to 432B.468, inclusive, if:

30 (1) The child is 14 years of age or older; and

31 (2) The identity of the person responsible for reporting the
32 abuse or neglect of the child to a public agency is kept confidential
33 and the information is reasonably necessary to promote the safety,
34 permanency and well-being of the child;

35 (s) The persons or agent of the persons who are the subject of a
36 report, if the information is reasonably necessary to promote the
37 safety, permanency and well-being of the child and is limited to
38 information concerning those persons;

39 (t) An agency that is authorized by law to license foster homes
40 or facilities for children or to investigate persons applying for
41 approval to adopt a child, if the agency has before it an application
42 for that license or is investigating an applicant to adopt a child;

43 (u) Upon written consent of the parent, any officer of this State
44 or a city or county thereof or Legislator authorized by the agency or
45 department having jurisdiction or by the Legislature, acting within



1 its jurisdiction, to investigate the activities or programs of an agency
2 which provides child welfare services if:

3 (1) The identity of the person making the report is kept
4 confidential; and

5 (2) The officer, Legislator or a member of the family of the
6 officer or Legislator is not the person alleged to have committed the
7 abuse or neglect;

8 (v) The Division of Parole and Probation of the Department of
9 Public Safety for use pursuant to NRS 176.135 in making a
10 presentence investigation and report to the district court or pursuant
11 to NRS 176.151 in making a general investigation and report;

12 (w) Any person who is required pursuant to NRS 432B.220 to
13 make a report to an agency which provides child welfare services or
14 to a law enforcement agency;

15 (x) A local advisory board to expedite proceedings for the
16 placement of children created pursuant to NRS 432B.604;

17 (y) The panel established pursuant to NRS 432B.396 to evaluate
18 agencies which provide child welfare services;

19 (z) An employer in accordance with subsection 3 of
20 NRS 432.100;

21 (aa) A team organized or sponsored pursuant to NRS 217.475 or
22 228.495 to review the death of the victim of a crime that constitutes
23 domestic violence;

24 (bb) The Committee on Domestic Violence *and Sexual Assault*
25 appointed pursuant to NRS 228.470; or

26 (cc) The Committee to Review Suicide Fatalities created by
27 NRS 439.5104.

28 3. An agency investigating a report of the abuse or neglect of a
29 child shall, upon request, provide to a person named in the report as
30 allegedly causing the abuse or neglect of the child:

31 (a) A copy of:

32 (1) Any statement made in writing to an investigator for the
33 agency by the person named in the report as allegedly causing the
34 abuse or neglect of the child; or

35 (2) Any recording made by the agency of any statement
36 made orally to an investigator for the agency by the person named in
37 the report as allegedly causing the abuse or neglect of the child; or

38 (b) A written summary of the allegations made against the
39 person who is named in the report as allegedly causing the abuse or
40 neglect of the child. The summary must not identify the person
41 responsible for reporting the alleged abuse or neglect or any
42 collateral sources and reporting parties.

43 4. Except as otherwise provided by subsection 6, before
44 releasing any information maintained by an agency which provides
45 child welfare services pursuant to this section, an agency which



1 provides child welfare services shall take whatever precautions it
2 determines are reasonably necessary to protect the identity and
3 safety of any person who reports child abuse or neglect and to
4 protect any other person if the agency which provides child welfare
5 services reasonably believes that disclosure of the information
6 would cause a specific and material harm to an investigation of the
7 alleged abuse or neglect of a child or the life or safety of any person.

8 5. The provisions of this section must not be construed to
9 require an agency which provides child welfare services to disclose
10 information maintained by the agency which provides child welfare
11 services if, after consultation with the attorney who represents the
12 agency, the agency determines that such disclosure would cause a
13 specific and material harm to a criminal investigation.

14 6. A person who is the subject of a report of child abuse or
15 neglect made pursuant to this chapter that is assigned a disposition
16 other than substantiated pursuant to NRS 432B.305 and who
17 believes that the report was made in bad faith or with malicious
18 intent may petition a district court to order the agency which
19 provides child welfare services to release information maintained by
20 the agency which provides child welfare services. The petition must
21 specifically set forth the reasons supporting the belief that the report
22 was made in bad faith or with malicious intent. The petitioner shall
23 provide notice to the agency which provides child welfare services
24 so that the agency may participate in the action through its counsel.
25 The district court shall review the information which the petitioner
26 requests to be released and the petitioner shall be allowed to present
27 evidence in support of the petition. If the court determines that there
28 is a reasonable question of fact as to whether the report was made in
29 bad faith or with malicious intent and that the disclosure of the
30 identity of the person who made the report would not be likely to
31 endanger the life or safety of the person who made the report, the
32 court shall provide a copy of the information to the petitioner and
33 the original information is subject to discovery in a subsequent civil
34 action regarding the making of the report.

35 7. If an agency which provides child welfare services receives
36 any information that is deemed confidential by law, the agency
37 which provides child welfare services shall maintain the
38 confidentiality of the information as prescribed by applicable law.

39 8. Pursuant to this section, a person may authorize the release
40 of information maintained by an agency which provides child
41 welfare services about himself or herself, but may not waive the
42 confidentiality of such information concerning any other person.

43 9. An agency which provides child welfare services may
44 provide a summary of the outcome of an investigation of the alleged



1 abuse or neglect of a child to the person who reported the suspected
2 abuse or neglect.

3 10. Except as otherwise provided in this subsection, any person
4 who is provided with information maintained by an agency which
5 provides child welfare services and who further disseminates the
6 information or makes the information public is guilty of a gross
7 misdemeanor. This subsection does not apply to:

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

11 (b) An employee of the Division of Parole and Probation of the
12 Department of Public Safety making a presentence investigation and
13 report to the district court pursuant to NRS 176.135 or making a
14 general investigation and report pursuant to NRS 176.151; or

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

17 11. An agency which provides child welfare services may
18 charge a fee for processing costs reasonably necessary to prepare
19 information maintained by the agency which provides child welfare
20 services for release pursuant to this section.

21 12. An agency which provides child welfare services shall
22 adopt rules, policies or regulations to carry out the provisions of this
23 section.

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

26 **Sec. 13.** NRS 432B.407 is hereby amended to read as follows:

27 432B.407 1. A multidisciplinary team to review the death of
28 a child is entitled to access to:

29 (a) All investigative information of law enforcement agencies
30 regarding the death;

31 (b) Any autopsy and coroner's investigative records relating to
32 the death;

33 (c) Any medical or mental health records of the child; and

34 (d) Any records of social and rehabilitative services or of any
35 other social service agency which has provided services to the child
36 or the child's family.

37 2. Each organization represented on a multidisciplinary team to
38 review the death of a child shall share with other members of the
39 team information in its possession concerning the child who is the
40 subject of the review, any siblings of the child, any person who was
41 responsible for the welfare of the child and any other information
42 deemed by the organization to be pertinent to the review.

43 3. A multidisciplinary team to review the death of a child may,
44 if appropriate, meet and share information with:



1 (a) A multidisciplinary team to review the death of the victim of
2 a crime that constitutes domestic violence organized or sponsored
3 pursuant to NRS 217.475; or

4 (b) The Committee on Domestic Violence *and Sexual Assault*
5 appointed pursuant to NRS 228.470.

6 4. A multidisciplinary team to review the death of a child may
7 petition the district court for the issuance of, and the district court
8 may issue, a subpoena to compel the production of any books,
9 records or papers relevant to the cause of any death being
10 investigated by the team. Except as otherwise provided in NRS
11 239.0115, any books, records or papers received by the team
12 pursuant to the subpoena shall be deemed confidential and
13 privileged and not subject to disclosure.

14 5. A multidisciplinary team to review the death of a child may
15 use data collected concerning the death of a child for the purpose of
16 research or to prevent future deaths of children if the data is
17 aggregated and does not allow for the identification of any person.

18 6. Except as otherwise provided in this section, information
19 acquired by, and the records of, a multidisciplinary team to review
20 the death of a child are confidential, must not be disclosed, and are
21 not subject to subpoena, discovery or introduction into evidence in
22 any civil or criminal proceeding.

23 **Sec. 14.** NRS 439.5106 is hereby amended to read as follows:

24 439.5106 1. The Committee:

25 (a) Except as otherwise provided in this paragraph, shall adopt a
26 written protocol setting forth the suicide fatalities in this State which
27 must be reported to the Committee and screened for review by the
28 Committee and the suicide fatalities in this State which the
29 Committee may reject for review. The Committee shall not review
30 any case in which litigation is pending.

31 (b) May review any accidental death which the Committee
32 determines may assist in suicide prevention efforts in this State.

33 (c) May establish differing levels of review, including, without
34 limitation, a comprehensive or limited review depending upon the
35 nature of the incident or the purpose of the review.

36 2. The Committee shall obtain and use any data or other
37 information to:

38 (a) Review suicide fatalities in this State to determine trends,
39 risk factors and strategies for prevention;

40 (b) Determine and prepare reports concerning trends and
41 patterns of suicide fatalities in this State;

42 (c) Identify and evaluate the prevalence of risk factors for
43 preventable suicide fatalities in this State;

44 (d) Evaluate and prepare reports concerning high-risk factors,
45 current practices, lapses in systematic responses and barriers to the



1 safety and well-being of persons who are at risk of suicide in this
2 State; and

3 (e) Recommend any improvement in sources of information
4 relating to investigating reported suicide fatalities and preventing
5 suicide in this State.

6 3. In conducting a review of a suicide fatality in this State, the
7 Committee shall, to the greatest extent practicable, consult and
8 cooperate with:

9 (a) The Coordinator of the Statewide Program for Suicide
10 Prevention employed pursuant to NRS 439.511;

11 (b) Each trainer for suicide prevention employed pursuant to
12 NRS 439.513;

13 (c) The Committee on Domestic Violence *and Sexual Assault*
14 appointed pursuant to NRS 228.470; and

15 (d) A multidisciplinary team:

16 (1) To review the death of the victim of a crime that
17 constitutes domestic violence organized or sponsored pursuant to
18 NRS 217.475;

19 (2) To review the death of a child organized pursuant to NRS
20 432B.405; and

21 (3) To oversee the review of the death of a child organized
22 pursuant to NRS 432B.4075.

23 4. Any review conducted by the Committee pursuant to NRS
24 439.5102 to 439.5108, inclusive, is separate from, independent of
25 and in addition to any investigation or review which is required or
26 authorized by law to be conducted, including, without limitation,
27 any investigation conducted by a coroner or coroner's deputy
28 pursuant to NRS 259.050.

29 5. To conduct a review pursuant to NRS 439.5102 to 439.5108,
30 inclusive, the Committee may access information, including,
31 without limitation:

32 (a) Any investigative information obtained by a law
33 enforcement agency relating to a death;

34 (b) Any records from an autopsy or an investigation conducted
35 by a coroner or coroner's deputy relating to a death;

36 (c) Any medical or mental health records of a decedent;

37 (d) Any records relating to social or rehabilitative services
38 provided to a decedent; and

39 (e) Any records of a social services agency which has provided
40 services to a decedent.

41 **Sec. 15.** NRS 440.170 is hereby amended to read as follows:

42 440.170 1. All certificates in the custody of the State
43 Registrar are open to inspection subject to the provisions of this
44 chapter. It is unlawful for any employee of the State to disclose data



1 contained in vital statistics, except as authorized by this chapter or
2 by the Board.

3 2. Information in vital statistics indicating that a birth occurred
4 out of wedlock must not be disclosed except upon order of a court of
5 competent jurisdiction.

6 3. The Board:

7 (a) Shall allow the use of data contained in vital statistics to
8 carry out the provisions of NRS 442.300 to 442.330, inclusive;

9 (b) Shall allow the use of certificates of death by a
10 multidisciplinary team:

11 (1) To review the death of the victim of a crime that
12 constitutes domestic violence organized or sponsored pursuant to
13 NRS 217.475; and

14 (2) To review the death of a child established pursuant to
15 NRS 432B.405 and 432B.406;

16 (c) Shall allow the use of certificates of death by the:

17 (1) Committee on Domestic Violence *and Sexual Assault*
18 appointed pursuant to NRS 228.470; and

19 (2) Committee to Review Suicide Fatalities created by NRS
20 439.5104; and

21 (d) May allow the use of data contained in vital statistics for
22 other research purposes, but without identifying the persons to
23 whom the records relate.

24 **Sec. 16.** NRS 442.774 is hereby amended to read as follows:

25 442.774 1. The Committee is entitled to access to:

26 (a) All final investigative information of law enforcement
27 agencies regarding a maternal death or incident of severe maternal
28 morbidity being investigated by the Committee for which the
29 investigation by the law enforcement agency has been closed;

30 (b) Any autopsy and coroner's investigative records relating to
31 the death or incident;

32 (c) Any medical or mental health records of the person who
33 gave birth to a child;

34 (d) Any records of social and rehabilitative services or of any
35 other social service agency which has provided services to the
36 person who gave birth to a child or the family of the person who
37 gave birth to a child;

38 (e) The system for the reporting of information on cancer and
39 other neoplasms established pursuant to NRS 457.230; and

40 (f) Any other records determined by the Committee to be
41 necessary to perform its duties, except for records of a law
42 enforcement agency not described in paragraph (a).

43 2. The Committee may, if appropriate, meet and share
44 information with:



1 (a) A multidisciplinary team to review the death of the victim of
2 a crime that constitutes domestic violence organized or sponsored
3 pursuant to NRS 217.475; or

4 (b) The Committee on Domestic Violence *and Sexual Assault*
5 appointed pursuant to NRS 228.470.

6 3. The Committee may petition the district court for the
7 issuance of, and the district court may issue, a subpoena to compel
8 the production of any books, records or papers described in
9 subsection 1 that are relevant to the cause of any death or incident of
10 severe maternal morbidity being investigated by the Committee.
11 Except as otherwise provided in NRS 239.0115, any books, records
12 or papers received by the Committee pursuant to the subpoena shall
13 be deemed confidential and privileged and not subject to disclosure.

14 4. The Committee may use data collected concerning a
15 maternal death or incident of severe maternal morbidity for the
16 purpose of research or to prevent future maternal mortality and
17 severe maternal morbidity if the data is aggregated and does not
18 allow for the identification of any person.

19 5. Except as otherwise provided in this section, information
20 acquired by, and the records of, the Committee are confidential, are
21 not public records, must not be disclosed, and are not subject to
22 subpoena, discovery or introduction into evidence in any civil or
23 criminal proceeding.

24 6. The meetings of the Committee are closed to the public.

25 **Sec. 17.** The provisions of subsection 1 of NRS 218D.380 do
26 not apply to any provisions of this act which adds or revises a
27 requirement to submit a report to the Legislature.

28 **Sec. 18.** 1. The Legislative Counsel shall, in preparing
29 supplements to the Nevada Administrative Code, appropriately
30 change any references to an officer, agency or other entity whose
31 name is changed or whose responsibilities are transferred pursuant
32 to the provisions of this act to refer to the appropriate officer,
33 agency or other entity.

34 2. Any administrative regulations adopted by an officer or an
35 agency whose name has been changed or whose responsibilities
36 have been transferred pursuant to the provisions of this act to
37 another officer or agency remain in force until amended by the
38 officer or agency to which the responsibility for the adoption of the
39 regulations has been transferred.

40 3. Any contracts or other agreements entered into by an officer
41 or agency whose name has been changed or whose responsibilities
42 have been transferred pursuant to the provisions of this act to
43 another officer or agency are binding upon the officer or agency to
44 which the responsibility for the administration of the provisions of
45 the contract or other agreement has been transferred. Such contracts



1 and other agreements may be enforced by the officer or agency to
2 which the responsibility for the enforcement of the provisions of the
3 contract or other agreement has been transferred.

4 4. Any action taken by an officer or agency whose name has
5 been changed or whose responsibilities have been transferred
6 pursuant to the provisions of this act to another officer or agency
7 remains in effect as if taken by the officer or agency to which the
8 responsibility for the enforcement of such actions has been
9 transferred.

⑩



ASSEMBLY BILL NO. 63—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 20, 2024

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to civil actions for wrongful conviction. (BDR 3-440)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 actions concerning persons; revising provisions relating to civil actions for wrongful conviction; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law authorizes a person who is not currently incarcerated for any
2 offense to bring a civil action for his or her wrongful conviction against this State in
3 a district court seeking damages or other relief. (NRS 41.900) **Section 1** of this bill
4 instead authorizes a person who is not currently in custody to bring such a civil
5 action.

6 If a person brings an action for wrongful conviction which results in the court
7 entering a certificate of innocence, existing law requires the court to award
8 monetary damages based upon the length of time for which the person was
9 imprisoned and for which the person was on parole or required to register as a sex
10 offender. Existing law additionally authorizes the court to award, in addition to
11 monetary damages, reasonable attorney’s fees, certain reimbursements and, subject
12 to a limitation of \$100,000 in a calendar year, payment for the cost of: (1) tuition,
13 books and fees for the person to enroll in any course or academic program at an
14 institution operated by the Nevada System of Higher Education; (2) participation in
15 Medicare or Medicaid or a qualified health plan; (3) programs for reentry into the
16 community; (4) counseling services; (5) housing assistance; and (6) programs for
17 assistance for financial literacy. Finally, existing law also authorizes the court to
18 award any other relief, which is not subject to the limitation of \$100,000 in a
19 calendar year. (NRS 41.950) **Section 2** of this bill makes any other relief awarded
20 by the court subject to the limitation of \$100,000 in a calendar year.

21 **Section 3** of this bill clarifies that the amendatory provisions of this bill apply
22 to an action for wrongful conviction that is filed on or after the effective date of this
23 bill.



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

- 1 **Section 1.** NRS 41.900 is hereby amended to read as follows:
2 41.900 1. A person who is not currently ~~incarcerated~~ *in*
3 *custody* for any offense may bring a civil action for his or her
4 wrongful conviction against this State in a district court seeking
5 damages or other relief provided by NRS 41.950.
6 2. The court shall award damages for wrongful conviction in
7 accordance with NRS 41.950 if the person proves by a
8 preponderance of the evidence that:
9 (a) He or she was convicted of a felony in this State and was
10 subsequently imprisoned for the conviction;
11 (b) He or she did not commit the felony for which he or she was
12 convicted and the person:
13 (1) Was not an accessory or accomplice to the acts that were
14 the basis of the conviction;
15 (2) Did not commit the acts that were the basis of the
16 conviction; and
17 (3) Did not aid, abet or act as an accomplice or accessory to a
18 person who committed the acts that were the basis of the conviction;
19 (c) He or she was not convicted of an offense necessarily
20 included in the offense charged;
21 (d) Any of the following occurred:
22 (1) The judgment of conviction was reversed or vacated and
23 the charging document was dismissed;
24 (2) The basis for reversing or vacating the judgment of
25 conviction was not legal error that was unrelated to his or her
26 innocence, and if a court ordered a new trial, the person was found
27 not guilty at the new trial or the person was not retried and the
28 charging document was dismissed; or
29 (3) The person was pardoned by the State Board of Pardons
30 Commissioners on the grounds that he or she was innocent; and
31 (e) The person did not commit perjury or fabricate evidence at
32 the criminal proceeding that brought about his or her felony
33 conviction and the person did not by his or her own conduct cause
34 or bring about his or her felony conviction.
35 3. The court, in exercising its discretion as permitted by law
36 regarding the weight and admissibility of evidence, may, in the
37 interest of justice, give due consideration to:
38 (a) The difficulty of providing evidence caused by the passage
39 of time;
40 (b) The death or unavailability of a witness;
41 (c) The destruction of evidence; or



1 (d) Any other factor not caused by the person or any other
2 person acting on his or her behalf.

3 4. The court may appoint an attorney to aid a person in an
4 action brought pursuant to this section.

5 5. For the purposes of subsection 2, the following do not
6 constitute committing perjury, fabricating evidence or causing or
7 bringing about the conviction of the person:

8 (a) A confession or an admission later found to be false; or

9 (b) If the judgment of conviction was reversed or vacated and
10 the charging document dismissed, a guilty plea for a felony.

11 6. As used in this section, "innocence" means that a person did
12 not engage in:

13 (a) The conduct for which he or she was convicted; and

14 (b) Any conduct constituting a lesser included or inchoate
15 offense of the crime for which he or she was convicted.

16 **Sec. 2.** NRS 41.950 is hereby amended to read as follows:

17 41.950 1. In an action brought pursuant to NRS 41.900 which
18 results in the court entering a certificate of innocence pursuant to
19 NRS 41.910, the court shall award the person:

20 (a) If the person was imprisoned for:

21 (1) One to 10 years, \$50,000 for each year the person was
22 imprisoned for his or her wrongful conviction;

23 (2) Eleven to 20 years, \$75,000 for each year the person was
24 imprisoned for his or her wrongful conviction; or

25 (3) Twenty-one years or more, \$100,000 for each year the
26 person was imprisoned for his or her wrongful conviction; and

27 (b) Not less than \$25,000 for each year the person was on parole
28 or not less than \$25,000 for each year the person was required to
29 register as a sex offender, whichever period of time was greater.

30 2. In addition to any damages awarded pursuant to subsection
31 1, the court may award:

32 (a) Reasonable attorney's fees, not to exceed \$25,000, unless a
33 greater amount is authorized by a court upon a finding of good
34 cause shown.

35 (b) Subject to the limitations in subsection 6, ~~payment~~
36 *reimbursement* for the cost of:

37 (1) Tuition, books and fees for the person to enroll in any
38 course or academic program at an institution operated by the
39 Nevada System of Higher Education commenced not later than 3
40 years and completed not later than 10 years after the date the award
41 of damages is issued pursuant to subsection 1.

42 (2) Participation by the person in Medicare or Medicaid, if
43 the person is eligible for Medicare or Medicaid, or a qualified health
44 plan offered on the health insurance exchange administered by the
45 Silver State Health Insurance Exchange which has been designated



1 by the Exchange as a Bronze or Silver plan, if the person is not
2 eligible for Medicare or Medicaid. The court shall not award
3 payment pursuant to this subparagraph for any period in which the
4 person is enrolled in an employer-based health insurance plan.

5 (3) Programs for reentry into the community for the person
6 commenced not later than 3 years and completed not later than 5
7 years after the date the award of damages is issued pursuant to
8 subsection 1.

9 (4) Counseling services for the person commenced not later
10 than 2 years after the date the award of damages is issued pursuant
11 to subsection 1.

12 (5) Housing assistance in an amount not greater than \$15,000
13 per year.

14 (6) Programs for assistance for financial literacy for the
15 person commenced not later than 2 years and completed not later
16 than 3 years after the date the award of damages is issued pursuant
17 to subsection 1.

18 *(7) Any other relief.*

19 (c) Reimbursement for:

20 (1) Restitution ordered to be paid by the person in the
21 criminal proceeding for which he or she was wrongfully convicted;
22 and

23 (2) Medical care paid for by the person while he or she was
24 imprisoned for his or her wrongful conviction.

25 ~~+(d) Any other relief.}~~

26 3. Any award of damages issued pursuant to subsection 1 must
27 be rounded up to the nearest half year.

28 4. A court shall not award and a person shall not receive
29 compensation for any period of imprisonment during which the
30 person was concurrently serving a sentence for a conviction of
31 another offense for which the person was lawfully convicted and
32 imprisoned.

33 5. If counseling services are awarded to the person pursuant to
34 subsection 2, the person may select a relative to receive counseling
35 with the person. As used in this subsection, "relative" means a
36 person who is related by blood, adoption, marriage or domestic
37 partnership within the third degree of consanguinity or affinity.

38 6. A court shall not award payment pursuant to paragraph (b)
39 of subsection 2:

40 (a) In an amount greater than \$100,000 in a calendar year.

41 (b) For a length of time that exceeds the period of time
42 described in subsection 1 during which the person was imprisoned
43 or on parole.

44 7. As used in this section, "qualified health plan" has the
45 meaning ascribed to it in NRS 695I.080.



1 **Sec. 3.** The amendatory provisions of this act apply to an
2 action for wrongful conviction that is filed on or after the effective
3 date of this act.

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



ASSEMBLY BILL NO. 64—COMMITTEE
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 20, 2024

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to public meetings.
(BDR 19-445)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 public meetings; revising the definition of “meeting” for purposes of the Open Meeting Law; requiring that each speaker during a period devoted to public comment be allowed a minimum time to provide public comment; authorizing, under certain circumstances, a public body to refuse to accept certain public comment relating to a contested case; revising provisions relating to requirements for meetings conducted by means of a remote technology system; revising provisions relating to privilege for certain statements and testimony made at a public meetings; revising provisions relating to the applicability of certain provisions of the Open Meeting Law to certain proceedings; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 The Open Meeting Law requires that meetings of public bodies be open to the
2 public, with limited exceptions set forth specifically in statute. (NRS 241.020)
3 Existing law defines the term “meeting” for purposes of the Open Meeting Law and
4 provides that the term does not include certain gatherings by members of a public
5 body to receive information from the attorney employed or retained by the public
6 body regarding potential or existing litigation involving a matter over which the
7 public body has supervision, control, jurisdiction or advisory power and to
8 deliberate toward a decision on the matter, or both. (NRS 241.015) **Section 1** of this



9 bill provides instead that a “meeting” does not include certain gatherings by
10 members of a public body to: (1) receive legal advice from the attorney employed
11 or retained by the public body regarding a matter over which the public body has
12 supervision, control, jurisdiction or advisory power; and (2) deliberate on the
13 matter, provided such deliberation is limited to the legal advice.

14 Existing law requires a public body to take comments by the general public at
15 certain times during a meeting. (NRS 241.021) Existing law further requires a
16 public body to provide notice of all meetings at least 3 working days before the
17 meeting which must include certain information, including any restrictions on
18 comments by the general public. (NRS 241.020) **Section 3** of this bill provides that
19 during each period devoted to public comment, each speaker must be allowed to
20 provide at least 3 minutes of public comment.

21 **Section 2** of this bill makes a conforming change to provide that any restriction
22 relating to public comment on the agenda must be consistent with **section 3**.
23 **Section 3** additionally authorizes a public body to refuse to accept public comment
24 relating to issues of fact or law in a contested case which is before the public body
25 until after that case has reached a final decision and any petition for judicial review
26 is concluded.

27 With certain exceptions, existing law authorizes a public body to conduct a
28 meeting by means of a remote technology system but prohibits a public body from
29 holding a meeting to consider a contested case or a regulation by means of a remote
30 technology system unless there is a physical location for the meeting where
31 members of the general public are permitted to attend and participate. (NRS
32 241.023) **Section 4** of this bill prohibits instead a public body from holding a
33 meeting by means of a remote technology system unless there is a physical location
34 for the meeting where members of the general public are permitted to attend and
35 participate if, at the meeting, the public body will adjudicate certain contested cases
36 or hold a workshop or a hearing on a regulation.

37 Existing law further requires that if a meeting is conducted using a remote
38 technology system, clear and complete instructions for a member of the general
39 public to be able to call in to the meeting to provide public comment must be read
40 verbally before the first period of the day devoted to public comment. (NRS
41 241.023) **Section 4** provides instead that such a requirement applies if the meeting
42 is conducted using a remote technology system and a physical location is not
43 designated for the meeting where members of the general public are permitted to
44 attend and participate.

45 Existing law provides certain privileges for statements and testimony made at a
46 public meeting, including an authorization, subject to a qualified privilege, for a
47 witness who is testifying before a public body to publish defamatory matter as
48 a part of a public meeting. (NRS 241.0353) **Section 5** of this bill provides instead
49 that: (1) a witness who, subject to certain penalties relating to perjury, testifies
50 under oath before a public body may publish defamatory matter as part of a public
51 meeting; and (2) in general, no provision of the Open Meeting Law shall be
52 construed to affect any civil cause of action for defamation, libel, slander or any
53 similar cause of action arising from defamatory statements made by a member of
54 the public while he or she provides public comment to a public body.

55 Existing law provides that: (1) certain requirements of the Open Meeting Law
56 do not apply to proceedings relating to an investigation conducted to determine
57 whether to proceed with disciplinary action against a licensee unless the licensee
58 requests that the proceedings be conducted in such a manner; and (2) if the
59 regulatory body decides to proceed with disciplinary action against the licensee, all
60 proceedings that are conducted after that decision and are related to that
61 disciplinary action are subject to such provisions of the Open Meeting Law. (NRS
62 622.320) A “licensee” is a person who holds any license, certificate, registration,
63 permit or similar type of authorization issued by a regulatory body which has



64 authority to regulate certain occupations or professions. (NRS 622.040, 622.060)
65 **Section 6** of this bill provides instead that: (1) the provisions of the Open Meeting
66 Law which require a meeting to be noticed and open to the public do not apply to
67 such proceedings unless the licensee requests that such proceedings be conducted
68 pursuant to those provisions; and (2) if the regulatory body decides to proceed with
69 disciplinary action against the licensee, all proceedings that are conducted after that
70 decision and are related to that disciplinary action are subject to all provisions of
71 the Open Meeting Law.

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

1 **Section 1.** NRS 241.015 is hereby amended to read as follows:
2 241.015 As used in this chapter, unless the context otherwise
3 requires:
4 1. "Action" means:
5 (a) A decision made by a majority of the voting members
6 present, whether in person, by use of a remote technology system or
7 by means of electronic communication, during a meeting of a public
8 body;
9 (b) A commitment or promise made by a majority of the voting
10 members present, whether in person, by use of a remote technology
11 system or by means of electronic communication, during a meeting
12 of a public body;
13 (c) If a public body may have a member who is not an elected
14 official, an affirmative vote taken by a majority of the voting
15 members present, whether in person, by use of a remote technology
16 system or by means of electronic communication, during a meeting
17 of the public body; or
18 (d) If all the members of a public body must be elected officials,
19 an affirmative vote taken by a majority of all the members of the
20 public body.
21 2. "Administrative action against a person" means an action
22 that is uniquely personal to the person and includes, without
23 limitation, the potential for a negative change in circumstances to
24 the person. The term does not include the denial of any application
25 where the denial does not change the present circumstance or
26 situation of the person.
27 3. "Deliberate" means collectively to examine, weigh and
28 reflect upon the reasons for or against the action. The term includes,
29 without limitation, the collective discussion or exchange of facts
30 preliminary to the ultimate decision.
31 4. "Meeting":
32 (a) Except as otherwise provided in paragraphs (b) and (c),
33 means:



1 (1) The gathering of members of a public body at which a
2 quorum is present, whether in person, by use of a remote technology
3 system or by means of electronic communication, to deliberate
4 toward a decision or to take action on any matter over which the
5 public body has supervision, control, jurisdiction or advisory power.

6 (2) Any series of gatherings of members of a public body at
7 which:

8 (I) Less than a quorum is present, whether in person, by
9 use of a remote technology system or by means of electronic
10 communication, at any individual gathering;

11 (II) The members of the public body attending one or
12 more of the gatherings collectively constitute a quorum; and

13 (III) The series of gatherings was held with the specific
14 intent to avoid the provisions of this chapter.

15 (b) Does not include any gathering or series of gatherings of
16 members of a public body if the members do not deliberate toward a
17 decision or take action on any matter over which the public body
18 has supervision, control, jurisdiction or advisory power.

19 (c) Does not include a gathering or series of gatherings of
20 members of a public body at which a quorum is actually or
21 collectively present, whether in person, by use of a remote
22 technology system or by means of electronic communication, to
23 receive ~~information~~ *legal advice* from the attorney employed or
24 retained by the public body regarding ~~potential or existing litigation~~
25 ~~involving~~ a matter over which the public body has supervision,
26 control, jurisdiction or advisory power and to deliberate ~~toward a~~
27 ~~decision~~ on the matter, ~~for both.~~ *provided such deliberation is*
28 *limited to the legal advice.*

29 5. Except as otherwise provided in NRS 241.016, "public
30 body" means:

31 (a) Any administrative, advisory, executive or legislative body
32 of the State or a local government consisting of at least two persons
33 which expends or disburses or is supported in whole or in part by
34 tax revenue or which advises or makes recommendations to any
35 entity which expends or disburses or is supported in whole or in part
36 by tax revenue, including, but not limited to, any board,
37 commission, committee, subcommittee or other subsidiary thereof
38 and includes a library foundation as defined in NRS 379.0056 and
39 an educational foundation as defined in subsection 3 of NRS
40 388.750, if the administrative, advisory, executive or legislative
41 body is created by:

42 (1) The Constitution of this State;

43 (2) Any statute of this State;

44 (3) A city charter and any city ordinance which has been
45 filed or recorded as required by the applicable law;



1 (4) The Nevada Administrative Code;
2 (5) A resolution or other formal designation by such a body
3 created by a statute of this State or an ordinance of a local
4 government;

5 (6) An executive order issued by the Governor; or
6 (7) A resolution or an action by the governing body of a
7 political subdivision of this State;

8 (b) Any board, commission or committee consisting of at least
9 two persons appointed by:

10 (1) The Governor or a public officer who is under the
11 direction of the Governor, if the board, commission or committee
12 has at least two members who are not employees of the Executive
13 Department of the State Government;

14 (2) An entity in the Executive Department of the State
15 Government, if the board, commission or committee otherwise
16 meets the definition of a public body pursuant to this subsection; or

17 (3) A public officer who is under the direction of an agency
18 or other entity in the Executive Department of the State
19 Government, if the board, commission or committee has at least two
20 members who are not employed by the public officer or entity;

21 (c) A limited-purpose association that is created for a rural
22 agricultural residential common-interest community as defined in
23 subsection 6 of NRS 116.1201;

24 (d) A subcommittee or working group consisting of at least two
25 persons who are appointed by a public body described in paragraph
26 (a), (b) or (c) if:

27 (1) A majority of the membership of the subcommittee or
28 working group are members or staff members of the public body
29 that appointed the subcommittee; or

30 (2) The subcommittee or working group is authorized by the
31 public body to make a recommendation to the public body for the
32 public body to take any action; and

33 (e) A university foundation as defined in subsection 3 of
34 NRS 396.405.

35 6. "Quorum" means a simple majority of the voting
36 membership of a public body or another proportion established by
37 law.

38 7. "Remote technology system" means any system or other
39 means of communication which uses any electronic, digital or other
40 similar technology to enable a person from a remote location to
41 attend, participate, vote or take any other action in a meeting, even
42 though the person is not physically present at the meeting. The term
43 includes, without limitation, teleconference and videoconference
44 systems.



1 8. "Supporting material" means material that is provided to at
2 least a quorum of the members of a public body by a member of or
3 staff to the public body and that the members of the public body
4 would reasonably rely on to deliberate or take action on a matter
5 contained in a published agenda. The term includes, without
6 limitation, written records, audio recordings, video recordings,
7 photographs and digital data.

8 9. "Working day" means every day of the week except
9 Saturday, Sunday and any day declared to be a legal holiday
10 pursuant to NRS 236.015.

11 **Sec. 2.** NRS 241.020 is hereby amended to read as follows:

12 241.020 1. Except as otherwise provided by specific statute,
13 all meetings of public bodies must be open and public, and all
14 persons must be permitted to attend any meeting of these public
15 bodies at a physical location or by means of a remote technology
16 system. A meeting that is closed pursuant to a specific statute may
17 only be closed to the extent specified in the statute allowing the
18 meeting to be closed. All other portions of the meeting must be open
19 and public, and the public body must comply with all other
20 provisions of this chapter to the extent not specifically precluded by
21 the specific statute. Public officers and employees responsible for
22 these meetings shall make reasonable efforts to assist and
23 accommodate persons with physical disabilities desiring to attend.

24 2. If any portion of a meeting is open to the public, the public
25 officers and employees responsible for the meeting must make
26 reasonable efforts to ensure the facilities for the meeting are large
27 enough to accommodate the anticipated number of attendees. No
28 violation of this chapter occurs if a member of the public is not
29 permitted to attend a public meeting because the facilities for the
30 meeting have reached maximum capacity if reasonable efforts were
31 taken to accommodate the anticipated number of attendees. Nothing
32 in this subsection requires a public body to incur any costs to secure
33 a facility outside the control or jurisdiction of the public body or to
34 upgrade, improve or otherwise modify an existing facility to
35 accommodate the anticipated number of attendees.

36 3. Except in an emergency, written notice of all meetings must
37 be given at least 3 working days before the meeting. The notice
38 must include:

39 (a) The time, place and location of the meeting. If the meeting is
40 held using a remote technology system pursuant to NRS 241.023
41 and has no physical location, the notice must include information on
42 how a member of the public may:

43 (1) Use the remote technology system to hear and observe
44 the meeting;

45 (2) Participate in the meeting by telephone; and



1 (3) Provide live public comment during the meeting and, if
2 authorized by the public body, provide prerecorded public comment.

3 (b) A list of the locations where the notice has been posted.

4 (c) The name, contact information and business address for the
5 person designated by the public body from whom a member of the
6 public may request the supporting material for the meeting
7 described in subsection 7 and:

8 (1) A list of the locations where the supporting material is
9 available to the public; or

10 (2) Information about how the supporting material may be
11 found on the Internet website of the public body.

12 (d) An agenda consisting of:

13 (1) A clear and complete statement of the topics scheduled to
14 be considered during the meeting.

15 (2) A list describing the items on which action may be taken
16 and clearly denoting that action may be taken on those items by
17 placing the term "for possible action" next to the appropriate item
18 or, if the item is placed on the agenda pursuant to NRS 241.0365, by
19 placing the term "for possible corrective action" next to the
20 appropriate item.

21 (3) Periods devoted to comments by the general public, if
22 any, and discussion of those comments.

23 (4) If any portion of the meeting will be closed to consider
24 the character, alleged misconduct or professional competence of a
25 person, the name of the person whose character, alleged misconduct
26 or professional competence will be considered.

27 (5) If, during any portion of the meeting, the public body will
28 consider whether to take administrative action regarding a person,
29 the name of that person.

30 (6) Notification that:

31 (I) Items on the agenda may be taken out of order;

32 (II) The public body may combine two or more agenda
33 items for consideration; and

34 (III) The public body may remove an item from the
35 agenda or delay discussion relating to an item on the agenda at any
36 time.

37 (7) Any restrictions on comments by the general public. Any
38 such restrictions must be reasonable *and consistent with NRS*
39 *241.021* and may restrict the time, place and manner of the
40 comments, but may not restrict comments based upon viewpoint.

41 (8) If the meeting is being held using a remote technology
42 system pursuant to NRS 241.023 and does not have a physical
43 location designated for the meeting where members of the general
44 public are permitted to attend and participate, clear and complete
45 instructions for a member of the general public to be able to call in



1 to the meeting to provide public comment, including, without
2 limitation, a telephone number and any necessary identification
3 number of the meeting or other access code.

4 4. Minimum public notice is:

5 (a) Posting a copy of the notice at the principal office of the
6 public body or, if the meeting has a physical location, at the building
7 in which the meeting is to be held. If the meeting is held using a
8 remote technology system pursuant to NRS 241.023 and has no
9 physical location, the public body must also post the notice to the
10 Internet website of the public body not later than 9 a.m. of the third
11 working day before the meeting is to be held unless the public body
12 is unable to do so because of technical problems relating to the
13 operation or maintenance of the Internet website of the public body.

14 (b) Posting the notice on the official website of the State
15 pursuant to NRS 232.2175 not later than 9 a.m. of the third working
16 day before the meeting is to be held, unless the public body is
17 unable to do so because of technical problems relating to the
18 operation or maintenance of the official website of the State.

19 (c) Providing a copy of the notice to any person who has
20 requested notice of the meetings of the public body. A request for
21 notice lapses 6 months after it is made. The public body shall inform
22 the requester of this fact by enclosure with, notation upon or text
23 included within the first notice sent. The notice must be:

24 (1) Delivered to the postal service used by the public body
25 not later than 9 a.m. of the third working day before the meeting for
26 transmittal to the requester by regular mail; or

27 (2) Transmitted to the requester by electronic mail sent not
28 later than 9 a.m. of the third working day before the meeting.

29 5. For each of its meetings, a public body shall document in
30 writing that the public body complied with the minimum public
31 notice required by paragraph (a) of subsection 4. The documentation
32 must be prepared by every person who posted a copy of the public
33 notice and include, without limitation:

34 (a) The date and time when the person posted the copy of the
35 public notice;

36 (b) The address of the location where the person posted the copy
37 of the public notice; and

38 (c) The name, title and signature of the person who posted the
39 copy of the notice.

40 6. Except as otherwise provided in paragraph (a) of subsection
41 4, if a public body maintains a website on the Internet or its
42 successor, the public body shall post notice of each of its meetings
43 on its website unless the public body is unable to do so because of
44 technical problems relating to the operation or maintenance of its
45 website. Notice posted pursuant to this subsection is supplemental to



1 and is not a substitute for the minimum public notice required
2 pursuant to subsection 4. The inability of a public body to post
3 notice of a meeting pursuant to this subsection as a result of
4 technical problems with its website shall not be deemed to be a
5 violation of the provisions of this chapter.

6 7. Upon any request, a public body shall provide, at no charge,
7 at least one copy of:

8 (a) An agenda for a public meeting;

9 (b) A proposed ordinance or regulation which will be discussed
10 at the public meeting; and

11 (c) Subject to the provisions of subsection 8 or 9, as applicable,
12 any other supporting material provided to the members of the public
13 body for an item on the agenda, except materials:

14 (1) Submitted to the public body pursuant to a nondisclosure
15 or confidentiality agreement which relates to proprietary
16 information;

17 (2) Pertaining to the closed portion of such a meeting of the
18 public body; or

19 (3) Declared confidential by law, unless otherwise agreed to
20 by each person whose interest is being protected under the order of
21 confidentiality.

22 ↪ The public body shall make at least one copy of the documents
23 described in paragraphs (a), (b) and (c) available to the public at the
24 meeting to which the documents pertain. As used in this subsection,
25 "proprietary information" has the meaning ascribed to it in
26 NRS 332.025.

27 8. Unless it must be made available at an earlier time pursuant
28 to NRS 288.153, a copy of supporting material required to be
29 provided upon request pursuant to paragraph (c) of subsection 7
30 must be:

31 (a) If the supporting material is provided to the members of the
32 public body before the meeting, made available to the requester at
33 the time the material is provided to the members of the public body;
34 or

35 (b) If the supporting material is provided to the members of the
36 public body at the meeting, made available at the meeting to the
37 requester at the same time the material is provided to the members
38 of the public body.

39 ↪ If the requester has agreed to receive the information and material
40 set forth in subsection 7 by electronic mail, the public body shall, if
41 feasible, provide the information and material by electronic mail.

42 9. Unless the supporting material must be posted at an earlier
43 time pursuant to NRS 288.153, and except as otherwise provided in
44 subsection 11, the governing body of a county or city whose
45 population is 52,000 or more shall post the supporting material



1 described in paragraph (c) of subsection 7 to its website not later
2 than the time the material is provided to the members of the
3 governing body or, if the supporting material is provided to the
4 members of the governing body at a meeting, not later than 24 hours
5 after the conclusion of the meeting. Such posting is supplemental to
6 the right of the public to request the supporting material pursuant to
7 subsection 7. The inability of the governing body, as a result of
8 technical problems with its website, to post supporting material
9 pursuant to this subsection shall not be deemed to be a violation of
10 the provisions of this chapter.

11 10. Except as otherwise provided in subsection 11, a public
12 body may provide the public notice, information or supporting
13 material required by this section by electronic mail. Except as
14 otherwise provided in this subsection, if a public body makes such
15 notice, information or supporting material available by electronic
16 mail, the public body shall inquire of a person who requests the
17 notice, information or supporting material if the person will accept
18 receipt by electronic mail. If a public body is required to post the
19 public notice, information or supporting material on its website
20 pursuant to this section, the public body shall inquire of a person
21 who requests the notice, information or supporting material if the
22 person will accept by electronic mail a link to the posting on the
23 website when the documents are made available. The inability of a
24 public body, as a result of technical problems with its electronic
25 mail system, to provide a public notice, information or supporting
26 material or a link to a website required by this section to a person
27 who has agreed to receive such notice, information, supporting
28 material or link by electronic mail shall not be deemed to be a
29 violation of the provisions of this chapter.

30 11. If a public body holds a meeting using a remote technology
31 system pursuant to NRS 241.023 and has no physical location for
32 the meeting, the public body must:

33 (a) Have an Internet website; and

34 (b) Post to its Internet website:

35 (1) The public notice required by this section; and

36 (2) Supporting material not later than the time the material is
37 provided to the members of the governing body or, if the supporting
38 material is provided to the members of the governing body at a
39 meeting, not later than 24 hours after the conclusion of the meeting.

40 ➤ The inability of the governing body, as a result of technical
41 problems with its Internet website, to post supporting material
42 pursuant to this subsection shall not be deemed to be a violation of
43 the provisions of this chapter.



1 12. As used in this section, "emergency" means an unforeseen
2 circumstance which requires immediate action and includes, but is
3 not limited to:

4 (a) Disasters caused by fire, flood, earthquake or other natural
5 causes; or

6 (b) Any impairment of the health and safety of the public.

7 **Sec. 3.** NRS 241.021 is hereby amended to read as follows:

8 241.021 1. Except as otherwise provided in this section,
9 comments by the general public must be taken by a public body:

10 (a) At the beginning of the meeting before any items on which
11 action may be taken are heard by the public body and again before
12 the adjournment of the meeting; or

13 (b) After each item on the agenda on which action may be taken
14 is discussed by the public body, but before the public body takes
15 action on the item.

16 2. Regardless of whether a public body takes comments from
17 the general public pursuant to paragraph (a) or (b) of subsection 1,
18 the public body must allow the general public to comment on any
19 matter that is not specifically included on the agenda as an action
20 item at some time before adjournment of the meeting. No action
21 may be taken upon a matter raised during a period devoted to
22 comments by the general public until the matter itself has been
23 specifically included on an agenda as an item upon which action
24 may be taken pursuant to subparagraph (2) of paragraph (d) of
25 subsection 3 of NRS 241.020.

26 3. The provisions of subsections 1 and 2 do not prohibit a
27 public body from taking comments by the general public in addition
28 to what is required pursuant to subsection 1 or 2.

29 4. If the agenda for a meeting authorizes the continuation of the
30 meeting of a public body to one or more other calendar days, the
31 public body must have a period devoted to comments by the general
32 public:

33 (a) At the beginning of each day that the meeting is held before
34 any item on which action may be taken is heard by the public body
35 and again before the meeting recesses for the day or the
36 adjournment of the meeting; or

37 (b) After each item on the agenda on which action may be taken
38 is discussed by the public body, but before the public body takes
39 action on the item.

40 *5. During each period devoted to public comment, each*
41 *speaker must be allowed to provide to the public body at least 3*
42 *minutes of public comment.*

43 *6. A public body may refuse to accept public comment*
44 *relating to issues of fact or law in a contested case, as defined in*
45 *NRS 233B.032, which is before the public body until after that*



1 *case has reached a final decision and any pending petition for*
2 *judicial review is concluded.*

3 **Sec. 4.** NRS 241.023 is hereby amended to read as follows:

4 241.023 1. Except as otherwise provided in subsection 2, a
5 public body may conduct a meeting by means of a remote
6 technology system if:

7 (a) A quorum is actually or collectively present, whether in
8 person, by using the remote technology system or by means of
9 electronic communication.

10 (b) Members of the public are permitted to:

11 (1) Attend and participate at a physical location designated
12 for the meeting where members of the public are permitted to attend
13 and participate; or

14 (2) Hear and observe the meeting, participate in the meeting
15 by telephone and provide live public comment during the meeting
16 using the remote technology system. A public body may also allow
17 public comment by means of prerecorded messages.

18 (c) The public body reasonably ensures that any person who is
19 not a member of the public body or a member of the public but is
20 otherwise required or allowed to participate in the meeting is able to
21 participate in the portion of the meeting that pertains to the person
22 using the remote technology system. The public body shall be
23 deemed to have complied with the requirements of this paragraph if
24 the public body provides the person with a web-based link and a
25 telephone number, in case of technical difficulties, that allows the
26 person in real time to attend and participate in the meeting. Nothing
27 in this paragraph requires a public body to provide a person with
28 technical support to address the person's individual hardware,
29 software or other technical issues.

30 2. If all members of a public body:

31 (a) Are required to be elected officials, the public body shall not
32 conduct a meeting by means of a remote technology system without
33 a physical location designated for the meeting where members of
34 the public are permitted to attend and participate.

35 (b) Are not required to be elected officials, the public body shall
36 not conduct a meeting by means of a remote technology system
37 without a physical location designated for the meeting where
38 members of the public are permitted to attend and participate unless
39 the public body complies with the provisions of subsection 11 of
40 NRS 241.020.

41 3. If any member of a public body attends a meeting by means
42 of a remote technology system, the chair of the public body, or his
43 or her designee, must make reasonable efforts to ensure that:



1 (a) Members of the public body and members of the public
2 present at the physical location of the meeting can hear or observe
3 each member attending by a remote technology system; and

4 (b) Each member of the public body in attendance can
5 participate in the meeting.

6 4. Notwithstanding the provisions of subsections 1, 2 and 3, a
7 public body may not hold a meeting ~~to consider~~ *by means of a*
8 *remote technology system unless there is a physical location for*
9 *the meeting where members of the general public are permitted to*
10 *attend and participate if, at the meeting, the public body will:*

11 (a) *Adjudicate* a contested case ~~as defined in NRS 233B.032~~
12 *for which notice is required pursuant to NRS 233B.121; or*

13 (b) *Hold a workshop or a hearing on* a regulation ~~as defined in~~
14 ~~NRS 233B.038 by means of a remote technology system unless~~
15 ~~there is a physical location for the meeting where members of the~~
16 ~~general public are permitted to attend and participate.~~ *pursuant to*
17 *NRS 233B.040 to 233B.120, inclusive.*

18 5. If a meeting is conducted pursuant to this section using a
19 remote technology system ~~and~~ *and a physical location is not*
20 *designated for the meeting where members of the general public*
21 *are permitted to attend and participate*, before the first period of the
22 day devoted to public comment, the clear and complete instructions
23 for a member of the general public to be able to call in to the
24 meeting to provide public comment, including, without limitation, a
25 telephone number or any necessary identification number of the
26 meeting or other access code, must be read verbally.

27 **Sec. 5.** NRS 241.0353 is hereby amended to read as follows:

28 241.0353 1. Any statement which is made by a member of a
29 public body during the course of a public meeting is absolutely
30 privileged and does not impose liability for defamation or constitute
31 a ground for recovery in any civil action.

32 2. ~~Subject to a qualified privilege, a~~ *A* witness who ~~is~~
33 ~~testifying~~ *testifies under oath, subject to the penalties set forth in*
34 *NRS 199.120*, before a public body may publish defamatory matter
35 as part of a public meeting. It is unlawful to misrepresent any fact
36 knowingly when testifying before a public body.

37 3. *Except as otherwise provided by law, nothing in this*
38 *chapter shall be construed to affect any civil cause of action for*
39 *defamation, libel, slander or any similar cause of action arising*
40 *from defamatory statements made by a member of the public while*
41 *he or she provides public comment to a public body.*

42 **Sec. 6.** NRS 622.320 is hereby amended to read as follows:

43 622.320 1. The provisions of *chapter 241 of NRS* ~~241.020~~
44 *requiring a meeting to be noticed and open to members of the*
45 *public* do not apply to proceedings relating to an investigation



1 conducted to determine whether to proceed with disciplinary action
2 against a licensee, unless the licensee requests that the proceedings
3 be conducted pursuant to those provisions.

4 2. If the regulatory body decides to proceed with disciplinary
5 action against the licensee, all proceedings that are conducted after
6 that decision and are related to that disciplinary action are subject to
7 the provisions of *chapter 241 of* NRS . ~~[241.020.]~~

⑩



SENATE BILL NO. 14—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED OCTOBER 31, 2024

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to criminal procedure. (BDR 14-502)

FISCAL NOTE: Effect on Local Government: No. Effect on the State: No.

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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 criminal procedure; revising provisions governing bail; revising provisions relating to an order imposing a condition of release prohibiting contact; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires a person arrested for an offense other than murder of the
2 first degree to be admitted to bail, unless an exception applies. Under existing law,
3 one such exception generally prohibits a court from admitting to bail a person who
4 is arrested for a felony and, at the time of the arrest, the person was under a
5 suspended sentence for a different offense or was serving a term of residential
6 confinement for a different offense. (NRS 178.484) **Section 1** of this bill expands
7 this exception to include a person who is arrested for a battery that constitutes
8 domestic violence. **Section 1** thereby generally prohibits a court from admitting to
9 bail a person who is arrested for a battery that constitutes domestic violence if, at
10 the time of the arrest, the person was under a suspended sentence for a different
11 offense or was serving a term of residential confinement for a different offense.

12 Existing law similarly: (1) authorizes a court to revoke the bail of a defendant
13 upon a showing that the defendant committed a felony during the period of release;
14 and (2) sets forth certain requirements and procedures for any such revocation of
15 bail. (NRS 178.487) **Section 3** of this bill additionally authorizes a court to revoke
16 the bail of a defendant upon a showing that the defendant committed a battery that
17 constitutes domestic violence.

18 Existing law authorizes a court, before convicting and releasing a person, to
19 issue an order imposing a condition of release that prohibits the person from
20 contacting or attempting to contact certain persons. (NRS 178.4845) **Section 2** of
21 this bill authorizes a law enforcement officer to arrest and take into custody a
22 person if the officer has probable cause to believe that: (1) an order prohibiting



23 contact has been issued against the person; (2) the person has received certain
24 notice concerning the order; and (3) the person is acting in violation of the order.

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

1 **Section 1.** NRS 178.484 is hereby amended to read as follows:

2 178.484 1. Except as otherwise provided in this section, a
3 person arrested for an offense other than murder of the first degree
4 must be admitted to bail.

5 2. A person arrested for a felony who has been released on
6 probation or parole for a different offense must not be admitted to
7 bail unless:

8 (a) A court issues an order directing that the person be admitted
9 to bail;

10 (b) The State Board of Parole Commissioners directs the
11 detention facility to admit the person to bail; or

12 (c) The Division of Parole and Probation of the Department of
13 Public Safety directs the detention facility to admit the person to
14 bail.

15 3. A person arrested for a felony *or a battery that constitutes*
16 *domestic violence pursuant to NRS 33.018* whose sentence has
17 been suspended pursuant to NRS 4.373 or 5.055 for a different
18 offense or who has been sentenced to a term of residential
19 confinement pursuant to NRS 4.3762 or 5.076 for a different offense
20 must not be admitted to bail unless:

21 (a) A court issues an order directing that the person be admitted
22 to bail; or

23 (b) A department of alternative sentencing directs the detention
24 facility to admit the person to bail.

25 4. A person arrested for murder of the first degree may be
26 admitted to bail unless the proof is evident or the presumption great
27 by any competent court or magistrate authorized by law to do so in
28 the exercise of discretion, giving due weight to the evidence and to
29 the nature and circumstances of the offense.

30 5. A person arrested for a violation of NRS 484C.110,
31 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who
32 is under the influence of intoxicating liquor must not be admitted to
33 bail or released on the person's own recognizance unless the person
34 has a concentration of alcohol of less than 0.04 in his or her breath.
35 A test of the person's breath pursuant to this subsection to determine
36 the concentration of alcohol in his or her breath as a condition of
37 admission to bail or release is not admissible as evidence against the
38 person.



1 6. A person arrested for a violation of NRS 484C.110,
2 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who
3 is under the influence of a controlled substance, is under the
4 combined influence of intoxicating liquor and a controlled
5 substance, or inhales, ingests, applies or otherwise uses any
6 chemical, poison or organic solvent, or any compound or
7 combination of any of these, to a degree which renders the person
8 incapable of safely driving or exercising actual physical control of a
9 vehicle, a power-driven vessel or a sailing vessel under way must
10 not be admitted to bail or released on the person's own recognizance
11 sooner than 12 hours after arrest.

12 7. A person arrested for a battery that constitutes domestic
13 violence pursuant to NRS 33.018 must not be admitted to bail
14 sooner than 12 hours after arrest. If the person is admitted to bail
15 more than 12 hours after arrest, without appearing personally before
16 a magistrate or without the amount of bail having been otherwise set
17 by a magistrate or a court, the amount of bail must be:

18 (a) Three thousand dollars, if the person has no previous
19 convictions of battery that constitute domestic violence pursuant to
20 NRS 33.018 and there is no reason to believe that the battery for
21 which the person has been arrested resulted in substantial bodily
22 harm or was committed by strangulation;

23 (b) Five thousand dollars, if the person has:

24 (1) No previous convictions of battery that constitute
25 domestic violence pursuant to NRS 33.018, but there is reason to
26 believe that the battery for which the person has been arrested
27 resulted in substantial bodily harm or was committed by
28 strangulation; or

29 (2) One previous conviction of battery that constitutes
30 domestic violence pursuant to NRS 33.018, but there is no reason to
31 believe that the battery for which the person has been arrested
32 resulted in substantial bodily harm or was committed by
33 strangulation; or

34 (c) Fifteen thousand dollars, if the person has:

35 (1) One previous conviction of battery that constitutes
36 domestic violence pursuant to NRS 33.018 and there is reason to
37 believe that the battery for which the person has been arrested
38 resulted in substantial bodily harm or was committed by
39 strangulation; or

40 (2) Two or more previous convictions of battery that
41 constitute domestic violence pursuant to NRS 33.018.

42 ➤ The provisions of this subsection do not affect the authority of a
43 magistrate or a court to set the amount of bail when the person
44 personally appears before the magistrate or the court, or when a
45 magistrate or a court has otherwise been contacted to set the amount



1 of bail. For the purposes of this subsection, a person shall be
2 deemed to have a previous conviction of battery that constitutes
3 domestic violence pursuant to NRS 33.018 if the person has been
4 convicted of such an offense in this State or has been convicted of
5 violating a law of any other jurisdiction that prohibits the same or
6 similar conduct.

7 8. A person arrested for violating a temporary or extended
8 order for protection against domestic violence issued pursuant to
9 NRS 33.017 to 33.100, inclusive, or for violating a restraining order
10 or injunction that is in the nature of a temporary or extended order
11 for protection against domestic violence issued in an action or
12 proceeding brought pursuant to title 11 of NRS, or for violating a
13 temporary or extended order for protection against stalking,
14 aggravated stalking or harassment issued pursuant to NRS 200.591,
15 or for violating a temporary or extended order for protection against
16 sexual assault pursuant to NRS 200.378 must not be admitted to bail
17 sooner than 12 hours after arrest if:

18 (a) The arresting officer determines that such a violation is
19 accompanied by a direct or indirect threat of harm;

20 (b) The person has previously violated a temporary or extended
21 order for protection of the type for which the person has been
22 arrested; or

23 (c) At the time of the violation or within 2 hours after the
24 violation, the person has:

25 (1) A concentration of alcohol of 0.08 or more in the
26 person's blood or breath; or

27 (2) An amount of a prohibited substance in the person's
28 blood or urine, as applicable, that is equal to or greater than the
29 amount set forth in subsection 3 or 4 of NRS 484C.110.

30 9. If a person is admitted to bail more than 12 hours after
31 arrest, pursuant to subsection 8, without appearing personally before
32 a magistrate or without the amount of bail having been otherwise set
33 by a magistrate or a court, the amount of bail must be:

34 (a) Three thousand dollars, if the person has no previous
35 convictions of violating a temporary or extended order for
36 protection against domestic violence issued pursuant to NRS 33.017
37 to 33.100, inclusive, or of violating a restraining order or injunction
38 that is in the nature of a temporary or extended order for protection
39 against domestic violence issued in an action or proceeding brought
40 pursuant to title 11 of NRS, or of violating a temporary or extended
41 order for protection against stalking, aggravated stalking or
42 harassment issued pursuant to NRS 200.591, or of violating a
43 temporary or extended order for protection against sexual assault
44 pursuant to NRS 200.378;



1 (b) Five thousand dollars, if the person has one previous
2 conviction of violating a temporary or extended order for protection
3 against domestic violence issued pursuant to NRS 33.017 to 33.100,
4 inclusive, or of violating a restraining order or injunction that is in
5 the nature of a temporary or extended order for protection against
6 domestic violence issued in an action or proceeding brought
7 pursuant to title 11 of NRS, or of violating a temporary or extended
8 order for protection against stalking, aggravated stalking or
9 harassment issued pursuant to NRS 200.591, or of violating a
10 temporary or extended order for protection against sexual assault
11 pursuant to NRS 200.378; or

12 (c) Fifteen thousand dollars, if the person has two or more
13 previous convictions of violating a temporary or extended order for
14 protection against domestic violence issued pursuant to NRS 33.017
15 to 33.100, inclusive, or of violating a restraining order or injunction
16 that is in the nature of a temporary or extended order for protection
17 against domestic violence issued in an action or proceeding brought
18 pursuant to title 11 of NRS, or of violating a temporary or extended
19 order for protection against stalking, aggravated stalking or
20 harassment issued pursuant to NRS 200.591, or of violating a
21 temporary or extended order for protection against sexual assault
22 pursuant to NRS 200.378.

23 ↪ The provisions of this subsection do not affect the authority of a
24 magistrate or a court to set the amount of bail when the person
25 personally appears before the magistrate or the court or when a
26 magistrate or a court has otherwise been contacted to set the amount
27 of bail. For the purposes of this subsection, a person shall be
28 deemed to have a previous conviction of violating a temporary or
29 extended order for protection against domestic violence issued
30 pursuant to NRS 33.017 to 33.100, inclusive, or of violating a
31 restraining order or injunction that is in the nature of a temporary or
32 extended order for protection against domestic violence issued in an
33 action or proceeding brought pursuant to title 11 of NRS, or of
34 violating a temporary or extended order for protection against
35 stalking, aggravated stalking or harassment issued pursuant to NRS
36 200.591, or of violating a temporary or extended order for
37 protection against sexual assault pursuant to NRS 200.378, if the
38 person has been convicted of such an offense in this State or has
39 been convicted of violating a law of any other jurisdiction that
40 prohibits the same or similar conduct.

41 10. For the purposes of subsections 8 and 9, an order or
42 injunction is in the nature of a temporary or extended order for
43 protection against domestic violence if it grants relief that might be
44 given in a temporary or extended order issued pursuant to NRS
45 33.017 to 33.100, inclusive.



1 11. As used in this section, "strangulation" has the meaning
2 ascribed to it in NRS 200.481.

3 **Sec. 2.** NRS 178.4845 is hereby amended to read as follows:

4 178.4845 1. Before a court makes a determination of bail
5 concerning a person, a victim may request that a court issue an order
6 imposing a condition of release prohibiting contact.

7 2. A court shall consider a request described in subsection 1.

8 3. Upon the issuance of an order imposing a condition of
9 release prohibiting contact, the court shall notify the person subject
10 to the order that violating the order may result in:

11 (a) The person being charged with a misdemeanor;

12 (b) The modification or addition of any condition of release;

13 (c) The revocation of bail and remand of the person to custody;

14 or

15 (d) The imposition of any other penalty prescribed by law.

16 4. An order imposing a condition of release prohibiting
17 contact, and any modification thereof, expires within such time, not
18 to exceed 120 calendar days, as the court fixes.

19 5. The court may, before the expiration of an order imposing a
20 condition of release prohibiting contact and upon motion or at the
21 discretion of the court, after notice and a hearing, renew the order
22 for good cause shown.

23 6. After the court issues an order imposing, modifying,
24 suspending or canceling a condition of release prohibiting contact,
25 the court shall transmit, as soon as practicable and in a manner
26 prescribed by the Central Repository for Nevada Records of
27 Criminal History, a copy of the order to the Central Repository.

28 7. A person who knowingly violates an order imposing a
29 condition of release prohibiting contact is guilty of a misdemeanor.

30 8. *Whether or not a violation of an order imposing a*
31 *condition of release prohibiting contact occurs in the presence of*
32 *a law enforcement officer, the officer may, with or without a*
33 *warrant, arrest and take into custody a person if the officer has*
34 *probable cause to believe that:*

35 (a) *An order has been issued pursuant to this section against*
36 *the person;*

37 (b) *The person has received the notice required by subsection*
38 *3; and*

39 (c) *The person is acting in violation of the order.*

40 9. Nothing in this section shall be construed to require a court
41 to receive a request pursuant to subsection 1 before issuing an order
42 imposing a condition of release prohibiting contact.

43 ~~9.1~~ 10. As used in this section:



1 (a) "Cancel" includes, without limitation, any act that would
2 effectively terminate a condition of release prohibiting contact,
3 including, without limitation:

- 4 (1) The dismissal of the action or proceeding against the
5 person;
6 (2) A prosecuting attorney declining to prosecute the person;
7 (3) The conviction of the person; or
8 (4) The acquittal of the person.

9 (b) "Condition of release prohibiting contact" means a condition
10 placed on a person who is released pending trial that prohibits the
11 person from contacting or attempting to contact a specific person or
12 from causing or attempting to cause another person to contact that
13 person on the person's behalf.

14 **Sec. 3.** NRS 178.487 is hereby amended to read as follows:

15 178.487 Every release on bail with or without security is
16 conditioned upon the defendant's good behavior while so released,
17 and upon a showing that the proof is evident or the presumption
18 great that the defendant has committed a felony *or a battery that*
19 *constitutes domestic violence pursuant to NRS 33.018* during the
20 period of release, the defendant's bail may be revoked, after a
21 hearing, by the magistrate who allowed it or by any judge of the
22 court in which the original charge is pending. Pending such
23 revocation, the defendant may be held without bail by order of the
24 magistrate before whom the defendant is brought after an arrest
25 upon the second charge.



SENATE BILL NO. 35—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 15, 2024

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing certain offenses relating to prisoners. (BDR 16-444)

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 an employee of or a contractor or volunteer for a prison from engaging in certain communication with a prisoner; defining the term “intoxicant” for the purpose of certain provisions which prohibit furnishing an intoxicant to a prisoner; revising provisions governing certain crimes relating to prisoners; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Section 1 of this bill provides that an employee of or a contractor or volunteer for a prison who communicates with a prisoner outside of the course and scope of his or her duties for prurient or other illegal purposes is guilty of a category E felony. **Section 1** also provides that an employee of or a contractor or volunteer for a prison who communicates with a prisoner with the intent to arouse, appeal to or gratify his or her own sexual desires or the sexual desires of a prisoner is guilty of a category D felony.

Existing law provides that an employee of or a contractor or volunteer for a prison who voluntarily engages or attempts to engage in sexual abuse of a prisoner is guilty of a category D felony. (NRS 212.188) **Section 3** of this bill: (1) increases the penalty for sexual abuse of a prisoner from a category D felony to a category B felony; and (2) makes the crime punishable by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years.

Existing law provides that an employee of or a contractor or volunteer for a prison who voluntarily: (1) engages in unauthorized custodial conduct is guilty of a



17 gross misdemeanor; or (2) attempts to engage in such conduct is guilty of a
18 misdemeanor. (NRS 212.188) **Section 3** increases the penalty for unauthorized
19 custodial conduct from a gross misdemeanor to a category C felony. **Section 3** also
20 eliminates provisions relating to attempted unauthorized custodial conduct.

21 Existing law makes it a crime for certain persons to furnish a controlled
22 substance or intoxicating liquor to a prisoner. (NRS 212.160) **Section 2** of this bill
23 changes the term "intoxicating liquor" to "intoxicant" and defines the term
24 intoxicant for the purposes of this prohibition to mean: (1) a controlled substance
25 analog; (2) a spirituous or malt liquor or beverage; (3) a synthetic cannabinoid; or
26 (4) any other chemical, poison or organic solvent, or any compound or combination
27 thereof, which may be inhaled, ingested, applied or otherwise used to achieve a
28 stimulant, depressant or hallucinogenic effect.

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

1 **Section 1.** NRS 212.140 is hereby amended to read as follows:
2 212.140 **1.** Every person who, not being authorized by law or
3 by any officer authorized thereby, shall have any verbal
4 communication with any prisoner in any jail, prison or other penal
5 institution, or shall bring into or convey out of the same any writing,
6 clothing, food, tobacco or any article whatsoever, shall be guilty of a
7 misdemeanor.

8 **2.** *An employee of or a contractor or volunteer for a prison*
9 *who communicates with a prisoner outside of the course and scope*
10 *of his or her duties for prurient or other illegal purposes is guilty*
11 *of a category E felony and shall be punished as provided in*
12 *NRS 193.130.*

13 **3.** *An employee of or a contractor or volunteer for a prison*
14 *who communicates with a prisoner with the intent to arouse,*
15 *appeal to or gratify his or her own sexual desires or the sexual*
16 *desires of the prisoner is guilty of a category D felony and shall be*
17 *punished as provided in NRS 193.130.*

18 **4.** *As used in this section:*

19 **(a)** *"Communicate" means to contact or attempt to contact a*
20 *prisoner by any means of oral, written or electronic*
21 *communication, including, without limitation, communication*
22 *through text message or through the written or electronic*
23 *transmission of an image or video.*

24 **(b)** *"Prisoner" means a prisoner who is in lawful custody or*
25 *confinement, other than in the custody of the Division of Parole*
26 *and Probation of the Department of Public Safety pursuant to*
27 *NRS 209.4886 or 209.4888 or residential confinement.*

28 **Sec. 2.** NRS 212.160 is hereby amended to read as follows:

29 212.160 **1.** A person, who is not authorized by law, who
30 knowingly furnishes, attempts to furnish, or aids or assists in



1 furnishing or attempting to furnish to a prisoner confined in an
2 institution of the Department of Corrections, or any other place
3 where prisoners are authorized to be or are assigned by the Director
4 of the Department, any deadly weapon, explosive, a facsimile of a
5 firearm or an explosive, any controlled substance or ~~intoxicating~~
6 ~~liquor,~~ *intoxicant*, shall be punished:

7 (a) Where a deadly weapon, controlled substance, explosive or a
8 facsimile of a firearm or explosive is involved, for a category B
9 felony by imprisonment in the state prison for a minimum term of
10 not less than 1 year and a maximum term of not more than 6 years,
11 and may be further punished by a fine of not more than \$5,000.

12 (b) Where an intoxicant is involved, for a gross misdemeanor.

13 2. Knowingly leaving or causing to be left any deadly weapon,
14 explosive, facsimile of a firearm or explosive, controlled substance
15 or ~~intoxicating liquor~~ *intoxicant* where it may be obtained by any
16 prisoner constitutes, within the meaning of this section, the
17 furnishing of the article to the prisoner.

18 3. A prisoner confined in an institution of the Department of
19 Corrections, or any other place where prisoners are authorized to be
20 or are assigned by the Director of the Department, who possesses a
21 controlled substance without lawful authorization or marijuana or
22 marijuana paraphernalia, regardless of whether the person holds a
23 valid registry identification card to engage in the medical use of
24 cannabis pursuant to chapter 678C of NRS, is guilty of a category D
25 felony and shall be punished as provided in NRS 193.130.

26 4. *As used in this section:*

27 (a) *“Controlled substance analog” has the meaning ascribed*
28 *to it in NRS 453.043.*

29 (b) *“Intoxicant” means:*

30 (1) *A controlled substance analog;*

31 (2) *A spirituous or malt liquor or beverage;*

32 (3) *A synthetic cannabinoid; or*

33 (4) *Any other chemical, poison or organic solvent, or any*
34 *compound or combination thereof, which may be inhaled,*
35 *ingested, applied or otherwise used to achieve a stimulant,*
36 *depressant or hallucinogenic effect.*

37 (c) *“Synthetic cannabinoid” has the meaning ascribed to it in*
38 *NRS 678A.239.*

39 **Sec. 3.** NRS 212.188 is hereby amended to read as follows:

40 212.188 1. An employee of or a contractor or volunteer for a
41 prison who voluntarily engages in, or attempts to engage in, with a
42 prisoner who is in lawful custody or confinement, other than in the
43 custody of the Division of Parole and Probation of the Department
44 of Public Safety pursuant to NRS 209.4886 or 209.4888 or
45 residential confinement, any of the acts set forth in:



1 (a) Paragraph (a) of subsection 3, commits sexual abuse of a
2 prisoner.

3 (b) Paragraph (b) of subsection 3, commits unauthorized
4 custodial conduct.

5 2. Unless a greater penalty is provided pursuant to any other
6 applicable provision of law, an employee of or a contractor or
7 volunteer for a prison who commits:

8 (a) Sexual abuse of a prisoner is guilty of a category ~~D~~ **B**
9 felony and shall be punished ~~as provided~~ **by imprisonment in**
10 ~~NRS 193.130~~ **the state prison for a minimum term of not less**
11 **than 1 year and a maximum term of not more than 10 years.**

12 (b) Unauthorized custodial conduct by engaging in any of the
13 acts described in paragraph (b) of subsection 3 is guilty of a ~~gross~~
14 ~~misdemeanor.~~

15 ~~—(c) Unauthorized custodial conduct by attempting to engage in~~
16 ~~any of the acts described in paragraph (b) of subsection 3 is guilty of~~
17 ~~a misdemeanor.~~ **category C felony and shall be punished as**
18 **provided in NRS 193.130.**

19 3. As used in this section:

20 (a) “Sexual abuse”:

21 (1) Includes any of the following acts between an employee
22 of or a contractor or volunteer for a prison and a prisoner, regardless
23 of whether the prisoner consents to the act:

24 (I) Sexual intercourse or anal intercourse, including
25 penetration, however slight;

26 (II) Fellatio, cunnilingus or contact between the mouth
27 and the anus;

28 (III) Penetration, however slight, of an object into the
29 genital or anal opening of the body of a prisoner committed with the
30 intent to abuse the prisoner or to arouse, appeal to or gratify
31 the sexual desires of either person;

32 (IV) Any other intentional contact with a prisoner’s
33 unclothed genitals, pubic area, anus, buttocks, inner thigh or breasts
34 committed with the intent to abuse the prisoner or to arouse, appeal
35 to or gratify the sexual desires of either person;

36 (V) Watching a prisoner change clothing or use a shower,
37 toilet or urinal;

38 (VI) Requiring a prisoner to expose his or her genitals,
39 buttocks or breasts; or

40 (VII) Capturing an image of the private area of a prisoner
41 in violation of NRS 200.604.

42 (2) Does not include acts of an employee of or a contractor
43 or volunteer for the prison in which the prisoner is confined that are
44 performed to carry out the official duties of such an employee,
45 contractor or volunteer.



1 (b) "Unauthorized custodial conduct":

2 (1) Includes any of the following acts between an employee
3 of or a contractor or volunteer for a prison and a prisoner, regardless
4 of whether the prisoner consents to the act:

5 (I) Contact between the mouth and any part of the body
6 committed with the intent to abuse the prisoner or to arouse, appeal
7 to or gratify the sexual desires of either person;

8 (II) Any other intentional contact with a prisoner's
9 clothed genitals, pubic area, anus, buttocks, inner thigh or breasts
10 committed with the intent to abuse the prisoner or to arouse, appeal
11 to or gratify the sexual desires of either person;

12 (III) Any threat or request by an employee or a contractor
13 or volunteer to engage in any act described in sub-subparagraphs (I)
14 or (II); or

15 (IV) Any display by an employee or a contractor or
16 volunteer of his or her unclothed genitals, buttocks or breasts in the
17 presence of a prisoner.

18 (2) Does not include acts of an employee of or a contractor
19 or volunteer for the prison in which the prisoner is confined that are
20 performed to carry out the official duties of such an employee,
21 contractor or volunteer.



SENATE BILL NO. 49—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 19, 2024

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to consumer protection.
(BDR 52-439)

FISCAL NOTE: Effect on Local Government: No.
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 consumer protection; clarifying the authority of the Attorney General with respect to bringing certain actions relating to deceptive trade practices; authorizing the Consumer’s Advocate of the Bureau of Consumer Protection in the Office of the Attorney General to conduct certain administrative hearings and impose certain civil penalties relating to deceptive trade practices; eliminating certain sanctions that may be imposed by a court relating to deceptive trade practices; eliminating the statute of limitations for civil actions involving unfair trade practices which are brought by the Attorney General; revising the authorized uses of money in the Consumer Protection Legal Account in the Office of the Attorney General; clarifying when the Consumer’s Advocate has custody or control of certain records; making various other changes relating to deceptive trade practices; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law defines activities that constitute deceptive trade practices and
2 provides for the imposition of civil and criminal penalties against persons who
3 engage in deceptive trade practices. (Chapter 598 of NRS) Existing law authorizes
4 the Attorney General to obtain a temporary restraining order, a preliminary or
5 permanent injunction or other relief, including, without limitation, the recovery of a
6 civil penalty, disgorgement, restitution or the recovery of damages by bringing an



7 action in the name of the State against a person the Attorney General has reason to
8 believe has engaged or is engaging in a deceptive trade practice. (NRS 598.0963)
9 **Section 3** of this bill clarifies that such an action may be brought by the Attorney
10 General on behalf of: (1) the State or its agencies, political subdivisions, districts or
11 municipal corporations; or (2) the people of the State.

12 Existing law: (1) creates the Bureau of Consumer Protection within the Office
13 of the Attorney General; and (2) provides that the executive head of the Bureau of
14 Consumer Protection is the Consumer's Advocate, who may generally exercise the
15 power of the Attorney General in areas of consumer protection and enforcement.
16 (NRS 228.310, 228.380) Existing law further authorizes the Director of the
17 Department of Business and Industry to impose certain penalties, including an
18 administrative fine, upon a person who has engaged in a deceptive trade practice
19 after a hearing that is initiated by the Commissioner of Consumer Affairs or
20 Attorney General serving an order upon such person. (NRS 598.0971) **Section 4** of
21 this bill: (1) authorizes the Consumer's Advocate or his or her designee to also
22 conduct such a hearing and impose certain penalties; and (2) increases the
23 administrative fine from \$1,000 or treble the amount of restitution ordered,
24 whichever is greater, to \$15,000 for each violation or treble the amount of
25 restitution ordered, whichever is greater. **Sections 5 and 6** of this bill make
26 conforming changes to authorize the Consumer's Advocate or his or her designee
27 to impose certain penalties in a hearing conducted by the Consumer's Advocate or
28 his or her designee relating to a deceptive trade practice directed towards an elderly
29 person, a person with a disability or a minor person.

30 Existing law provides that if a person fails to comply with an order issued by
31 the Director of the Department of Business and Industry or his or her designee at an
32 administrative hearing, the Attorney General or the Commissioner of Consumer
33 Affairs or Director, through the Attorney General, may cause an action to be
34 instituted in district court. If the court finds that the person failed to comply with
35 the order, the court is: (1) required to issue an order enforcing the Director's order;
36 and (2) authorized to order certain additional sanctions against the person who
37 engaged in the deceptive trade practice, including a penalty of not more than \$5,000
38 for each act amounting to a failure to comply with the original order, an order to
39 cease and desist doing business within the State and injunctive relief. (NRS
40 598.0971) Existing law also authorizes these sanctions in a circumstance where a
41 person who has engaged or is engaging in a deceptive trade practice fails to comply
42 with an assurance of discontinuance of any deceptive trade practice. **Section 4**
43 eliminates the authority of the court to impose these additional sanctions in a
44 circumstance where a person who engaged in a deceptive trade practice fails to
45 comply with the order issued at an administrative hearing. **Section 7** of this bill
46 makes a technical change to continue to allow these additional sanctions where a
47 person who has engaged or is engaging in a deceptive trade practice fails to comply
48 with an assurance of discontinuance of any deceptive trade practice.

49 Under existing law, in addition to certain criminal penalties, if a natural person,
50 firm, or any officer or managing agent of any corporation or association knowingly
51 and willfully engages in certain deceptive trade practices, the court may require the
52 natural person, firm or officer or managing agent of the corporation or association
53 to pay to the aggrieved party damages on all profits derived from the knowing and
54 willful engagement in the deceptive trade practice. (NRS 598.0999) **Section 8** of
55 this bill provides instead that the court may require payment to the aggrieved party
56 of damages on all gross revenue derived from the knowing and willful engagement
57 in the deceptive trade practice. **Section 8** defines "gross revenue" to mean the total
58 revenues derived from the knowing and willful engagement in a deceptive trade
59 practice without deducting any expenses or losses.

60 **Section 1** of this bill defines the term "Consumer's Advocate" for purposes of
61 the provisions of law relating to deceptive trade practices and **section 2** of this bill



62 applies this definition to the provisions of existing law governing deceptive trade
63 practices.

64 The Nevada Unfair Trade Practice Act generally prohibits certain unfair trade
65 activities, including, without limitation, price fixing, division of markets, allocation
66 of customers, tying arrangements and monopolization and authorizes the Attorney
67 General to bring proceedings for suspected violations. (Chapter 598A of NRS)
68 Pursuant to the Act, the Attorney General is required to institute civil and criminal
69 proceedings on behalf of the State, its agencies, political subdivisions, districts,
70 municipal corporations or residents of this State. (NRS 598A.070) The Act also
71 authorizes certain other persons and entities to bring a civil action related to unfair
72 trade activities. (NRS 598A.200, 598A.210) The Act sets forth the statute of
73 limitations for bringing any such action. (NRS 598A.220) **Sections 9 and 10** of this
74 bill eliminate the statute of limitations for the Attorney General to commence a
75 civil action for an unfair trade practice, which is consistent with the authority of the
76 Attorney General to commence a civil action for most deceptive trade practices.

77 Existing law creates the Consumer Protection Legal Account in the Office of
78 the Attorney General and provides that the money remains in the Legal Account at
79 the end of the fiscal year and does not revert to the State General Fund. (NRS
80 228.333) Existing law also creates the Consumer Protection Administrative
81 Account in the Bureau of Consumer Protection and: (1) requires the deposit of
82 certain money from settlements and litigation into the Administrative Account; and
83 (2) provides that any balance in excess of \$500,000 in the Administrative Account
84 on June 30 and December 31 of each year, and at any other time in the discretion of
85 the Consumer's Advocate, reverts to the Legal Account. (NRS 228.332) Existing
86 law requires the Attorney General to allocate, in certain percentages, the money in
87 the Legal Account to: (1) the Office of the Attorney General or the Consumer's
88 Advocate to be used for consumer protection and efforts to prevent fraud,
89 including, without limitation, education, investigation, enforcement and litigation;
90 and (2) certain legal aid organizations to be used for consumer protection and
91 efforts to prevent fraud. (NRS 228.334) **Section 11** of this bill provides that the
92 percentage of money allocated from the Legal Account to the Office of the
93 Attorney General or the Consumer's Advocate may be used to pay for: (1)
94 necessary staff employed for the Consumer's Advocate to carry out consumer
95 protection and efforts to prevent fraud; (2) necessary staff for the Office of the
96 Attorney General to carry out consumer protection and efforts to prevent fraud; and
97 (3) any other additional purpose relating to consumer protection and efforts to
98 prevent fraud.

99 **Section 11** also eliminates the limitation that the money in the Legal Account
100 must exceed 120 days of operating costs for certain staff before the Office of the
101 Attorney General or Consumer's Advocate may use money in the Legal Account
102 for additional purposes relating to consumer protection and efforts to prevent fraud.

103 Existing law authorizes the Consumer's Advocate to have access to all records
104 in the possession of any agency, board or commission of this State that he or she
105 determines are necessary to exercise his or her powers relating to consumer
106 protection. (NRS 228.380) **Section 12** of this bill clarifies that the Consumer's
107 Advocate does not have possession of such records until he or she receives the
108 record from the agency, board or commission.



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

1 **Section 1.** Chapter 598 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *“Consumer’s Advocate” means the Consumer’s Advocate of*
4 *the Bureau of Consumer Protection in the Office of the Attorney*
5 *General.*

6 **Sec. 2.** NRS 598.0903 is hereby amended to read as follows:

7 598.0903 As used in NRS 598.0903 to 598.0999, inclusive,
8 *and section 1 of this act*, unless the context otherwise requires, the
9 words and terms defined in NRS 598.0905 to 598.0947, inclusive,
10 *and section 1 of this act* have the meanings ascribed to them in
11 those sections.

12 **Sec. 3.** NRS 598.0963 is hereby amended to read as follows:

13 598.0963 1. Whenever the Attorney General is requested in
14 writing by the Commissioner or the Director to represent him or her
15 in instituting a legal proceeding against a person who has engaged
16 or is engaging in a deceptive trade practice, the Attorney General
17 may bring an action in the name of the State of Nevada against that
18 person on behalf of the Commissioner or Director.

19 2. The Attorney General may institute criminal proceedings to
20 enforce the provisions of NRS 598.0903 to 598.0999, inclusive ~~§~~ ,
21 *and section 1 of this act*. The Attorney General is not required to
22 obtain leave of the court before instituting criminal proceedings
23 pursuant to this subsection.

24 3. If the Attorney General has reason to believe that a person
25 has engaged or is engaging in a deceptive trade practice, the
26 Attorney General may bring an action in the name of the State of
27 Nevada against that person to obtain a temporary restraining order, a
28 preliminary or permanent injunction, or other appropriate relief,
29 including, without limitation, the recovery of a civil penalty,
30 disgorgement, restitution or the recovery of damages ~~§~~ , *on behalf*
31 *of:*

32 *(a) The State, its agencies, political subdivisions, districts or*
33 *municipal corporations; or*

34 *(b) The persons residing in this State:*

35 ~~§(a)~~ *(1)* As parens patriae of the persons residing this State,
36 with respect to damages sustained directly or indirectly by such
37 persons, or, alternatively, if the court finds in its discretion that the
38 interests of justice so require, as a representative of a class or classes
39 consisting of persons residing in this State who have been damaged
40 directly or indirectly; or



1 ~~(b)~~ (2) As parens patriae, with respect to direct or indirect
2 damages to the general economy of the State of Nevada or any
3 agency or political subdivision thereof.

4 4. If the Attorney General has cause to believe that a person
5 has engaged or is engaging in a deceptive trade practice, the
6 Attorney General may issue a subpoena to require the testimony of
7 any person or the production of any documents, and may administer
8 an oath or affirmation to any person providing such testimony. The
9 subpoena must be served upon the person in the manner required for
10 service of process in this State or by certified mail with return
11 receipt requested. An employee of the Attorney General may
12 personally serve the subpoena.

13 **Sec. 4.** NRS 598.0971 is hereby amended to read as follows:

14 598.0971 1. If, after an investigation, the Commissioner or
15 Attorney General has reasonable cause to believe that any person
16 has been engaged or is engaging in any deceptive trade practice in
17 violation of NRS 598.0903 to 598.0999, inclusive, *and section 1 of*
18 *this act*, the Commissioner or Attorney General may issue an order
19 directed to the person to show cause why the Director *or Attorney*
20 *General* should not order the person to cease and desist from
21 engaging in the practice and to pay an administrative fine. The order
22 must contain a statement of the charges and a notice of a hearing to
23 be held thereon. The order must be served upon the person directly,
24 by certified or registered mail, return receipt requested, or in any
25 other manner permitted by the Nevada Rules of Civil Procedure for
26 the service of process in civil actions.

27 2. An administrative hearing on any action brought by the
28 Commissioner or Attorney General must be conducted before the
29 Director or his or her designee ~~+~~ *or the Consumer's Advocate or*
30 *his or her designee.*

31 3. If, after conducting a hearing pursuant to the provisions of
32 subsection 2, the Director or his or her designee *or the Consumer's*
33 *Advocate or his or her designee* determines that the person has
34 violated any of the provisions of NRS 598.0903 to 598.0999,
35 inclusive, *and section 1 of this act* or if the person fails to appear for
36 the hearing after being properly served with the statement of charges
37 and notice of hearing, the Director or his or her designee *or the*
38 *Consumer's Advocate or his or her designee* shall issue an order
39 setting forth his or her findings of fact concerning the violation and
40 cause to be served a copy thereof upon the person and any
41 intervener at the hearing. If the Director or his or her designee *or the*
42 *Consumer's Advocate or his or her designee* determines in the
43 report that such a violation has occurred, he or she may order the
44 violator to:



1 (a) Cease and desist from engaging in the practice or other
2 activity constituting the violation;

3 (b) Pay the costs of conducting the investigation, costs of
4 conducting the hearing, costs of reporting services, fees for experts
5 and other witnesses, charges for the rental of a hearing room if such
6 a room is not available to the Director or his or her designee *or the*
7 *Consumer's Advocate or his or her designee* free of charge,
8 charges for providing an independent hearing officer, if any, and
9 charges incurred for any service of process, if the violator is
10 adjudicated to have committed a violation of NRS 598.0903 to
11 598.0999, inclusive ~~H~~, *and section 1 of this act;*

12 (c) Provide restitution for any money or property improperly
13 received or obtained as a result of the violation; and

14 (d) Impose an administrative fine of ~~15,000~~ *15,000 for each*
15 *violation* or treble the amount of restitution ordered, whichever is
16 greater.

17 ↪ The order must be served upon the person directly or by certified
18 or registered mail, return receipt requested. The order becomes
19 effective upon service in the manner provided in this subsection.

20 4. Any person whose pecuniary interests are directly and
21 immediately affected by an order issued pursuant to subsection 3 or
22 who is aggrieved by the order may petition for judicial review in the
23 manner provided in chapter 233B of NRS. Such a petition must be
24 filed within 30 days after the service of the order. The order
25 becomes final upon the filing of the petition.

26 5. If a person fails to comply with any provision of an order
27 issued by the Director or his or her designee *or the Consumer's*
28 *Advocate or his or her designee* pursuant to subsection 3, the
29 Attorney General ~~H~~ *or the Consumer's Advocate*, or the
30 Commissioner or *the* Director through the Attorney General, may, at
31 any time after 30 days after the service of the order, cause an action
32 to be instituted in the district court of the county wherein the person
33 resides or has his or her principal place of business requesting the
34 court to enforce the provisions of the order or to provide any other
35 appropriate injunctive relief.

36 6. If the court finds that the person has failed to comply with an
37 order issued by the Director or his or her designee *or the*
38 *Consumer's Advocate or his or her designee* pursuant to subsection
39 3, the court shall issue an order enforcing the provisions of the order
40 of the Director or his or her designee ~~H~~.

41 ~~—7.— An order issued pursuant to subsection 6 may include:~~

42 ~~—(a) A provision requiring the payment to the Consumer Affairs~~
43 ~~Unit of the Department of Business and Industry of a penalty of not~~
44 ~~more than \$5,000 for each act amounting to a failure to comply with~~
45 ~~the Director's or designee's order;~~



1 ~~—(b) An order that the person cease doing business within this~~
2 ~~State; and~~

3 ~~—(c) Such injunctive or other equitable or extraordinary relief as~~
4 ~~is determined appropriate by the court.~~

5 ~~—8. Any aggrieved party may appeal from the final judgment,~~
6 ~~order or decree of the court in a like manner as provided for appeals~~
7 ~~in civil cases.~~

8 ~~—9. Upon the violation of any judgment, order or decree issued~~
9 ~~pursuant to subsection 6 or 7, the Commissioner, after a hearing~~
10 ~~thereon, may proceed} or the Consumer's Advocate or his or her~~
11 ~~designee, and may impose civil penalties~~ in accordance with the
12 provisions of NRS 598.0999.

13 **Sec. 5.** NRS 598.0973 is hereby amended to read as follows:

14 598.0973 1. Except as otherwise provided in NRS 598.0974,
15 in any action or proceeding brought pursuant to NRS 598.0903 to
16 598.0999, inclusive, *and section 1 of this act*, if the court, ~~or~~ the
17 Director or his or her designee *or the Consumer's Advocate or his*
18 *or her designee* finds that a person has engaged in a deceptive trade
19 practice directed toward an elderly person or a person with a
20 disability, the court, ~~or~~ the Director or his or her designee *or the*
21 *Consumer's Advocate or his or her designee* may, in addition to
22 any other civil or criminal penalty, impose a civil penalty of:

23 (a) For a deceptive trade practice directed toward a person with
24 a disability, not more than \$15,000 for each violation.

25 (b) For a deceptive trade practice directed toward an elderly
26 person, not more than \$25,000 for each violation.

27 2. In determining whether to impose a civil penalty pursuant to
28 subsection 1, the court, ~~or~~ the Director or his or her designee *or*
29 *the Consumer's Advocate or his or her designee* shall consider
30 whether:

31 (a) The conduct of the person was in disregard of the rights of
32 the elderly person or person with a disability;

33 (b) The person knew or should have known that his or her
34 conduct was directed toward an elderly person or a person with a
35 disability;

36 (c) The elderly person or person with a disability was more
37 vulnerable to the conduct of the person because of the age, health,
38 infirmity, impaired understanding, restricted mobility or disability of
39 the elderly person or person with a disability;

40 (d) The conduct of the person caused the elderly person or
41 person with a disability to suffer actual and substantial physical,
42 emotional or economic damage;

43 (e) The conduct of the person caused the elderly person or
44 person with a disability to suffer:

45 (1) Mental or emotional anguish;



1 (2) The loss of the primary residence of the elderly person or
2 person with a disability;

3 (3) The loss of the principal employment or source of income
4 of the elderly person or person with a disability;

5 (4) The loss of money received from a pension, retirement
6 plan or governmental program;

7 (5) The loss of property that had been set aside for retirement
8 or for personal or family care and maintenance;

9 (6) The loss of assets which are essential to the health and
10 welfare of the elderly person or person with a disability; or

11 (7) Any other interference with the economic well-being of
12 the elderly person or person with a disability, including the
13 encumbrance of his or her primary residence or principal source of
14 income; or

15 (f) Any other factors that the court , ~~for~~ the Director or his or
16 her designee *or the Consumer's Advocate or his or her designee*
17 deems to be appropriate.

18 **Sec. 6.** NRS 598.09735 is hereby amended to read as follows:

19 598.09735 1. Except as otherwise provided in NRS
20 598.0974, in any action or proceeding brought pursuant to NRS
21 598.0903 to 598.0999, inclusive, *and section 1 of this act*, if the
22 court , ~~for~~ the Director or his or her designee *or the Consumer's*
23 *Advocate or his or her designee* finds that a person has engaged in a
24 deceptive trade practice directed toward a minor person, the court ,
25 ~~for~~ the Director or his or her designee *or the Consumer's Advocate*
26 *or his or her designee* may, in addition to any other civil or criminal
27 penalty, impose a civil penalty of not more than \$25,000 for each
28 violation.

29 2. In determining whether to impose a civil penalty pursuant to
30 subsection 1, the court , ~~for~~ the Director or his or her designee *or*
31 *the Consumer's Advocate or his or her designee* shall consider
32 whether:

33 (a) The conduct of the person was in disregard of the rights of
34 the minor person;

35 (b) The person knew or should have known that his or her
36 conduct was directed toward a minor person;

37 (c) The minor person was more vulnerable to the conduct of the
38 person because of the age of the minor person;

39 (d) The conduct of the person caused the minor person to suffer
40 actual and substantial physical, emotional or economic damage;

41 (e) The conduct of the person caused the minor person to suffer:

42 (1) Mental or emotional anguish;

43 (2) The loss of money or financial support received from any
44 source;



1 (3) The loss of property that had been set aside for education
2 or for personal or family care and maintenance;

3 (4) The loss of assets which are essential to the health and
4 welfare of the minor person; or

5 (5) Any other interference with the economic well-being of
6 the minor person; or

7 (f) Any other factors that the court , ~~for~~ the Director or his or
8 her designee *or the Consumer's Advocate or his or her designee*
9 deems to be appropriate.

10 3. As used in this section, "minor person" means a person who
11 is 17 years of age or younger.

12 **Sec. 7.** NRS 598.0979 is hereby amended to read as follows:

13 598.0979 1. Notwithstanding the requirement of knowledge
14 as an element of a deceptive trade practice, when the Commissioner
15 or Director has cause to believe that a person has engaged or is
16 engaging in any deceptive trade practice, knowingly or otherwise,
17 he or she may request in writing that the Attorney General represent
18 him or her in instituting an appropriate legal proceeding, including,
19 without limitation, an application for an injunction or temporary
20 restraining order prohibiting the person from continuing the
21 practices. The court may make orders or judgments necessary to
22 prevent the use by the person of any such deceptive trade practice or
23 to restore to any other person any money or property which may
24 have been acquired by the deceptive trade practice.

25 2. Where the Commissioner or Director has the authority to
26 institute a civil action or other proceeding, in lieu thereof or as a part
27 thereof, he or she may accept an assurance of discontinuance of any
28 deceptive trade practice. This assurance may include a stipulation
29 for the payment by the alleged violator of:

30 (a) The costs of investigation and the costs of instituting the
31 action or proceeding, including attorney's fees for the services of the
32 Attorney General;

33 (b) Any amount of money which he or she may be required to
34 pay pursuant to the provisions of NRS 598.0971 in lieu of any
35 administrative fine; and

36 (c) The restitution of any money or property acquired by any
37 deceptive trade practice.

38 3. Any assurance of discontinuance accepted by the
39 Commissioner or Director pursuant to subsection 2 must be filed
40 with the court in the same manner as required by the Attorney
41 General pursuant to NRS 598.0995 and, upon acceptance by the
42 court, becomes an order of the court. An assurance of
43 discontinuance made pursuant to subsection 2 is not an admission of
44 guilt or liability for any purpose . ~~It except that any failure to~~



~~comply with the provisions of the assurance is enforceable in the same manner as provided in subsection 7 of NRS 598.0971.]~~

Sec. 8. NRS 598.0999 is hereby amended to read as follows:

598.0999 1. Except as otherwise provided in NRS 598.0974, a person who violates a court order or injunction issued pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, *and section 1 of this act*, upon a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General shall forfeit and pay to the State General Fund a civil penalty of not more than \$10,000 for each violation. For the purpose of this section, the court issuing the order or injunction retains jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive **H**, *and section 1 of this act*.

2. Except as otherwise provided in NRS 598.0974, in any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, *and section 1 of this act*, if the court finds that a person has willfully engaged in a deceptive trade practice, the Commissioner, the Director, the district attorney of any county in this State or the Attorney General bringing the action may recover a civil penalty not to exceed \$15,000 for each violation. The court in any such action may, in addition to any other relief or reimbursement, award reasonable attorney's fees and costs.

3. A natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice:

(a) For an offense involving a loss of property or services valued at \$1,200 or more but less than \$5,000, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) For an offense involving a loss of property or services valued at \$5,000 or more but less than \$25,000, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(c) For an offense involving a loss of property or services valued at \$25,000 or more but less than \$100,000, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than \$10,000.

(d) For an offense involving a loss of property or services valued at \$100,000 or more, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and by a fine of not more than \$15,000.



1 (e) For any offense other than an offense described in
2 paragraphs (a) to (d), inclusive, is guilty of a misdemeanor.

3 ➤ The court may require the natural person, firm, or officer or
4 managing agent of the corporation or association to pay to the
5 aggrieved party damages on all ~~profits~~ *gross revenues* derived
6 from the knowing and willful engagement in a deceptive trade
7 practice and treble damages on all damages suffered by reason of
8 the deceptive trade practice.

9 4. If a person violates any provision of NRS 598.0903 to
10 598.0999, inclusive, *and section 1 of this act, NRS* 598.100 to
11 598.2801, inclusive, 598.405 to 598.525, inclusive, 598.741
12 to 598.787, inclusive, 598.840 to 598.966, inclusive, or 598.9701 to
13 598.9718, inclusive, fails to comply with a judgment or order of any
14 court in this State concerning a violation of such a provision, or fails
15 to comply with an assurance of discontinuance or other agreement
16 concerning an alleged violation of such a provision, the
17 Commissioner or the district attorney of any county may bring an
18 action in the name of the State of Nevada seeking:

19 (a) The suspension of the person's privilege to conduct business
20 within this State; or

21 (b) If the defendant is a corporation, dissolution of the
22 corporation.

23 ➤ The court may grant or deny the relief sought or may order other
24 appropriate relief.

25 5. If a person violates any provision of NRS 228.500 to
26 228.640, inclusive, fails to comply with a judgment or order of any
27 court in this State concerning a violation of such a provision, or fails
28 to comply with an assurance of discontinuance or other agreement
29 concerning an alleged violation of such a provision, the Attorney
30 General may bring an action in the name of the State of Nevada
31 seeking:

32 (a) The suspension of the person's privilege to conduct business
33 within this State; or

34 (b) If the defendant is a corporation, dissolution of the
35 corporation.

36 ➤ The court may grant or deny the relief sought or may order other
37 appropriate relief.

38 6. In an action brought by the Commissioner or the Attorney
39 General pursuant to subsection 4 or 5, process may be served by an
40 employee of the Consumer Affairs Unit of the Department of
41 Business and Industry or an employee of the Attorney General.

42 7. As used in this section:

43 (a) *"Gross revenues" mean the total revenues derived from the*
44 *knowing and willful engagement in a deceptive trade practice*
45 *without deducting any expenses or losses.*



1 (b) "Property" has the meaning ascribed to it in NRS 193.0225.
2 ~~[(b)]~~ (c) "Services" has the meaning ascribed to it in
3 NRS 205.0829.

4 ~~[(e)]~~ (d) "Value" means the fair market value of the property or
5 services at the time the deceptive trade practice occurred. The value
6 of a written instrument which does not have a readily ascertainable
7 market value is the greater of the face amount of the instrument less
8 the portion satisfied or the amount of economic loss to the owner of
9 the instrument resulting from the deprivation of the instrument. The
10 trier of fact shall determine the value of all other property whose
11 value is not readily ascertainable, and may, in making that
12 determination, consider all relevant evidence, including evidence of
13 the value of the property to its owner.

14 **Sec. 9.** NRS 598A.220 is hereby amended to read as follows:

15 598A.220 1. ~~[(A)]~~ *Except as otherwise provided in NRS*
16 *11.245, an* action brought under NRS ~~[(598A.170 or)]~~ 598A.200 is
17 barred if it is not commenced within 4 years after the cause of action
18 accrues, or if the cause of action is based upon a conspiracy in
19 violation of this chapter, within 4 years after the plaintiff
20 discovered, or by the exercise of reasonable diligence, should have
21 discovered the facts relied upon for proof of the conspiracy.

22 2. An action brought under NRS ~~[(598A.160 or)]~~ 598A.210 is
23 barred if it is not commenced:

24 (a) Within 4 years after the cause of action accrues, or if the
25 cause of action is based upon a conspiracy in violation of this
26 chapter, within 4 years after the plaintiff discovered, or by the
27 exercise of reasonable diligence, should have discovered the facts
28 relied upon for proof of the conspiracy; or

29 (b) Within 1 year after the conclusion of any action or
30 proceeding brought under NRS 598A.170 or 598A.200 commenced
31 within or before the running of the 4-year period as provided in
32 paragraph (a) and which is based in whole or in part on any matter
33 complained of in the action for damages.

34 3. For the purpose of this section, a cause of action for a
35 continuing violation arises at any time during the period of such
36 violation.

37 **Sec. 10.** NRS 11.245 is hereby amended to read as follows:

38 11.245 There is no limitation on the time in which an action
39 brought by the Attorney General against a person alleged to have
40 committed ~~[(a)]~~:

41 1. A deceptive trade practice in violation of NRS 598.0903 to
42 598.0999, inclusive, *and section 1 of this act*, other than a deceptive
43 trade practice of the type described in NRS 598.09235, may be
44 commenced.



1 **2. An unfair trade practice in violation of chapter 598A of**
2 **NRS may be commenced.**

3 **Sec. 11.** NRS 228.334 is hereby amended to read as follows:

4 228.334 1. After any reversion of money from the Consumer
5 Protection Administrative Account to the Consumer Protection
6 Legal Account in accordance with subsection 3 of NRS 228.332, the
7 Attorney General shall allocate the money in the Consumer
8 Protection Legal Account as follows:

9 (a) Fifty percent to the Office of the Attorney General or the
10 Consumer's Advocate, to be used for consumer protection and
11 efforts to prevent fraud, including, without limitation, education,
12 investigation, enforcement and litigation. ~~Beginning on July 1,~~
13 ~~2023, the~~ **The** Office of the Attorney General or the Consumer's
14 Advocate, as applicable ~~;~~

15 ~~— (1) May~~ **, may** use money allocated pursuant to this
16 paragraph to pay for ~~necessary~~ **:**

17 **(1) Necessary** staff **employed** pursuant to NRS 228.330 **for**
18 **the Consumer's Advocate** to carry out such consumer protection
19 and efforts to prevent fraud; ~~and~~

20 **(2) If the amount of money in the Account that is allocated**
21 ~~pursuant to this paragraph exceeds the amount required to pay for~~
22 ~~120 days of operating costs for necessary~~ **Necessary** staff **for the**
23 **Office of the Attorney General** to carry out such consumer
24 protection and efforts to prevent fraud ~~, may use any such excess~~
25 ~~amount of money for additional purposes~~ **; and**

26 **(3) Any other additional purpose** relating to consumer
27 protection and efforts to prevent fraud.

28 (b) Fifty percent to the following legal aid organizations, or their
29 successors, in the following percentages:

30 (1) Seventy percent to the organization operating the
31 program for legal services in a county whose population is 700,000
32 or more that receives the fees charged pursuant to NRS 19.031 for
33 programs for the indigent, to be used to provide legal services in a
34 county whose population is 700,000 or more;

35 (2) Nineteen percent to the organization operating the
36 program for legal services in counties whose population is less than
37 100,000 that receive the fees charged pursuant to NRS 19.031 for
38 programs for the indigent, to be used to provide legal services in
39 those counties; and

40 (3) Eleven percent to the organization operating the program
41 for legal services in a county whose population is 100,000 or more
42 but less than 700,000 that receives the fees charged pursuant to NRS
43 19.031 for programs for the indigent, to be used to provide legal
44 services in a county whose population is 100,000 or more but less
45 than 700,000.



1 2. Each legal aid organization listed in paragraph (b) of
2 subsection 1 shall:

3 (a) Use the money received from the Account for consumer
4 protection and efforts to prevent fraud, including, without limitation,
5 education and litigation; and

6 (b) On or before January 1 and July 1 of each year, submit a
7 report to the Office of the Attorney General that includes a detailed
8 summary of all activities undertaken by the legal aid organization
9 during the previous 6-month period with the money received from
10 the Account, including, without limitation:

11 (1) Activities relating to consumer protection and the
12 prevention of fraud;

13 (2) Litigation;

14 (3) Educational activities;

15 (4) Statistical information on the number of persons served;
16 and

17 (5) An accounting of the use of the money, including,
18 without limitation, the specific amount of money used for salaries,
19 costs and expenses.

20 3. On or before July 1 of each year, each legal aid organization
21 listed in paragraph (b) of subsection 1 shall submit to the Office of
22 the Attorney General an audited statement regarding the use of
23 money received from the Account during the previous calendar
24 year.

25 4. The Office of the Attorney General is entitled to audit,
26 examine or inspect the books and records of each legal aid
27 organization listed in paragraph (b) of subsection 1 at any time
28 regarding the use of money received from the Account.

29 **Sec. 12.** NRS 228.380 is hereby amended to read as follows:

30 228.380 1. Except as otherwise provided in this section, the
31 Consumer's Advocate may exercise the power of the Attorney
32 General in areas of consumer protection, including, but not limited to,
33 enforcement of chapters 90, 597, 598, 598A, 598B, 598C, 599B
34 and 711 of NRS.

35 2. The Consumer's Advocate may not exercise any powers to
36 enforce any criminal statute set forth in:

37 (a) Chapter 90, 597, 598, 598A, 598B, 598C or 599B of NRS
38 for any transaction or activity that involves a proceeding before the
39 Public Utilities Commission of Nevada if the Consumer's Advocate
40 is participating in that proceeding as a real party in interest on behalf
41 of the customers or a class of customers of utilities; or

42 (b) Chapter 711 of NRS.

43 3. The Consumer's Advocate may have access to all records in
44 the possession of any agency, board or commission of this State that
45 he or she determines are necessary for the exercise of the powers set



1 forth in subsection 1. *The Consumer's Advocate does not have*
2 *custody or control of any record until the Consumer's Advocate*
3 *receives the record from the agency, board or commission of this*
4 *State.*

5 4. The Consumer's Advocate may expend revenues derived
6 from NRS 704.033 only for activities directly related to the
7 protection of customers of public utilities.

8 5. The powers of the Consumer's Advocate do not extend to
9 proceedings before the Public Utilities Commission of Nevada
10 directly relating to discretionary or competitive telecommunication
11 services.

12 **Sec. 13.** This act becomes effective on July 1, 2025.



SENATE BILL NO. 50—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 19, 2024

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to the additional penalty for certain crimes committed against an older person or a vulnerable person. (BDR 15-506)

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.

~

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

AN ACT relating to crimes; revising provisions relating to the additional penalty for certain crimes committed against an older person or a vulnerable person; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law imposes an additional penalty upon a person who commits certain
2 crimes against a person 60 years of age or older or a vulnerable person, which must
3 run consecutively with the sentence prescribed by statute for the crime. (NRS
4 193.167) Existing law also provides that if a person commits certain property
5 crimes against a person 60 years of age or older or a vulnerable person for which
6 the person is subject to the additional penalty: (1) the court is prohibited from
7 granting probation to the person until the person has paid to the victim of the crime
8 at least 80 percent of the amount of restitution set by the court; (2) the State Board
9 of Parole Commissioners is prohibited from releasing the person on parole until the
10 person has paid to the victim of the crime at least 80 percent of the amount of
11 restitution set by the court; and (3) the person is liable for a civil penalty to be
12 recovered by the Attorney General in a civil action brought in the name of the State
13 of Nevada. (NRS 176A.120, 213.1216, 228.280)

14 **Section 1** of this bill adds the crime of theft to the list of crimes for which the
15 additional penalty must be imposed. **Section 2** of this bill adds the crime of theft to
16 the list of crimes for which a person who is subject to the additional penalty is
17 liable for a civil penalty.



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

1 **Section 1.** NRS 193.167 is hereby amended to read as follows:

2 193.167 1. Except as otherwise provided in NRS 193.169,
3 any person who commits the crime of:

4 (a) Murder;

5 (b) Attempted murder;

6 (c) Assault;

7 (d) Battery;

8 (e) Kidnapping;

9 (f) Robbery;

10 (g) Sexual assault;

11 (h) Embezzlement of, or attempting or conspiring to embezzle,
12 money or property of a value of \$650 or more;

13 (i) Obtaining, or attempting or conspiring to obtain, money or
14 property of a value of \$650 or more by false pretenses; or

15 (j) Taking money or property from the person of another,

16 ↪ against any person who is 60 years of age or older or against a
17 vulnerable person shall, in addition to the term of imprisonment
18 prescribed by statute for the crime, be punished, if the crime is a
19 misdemeanor or gross misdemeanor, by imprisonment in the county
20 jail for a term equal to the term of imprisonment prescribed by
21 statute for the crime, and, if the crime is a felony, by imprisonment
22 in the state prison for a minimum term of not less than 1 year and a
23 maximum term of not more than 20 years.

24 2. Except as otherwise provided in NRS 193.169, any person
25 who commits a criminal violation of the provisions of chapter 90 or
26 91 of NRS *or NRS 205.0832* against any person who is 60 years of
27 age or older or against a vulnerable person shall, in addition to the
28 term of imprisonment prescribed by statute for the criminal
29 violation, be punished, if the criminal violation is a misdemeanor or
30 gross misdemeanor, by imprisonment in the county jail for a term
31 equal to the term of imprisonment prescribed by statute for the
32 criminal violation, and, if the criminal violation is a felony, by
33 imprisonment in the state prison for a minimum term of not less
34 than 1 year and a maximum term of not more than 20 years.

35 3. In determining the length of the additional penalty imposed
36 pursuant to this section, the court shall consider the following
37 information:

38 (a) The facts and circumstances of the crime or criminal
39 violation;

40 (b) The criminal history of the person;

41 (c) The impact of the crime or criminal violation on any victim;

42 (d) Any mitigating factors presented by the person; and



1 (e) Any other relevant information.

2 ➔ The court shall state on the record that it has considered the
3 information described in paragraphs (a) to (e), inclusive, in
4 determining the length of the additional penalty imposed.

5 4. The sentence prescribed by this section:

6 (a) Must not exceed the sentence imposed for the crime or
7 criminal violation; and

8 (b) Must run consecutively with the sentence prescribed by
9 statute for the crime or criminal violation.

10 5. This section does not create any separate offense but
11 provides an additional penalty for the primary offense, whose
12 imposition is contingent upon the finding of the prescribed fact.

13 6. As used in this section, "vulnerable person" has the meaning
14 ascribed to it in NRS 200.5092.

15 **Sec. 2.** NRS 228.280 is hereby amended to read as follows:

16 228.280 1. In addition to any criminal penalty, a person who
17 is convicted of a crime against an older person or vulnerable person
18 for which an additional term of imprisonment may be imposed
19 pursuant to paragraph (h), (i) or (j) of subsection 1 of NRS 193.167 ,
20 *a violation of NRS 205.0832 against an older person or vulnerable*
21 *person for which an additional term of imprisonment may be*
22 *imposed pursuant to subsection 2 of NRS 193.167* or of the abuse,
23 neglect, exploitation, isolation or abandonment of an older person or
24 vulnerable person pursuant to NRS 200.5099 or 200.50995 is liable
25 for a civil penalty to be recovered by the Attorney General in a civil
26 action brought in the name of the State of Nevada:

27 (a) For the first offense, in an amount which is not less than
28 \$5,000 and not more than \$20,000.

29 (b) For a second or subsequent offense, in an amount which is
30 not less than \$10,000 and not more than \$30,000.

31 2. The Attorney General shall deposit any money collected for
32 civil penalties pursuant to subsection 1 in equal amounts to:

33 (a) A separate account in the Fund for the Compensation of
34 Victims of Crime created pursuant to NRS 217.260 to provide
35 compensation to older persons or vulnerable persons who are:

36 (1) Victims of a crime for which an additional term of
37 imprisonment may be imposed pursuant to paragraph (h), (i) or (j)
38 of subsection 1 *of NRS 193.167 or a violation of NRS 205.0832 for*
39 *which an additional term of imprisonment may be imposed*
40 *pursuant to subsection 2* of NRS 193.167; or

41 (2) Abused, neglected, exploited, isolated or abandoned in
42 violation of NRS 200.5099 and 200.50995.



1 (b) The Account for the Unit for the Investigation and
2 Prosecution of Crimes Against Older Persons or Vulnerable Persons
3 created pursuant to NRS 228.285.

⑩



SENATE BILL NO. 62—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 20, 2024

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to crimes. (BDR 15-507)

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: Contains Appropriation not included in Executive Budget.

~

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

AN ACT relating to crimes; providing that a person who commits certain acts because of certain actual or perceived characteristics of a person is guilty of a bias crime; creating a cause of action for a person who has suffered injury as a result of a bias crime; requiring the Central Repository for Nevada Records of Criminal History to make certain data relating to bias crimes available to the public; creating the Account for Survivors of Crime and prescribing the use of money in the Account; making an appropriation to the Account; eliminating certain duplicative definitions; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Section 1 of this bill provides that a person is guilty of a bias crime if the person, because of the actual or perceived race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression of a person or group of persons, intentionally: (1) tampers or interferes with the property of a person with the intent to substantially annoy or inconvenience the person; (2) subjects a person to offensive physical contact; or (3) subjects a person to alarm by making certain threats. Section 1 makes a bias crime punishable as a misdemeanor.

Existing law authorizes a person who has suffered injury as the proximate result of the commission of certain crimes by a perpetrator who was motivated by certain characteristics of the injured person to bring a civil action to recover his or



12 her actual damages and punitive damages. (NRS 41.690) **Section 2** of this bill
13 additionally authorizes a person who has suffered injury as the proximate result of a
14 violation of **section 1** to bring a civil action to recover his or her actual damages
15 and punitive damages.

16 Existing law requires the Central Repository for Nevada Records of Criminal
17 History to make available to the public data regarding the prosecution of certain
18 crimes that manifest evidence of prejudice. (NRS 179A.175) **Section 3** of this bill
19 additionally requires the Central Repository to make data regarding any prosecution
20 of a violation of **section 1** available to the public.

21 **Section 4** of this bill creates the Account for Survivors of Crime in the State
22 General Fund to be administered by the Attorney General. **Section 4** requires
23 money in the Account to be used to provide support and resources to survivors of:
24 (1) hate crimes for which certain additional or enhanced penalties are imposed; (2)
25 bias crimes pursuant to **section 1**; and (3) any other crime prosecuted by the Office
26 of the Attorney General. **Section 5** of this bill makes an appropriation to the
27 Account created by **section 4** for the purposes described in **section 4**.

28 Existing law defines the term "gender identity or expression" and makes that
29 definition applicable to the Nevada Revised Statutes as a whole. (NRS 0.034)
30 **Section 6** of this bill repeals a duplicative definition of the term "gender identity or
31 expression." (NRS 193.0148) **Sections 2 and 3** make conforming changes to
32 eliminate references to the definition repealed by **section 6**.

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

1 **Section 1.** Chapter 200 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. A person commits a bias crime if the person, because of the*
4 *actual or perceived race, color, religion, national origin, physical*
5 *or mental disability, sexual orientation or gender identity or*
6 *expression of a person or group of persons, intentionally:*

7 *(a) Tamperes or interferes with the property of a person with*
8 *the intent to substantially annoy or inconvenience the person;*

9 *(b) Subjects a person to offensive physical contact; or*

10 *(c) Subjects a person to alarm by threatening to:*

11 *(1) Inflict a bodily injury on the person or a member of the*
12 *family of the person;*

13 *(2) Commit a felony that affects the person or a member of*
14 *the family of the person; or*

15 *(3) Cause substantial damage to the property of the person*
16 *or the property of a member of the family of the person.*

17 *2. A person who violates subsection 1 is guilty of a*
18 *misdemeanor.*

19 *3. As used in this section, "property" has the meaning*
20 *ascribed to it in NRS 193.0225.*

21 **Sec. 2.** NRS 41.690 is hereby amended to read as follows:

22 41.690 1. A person who has suffered injury as the proximate
23 result of the willful violation of the provisions of NRS 200.030,



1 200.050, 200.280, 200.310, 200.366, 200.380, 200.400, 200.460,
2 200.463, 200.4631, 200.464, 200.465, 200.467, 200.468, 200.471,
3 200.481, 200.508, 200.5099, 200.571, 200.575, 202.448, 203.010,
4 203.020, 203.030, 203.060, 203.080, 203.090, 203.100, 203.110,
5 203.119, 205.010 to 205.025, inclusive, 205.060, 205.067, 205.075,
6 205.0832, 205.220, 205.226, 205.228, 205.240, 205.270, 205.2715,
7 205.274, 205.2741, 206.010, 206.040, 206.125, 206.140, 206.150,
8 206.200, 206.310, 206.330, 207.180, 207.190, 207.200, 207.210 or
9 392.915 *or section 1 of this act* by a perpetrator who was motivated
10 by the injured person's actual or perceived race, color, religion,
11 national origin, physical or mental disability, sexual orientation or
12 gender identity or expression may bring an action for the recovery
13 of his or her actual damages and any punitive damages which the
14 facts may warrant. If the person who has suffered injury prevails in
15 an action brought pursuant to this subsection, the court shall award
16 the person costs and reasonable attorney's fees.

17 2. The liability imposed by this section is in addition to any
18 other liability imposed by law.

19 ~~13.—As used in this section, “gender identity or expression” has~~
20 ~~the meaning ascribed to it in NRS 193.0148.†~~

21 **Sec. 3.** NRS 179A.175 is hereby amended to read as follows:

22 179A.175 1. The Director of the Department shall establish
23 within the Central Repository a program for reporting crimes that
24 manifest evidence of prejudice based on race, color, religion,
25 national origin, physical or mental disability, sexual orientation or
26 gender identity or expression.

27 2. The program must be designed to collect, compile and
28 analyze statistical data about crimes that manifest evidence of
29 prejudice based on race, color, religion, national origin, physical or
30 mental disability, sexual orientation or gender identity or
31 expression. The Director shall adopt guidelines for the collection of
32 the statistical data, including, but not limited to, the criteria to
33 establish the presence of prejudice and the manner in which the data
34 must be reported to the Central Repository.

35 3. The Central Repository shall include in any appropriate
36 report an independent section relating solely to the analysis of
37 crimes that manifest evidence of prejudice based on race, color,
38 religion, national origin, physical or mental disability, sexual
39 orientation or gender identity or expression.

40 4. Data acquired pursuant to this section must be used only for
41 research or statistical purposes and must not contain any information
42 that may reveal the identity of an individual victim of a crime.

43 5. The Central Repository shall make all data acquired
44 pursuant to this section and data regarding any prosecution of a



1 violation of NRS 207.185 *or section 1 of this act* and any sentence
2 imposed pursuant to NRS 193.1675 available to the public.

3 6. The Central Repository shall ensure that the data acquired
4 pursuant to this section is provided to the Federal Bureau of
5 Investigation for inclusion in the annual Hate Crime Statistics report
6 of the Uniform Crime Reporting Program.

7 ~~7. As used in this section, "gender identity or expression" has~~
8 ~~the meaning ascribed to it in NRS 193.0148.~~

9 **Sec. 4.** Chapter 228 of NRS is hereby amended by adding
10 thereto a new section to read as follows:

11 *1. The Account for Survivors of Crime is hereby created in*
12 *the State General Fund. The Attorney General shall administer*
13 *the Account.*

14 *2. The money in the Account must only be used to provide*
15 *support and resources to survivors of hate crimes, bias crimes and*
16 *any other crime prosecuted by the Office of the Attorney General.*

17 *3. The Attorney General may apply for and accept any*
18 *available grants, gifts, donations, bequests, devises or*
19 *appropriations from any public or private source to carry out the*
20 *purposes of this section. Any money received pursuant to this*
21 *section must be deposited with the State Treasurer for credit to the*
22 *Account.*

23 *4. All interest earned on the money in the Account, after*
24 *deducting any applicable charges, must be credited to the Account.*

25 *5. Money in the Account must remain in the Account and*
26 *does not revert to the State General Fund at the end of any fiscal*
27 *year.*

28 *6. All claims against the Account must be paid as other*
29 *claims against the State are paid.*

30 *7. As used in this section:*

31 *(a) "Bias crime" means a violation of section 1 of this act.*

32 *(b) "Hate crime" means a crime for which:*

33 *(1) An additional penalty is imposed pursuant to NRS*
34 *193.1675; or*

35 *(2) An enhanced penalty is imposed pursuant to*
36 *NRS 207.185.*

37 **Sec. 5.** There is hereby appropriated from the State General
38 Fund to the Account for Survivors of Crime created by section 4 of
39 this act for the purposes described in section 4 of this act the
40 following sums:

41	For the Fiscal Year 2025-2026.....	\$50,000
42	For the Fiscal Year 2026-2027.....	\$50,000

43 **Sec. 6.** NRS 193.0148 is hereby repealed.



TEXT OF REPEALED SECTION

193.0148 “Gender identity or expression” defined.
“Gender identity or expression” means the gender-related identity, appearance, expression or behavior of a person, regardless of the person’s assigned sex at birth.

Ⓢ



SENATE BILL NO. 63—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 20, 2024

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to social media platforms. (BDR 52-505)

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 ~~for mitted material~~ is material to be omitted.

AN ACT relating to social media platforms; requiring each social media platform to establish a system to verify the age of prospective users of the platform in this State; prohibiting a social media platform from allowing certain minors in this State to use the social media platform; requiring a social media platform to obtain the affirmative consent of a parent or legal guardian before authorizing certain minors in this State to use the social media platform; requiring a social media platform to disable certain features on the account of a minor user in this State; restricting the times during which a social media platform may deliver notifications to a minor user in this State; prohibiting the use of the personal information of a minor user in this State in an algorithmic recommendation system; authorizing certain civil enforcement; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Sections 2-21 of this bill enact the Nevada Youth Online Safety Act, which
2 establishes specific provisions relating to the use of social media platforms by
3 minors who reside in this State. Sections 4-11 define certain terms, and section 3
4 establishes the applicability of those definitions to the Act. Section 12 clarifies that
5 the provisions of this bill do not apply to: (1) users of social media who reside



6 outside of this State; or (2) social media platforms that do not offer services to users
7 who are located in this State.

8 **Section 13** requires a social media platform to establish an age verification
9 system to determine whether a prospective user of the platform is a minor before
10 allowing the prospective user to create an account. If the social media platform
11 determines that a prospective user is a minor, **section 13** requires the social media
12 platform to use the age verification system to further determine whether the minor
13 is less than 13 years of age. **Section 14** prohibits a social media platform from
14 allowing a minor whom the age verification system determines to be less than 13
15 years of age from using the platform.

16 **Section 15** requires a social media platform to obtain affirmative consent from
17 the verified parent or legal guardian of a minor who is at least 13 years of age
18 before allowing the minor user to create an account or otherwise use the platform in
19 most circumstances. However, **section 16** authorizes a social media platform to
20 authorize a minor who is at least 13 years of age to create an account if the social
21 media platform verifies that the minor has been judicially emancipated. **Section 15**
22 requires a social media platform to allow a parent or legal guardian to revoke his or
23 her consent at any time. Upon such a revocation, **section 15** requires a social media
24 platform to: (1) disable the account for which consent has been revoked; and (2)
25 delete all personal information related to or created in connection with the account.
26 **Section 13** requires a social media platform to establish a process by which a
27 prospective user may appeal a determination of age made using the age verification
28 system.

29 **Section 17** requires the Department of Health and Human Services to adopt
30 regulations establishing recommended practices relating to: (1) age verification
31 systems; and (2) obtaining the consent of a parent or legal guardian for a minor to
32 use a social media platform. **Section 17** provides that a social media platform that
33 adheres to those recommendations is deemed to be in compliance with **section 13**
34 **or 15**, as applicable. **Section 22** of this bill: (1) requires a social media platform to
35 verify the age of each person who is a user of the platform on October 1, 2025; and
36 (2) establishes a process for the social media platform to come into compliance
37 with the requirements of **sections 13-16** with respect to such users.

38 **Section 18** prohibits a social media platform from using the personal
39 information of a minor user in an algorithmic recommendation system. **Section 19**
40 requires a social media platform to disable the following features on the account of
41 a minor user: (1) infinite scrolling; (2) the display of metrics, icons or emoticons
42 which indicate certain interaction with the minor's content; (3) auto-play video; and
43 (4) livestreaming. **Section 20** prohibits, with certain exceptions, a social media
44 platform from sending notifications to a minor user during certain times of the day,
45 which are typically reserved for sleep or for school. **Section 20** also requires a
46 social media platform to provide a mechanism by which a verified parent or legal
47 guardian may prevent a minor user from accessing or receiving such notifications
48 between specific hours chosen by the parent or legal guardian.

49 Existing law provides that a variety of actions constitute deceptive trade
50 practices. (NRS 100.180, 111.2397, 118A.275, 202.24935, 205.377, 226.600,
51 228.620, 370.695, 597.7642, 597.818, 597.997, 603.170, 603A.260, 603A.550,
52 604B.910, 676A.770; chapter 598 of NRS) Existing law authorizes a court or the
53 Director of the Department of Business and Industry to impose a civil penalty of
54 not more than \$25,000 for each violation upon a person who has engaged in a
55 deceptive trade practice directed toward a minor. (NRS 598.09735) In addition,
56 existing law provides that when the Commissioner of Consumer Affairs or the
57 Director has cause to believe that a person has engaged or is engaging in any
58 deceptive trade practice, the Commissioner or Director may request that the
59 Attorney General represent him or her in instituting an appropriate legal
60 proceeding, including an application for an injunction or temporary restraining



61 order. (NRS 598.0979) Existing law requires a person who violates a court order or
62 injunction resulting from a complaint brought by the Commissioner, the Director,
63 the district attorney of any county of this State or the Attorney General to pay a
64 civil penalty of not more than \$10,000 for each violation. Furthermore, if a court
65 finds that a person has willfully engaged in a deceptive trade practice, the person
66 who committed the violation: (1) may be required to pay an additional civil penalty
67 not more than \$15,000 for each violation; and (2) is guilty of a felony or
68 misdemeanor, depending on the value of the property or services lost as a result of
69 the deceptive trade practice. (NRS 598.0999) **Section 21** makes a violation of the
70 provisions of this bill a deceptive trade practice.

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

1 **Section 1.** Chapter 603 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 21, inclusive, of this
3 act.

4 **Sec. 2.** *Sections 2 to 21, inclusive, of this act may be cited as*
5 *the Nevada Youth Online Safety Act.*

6 **Sec. 3.** *As used in sections 2 to 21, inclusive, of this act,*
7 *unless the context otherwise requires, the words and terms defined*
8 *in sections 4 to 11, inclusive, of this act have the meanings*
9 *ascribed to them in those sections.*

10 **Sec. 4.** *“Consumer device” means an electronic device that is*
11 *used primarily for personal, family or household purposes and*
12 *which connects to the Internet. The term may include, without*
13 *limitation, a computer, smartphone, electronic tablet, smartwatch,*
14 *router, Internet gateway, smart television or video game console.*

15 **Sec. 5.** *“Minor” means a natural person who is less than 18*
16 *years of age.*

17 **Sec. 6.** *“Minor user” means a current or prospective user of*
18 *a social media platform whom a social media platform determines,*
19 *using the age verification system established pursuant to section*
20 *13 of this act, to be a minor.*

21 **Sec. 7.** *“Online contact information” means a unique user*
22 *identifier or username that can be used to facilitate direct contact*
23 *with a specific person online, including, without limitation:*

24 1. *An electronic mail address; or*

25 2. *A user identifier or handle associated with a social media*
26 *platform, an instant messaging platform, a voice over Internet*
27 *protocol platform or a video chatting platform.*

28 **Sec. 8.** *“Persistent identifier” means any data point that can*
29 *be used to recognize a specific user or a specific consumer device*
30 *belonging to a specific user over time and across different Internet*
31 *websites, applications and other online services. The term*
32 *includes, without limitation:*



- 1 1. *An Internet cookie which contains a customer number;*
- 2 2. *An Internet protocol address; or*
- 3 3. *The serial number or unique identifier of a consumer*
- 4 *device.*

5 **Sec. 9.** *“Personal information” means information that is*
6 *linked or can reasonably be linked to a specific user, household or*
7 *consumer device, including, without limitation:*

- 8 1. *A last name when accompanied by either a first name, set*
- 9 *of initials or a nickname;*
- 10 2. *A date of birth;*
- 11 3. *A physical address, including, without limitation, a home,*
- 12 *work or school address;*
- 13 4. *Online contact information;*
- 14 5. *A telephone number;*
- 15 6. *A government issued identification number, including,*
- 16 *without limitation, a Social Security number, passport number or*
- 17 *driver’s license number;*
- 18 7. *An image or voice contained within a photo, video or audio*
- 19 *file or in any other data;*
- 20 8. *Information concerning a geographic location that is*
- 21 *sufficient to identify both the name of a street and the locality in*
- 22 *which the street is located; or*
- 23 9. *A persistent identifier.*

24 **Sec. 10.** *“Social media platform” means an online*
25 *application, Internet website or other online service that:*

- 26 1. *Allows a person to:*
- 27 (a) *Become a registered user; and*
- 28 (b) *Establish an account, create a profile or otherwise create,*
- 29 *share and view user-generated content; and*
- 30 2. *Serves as a medium for users to:*
- 31 (a) *Interact with other users through accounts, profiles or*
- 32 *other means; or*
- 33 (b) *Interact with or otherwise view the content generated by*
- 34 *other users of the platform.*

35 **Sec. 11.** *“User” means a person who uses a social media*
36 *platform.*

37 **Sec. 12.** *The provisions of sections 2 to 21, inclusive, of this*
38 *act do not:*

- 39 1. *Require a social media platform to take any action with*
- 40 *regard to a user who does not reside in this State.*
- 41 2. *Apply to any social media platform which does not offer*
- 42 *services to users who are located within this State.*

43 **Sec. 13.** 1. *A social media platform shall establish an age*
44 *verification system to determine whether a prospective user of the*
45 *platform is a minor before allowing the prospective user to create*



1 *an account. The age verification system established pursuant to*
2 *this section must be reasonably calculated to enable the social*
3 *media platform to determine whether a user is a minor with an*
4 *accuracy rate of at least 95 percent.*

5 *2. If a social media platform determines that a prospective*
6 *user is a minor, the social media platform shall further determine,*
7 *using the age verification system established pursuant to*
8 *subsection 1, whether the prospective user is less than 13 years of*
9 *age.*

10 *3. A social media platform shall establish a process which*
11 *allows a prospective user to appeal a determination of the*
12 *prospective user's age that is made using the age verification*
13 *system established pursuant to subsection 1 by submitting*
14 *documentation to establish the actual age of the prospective user.*
15 *The social media platform shall review the documentation and*
16 *make a determination on the appeal not less than 30 days after the*
17 *prospective user submits the documentation.*

18 *4. A social media platform shall segregate from all other*
19 *information gathered by the platform any personal information*
20 *gathered specifically within the age verification system or obtained*
21 *through the appeals process established pursuant to subsection 3.*
22 *A social media platform shall not use or retain such personal*
23 *information for any purpose except those described in this section.*

24 **Sec. 14.** *A social media platform shall not authorize a*
25 *prospective user to create an account or otherwise use the social*
26 *media platform if the social media platform knows or reasonably*
27 *believes the prospective user to be less than 13 years of age based*
28 *on a determination made by the age verification system established*
29 *pursuant to section 13 of this act. The provisions of this section*
30 *apply regardless of whether the social media platform obtains the*
31 *verifiable consent of the parent or legal guardian of the*
32 *prospective user in accordance with section 15 of this act.*

33 **Sec. 15.** *1. Except as otherwise provided in section 16 of*
34 *this act, a social media platform shall require the affirmative*
35 *consent of the parent or legal guardian of a prospective minor*
36 *user who is at least 13 years of age before authorizing the*
37 *prospective minor user to create an account or otherwise use the*
38 *social media platform. In carrying out the requirements of this*
39 *subsection, a social media platform shall take reasonable steps,*
40 *beyond merely requiring attestation, to verify the parental or*
41 *guardianship relationship. Such reasonable steps may include,*
42 *without limitation, using current technologies or documentary*
43 *evidence to verify a parental or guardianship relationship.*

44 *2. Except as otherwise provided in this subsection, a social*
45 *media platform that relies in good faith on information furnished*



1 by a putative parent or legal guardian to prove a parental or
2 guardianship relationship and otherwise complies with the
3 requirements of this section must not be determined to be out of
4 compliance with this section if the putative parent or legal
5 guardian is not actually the parent or legal guardian of the minor
6 user. The provisions of this subsection do not apply if the social
7 media platform allows a minor user to maintain an account after
8 obtaining actual knowledge that the putative parent or legal
9 guardian who provided consent pursuant to subsection 1 is not
10 actually the parent or legal guardian of the minor user.

11 3. A social media platform shall provide a parent or legal
12 guardian who provides consent pursuant to subsection 1 with the
13 ability to revoke that consent at any time.

14 4. As soon as practicable after receiving a revocation of
15 consent pursuant to subsection 3, a social media platform shall:

16 (a) Suspend, delete or otherwise disable the account of the
17 minor user for whom consent was revoked; and

18 (b) Delete all personal information related to or collected in
19 connection with the account for which consent has been revoked.

20 5. Nothing in this section shall be construed to require a
21 social media platform to require a prospective user or his or her
22 parent or legal guardian to provide government-issued
23 identification to verify the parental or guardianship relationship
24 or to verify the provision of affirmative consent under this
25 subsection.

26 6. A social media platform shall not use or retain any
27 personal information collected under this section for any purpose
28 except to:

29 (a) Verify the provision of affirmative consent by a parent or
30 legal guardian;

31 (b) Verify a parental or guardianship relationship;

32 (c) Provide confirmation of the affirmative consent to the
33 parent or legal guardian of a minor user;

34 (d) Preserve the ability of a parent or legal guardian to revoke
35 such consent; or

36 (e) Prove that the platform has complied with the requirements
37 of this section.

38 **Sec. 16. 1.** A social media platform may authorize a
39 prospective minor user who is at least 13 years of age and who has
40 been judicially emancipated to create an account without the
41 consent of the parent or legal guardian of the minor. Before
42 authorizing the creation of such an account, a social media
43 platform shall take reasonable steps to verify that the prospective
44 minor user has been judicially emancipated, including, without



1 *limitation, requiring the prospective minor user to furnish*
2 *documentary evidence to establish his or her emancipation.*

3 2. *A social media platform shall not use or retain any*
4 *personal information collected pursuant to this section for any*
5 *purpose other than to:*

6 (a) *Verify the emancipation status of a minor user; or*

7 (b) *Prove that the platform has complied with the requirements*
8 *of this section.*

9 **Sec. 17. 1.** *The Department of Health and Human Services*
10 *shall adopt regulations to establish recommended:*

11 (a) *Practices that a social media platform may use to:*

12 (1) *Determine whether a user is a minor in accordance with*
13 *section 13 of this act; and*

14 (2) *Obtain the affirmative consent of a verified parent or*
15 *legal guardian in accordance with section 15 of this act.*

16 (b) *Criteria which a social media platform may use to*
17 *determine whether the age verification system established by the*
18 *social media platform is able to determine whether a prospective*
19 *user is a minor with an accuracy rate of at least 95 percent as*
20 *required by section 13 of this act.*

21 2. *A social media platform shall be deemed to be in*
22 *compliance with the requirements of section 13 of this act if the*
23 *social media platform:*

24 (a) *Establishes an age verification system for determining*
25 *whether a prospective user is a minor that complies with the*
26 *recommended practices adopted by the Department of Health and*
27 *Human Services pursuant to subparagraph (1) of paragraph (a) of*
28 *subsection 1; and*

29 (b) *Uses the criteria adopted by the Department of Health and*
30 *Human Services pursuant to paragraph (b) of subsection 1 to*
31 *ensure that the age verification system is able to identify whether a*
32 *prospective user is a minor with an accuracy rate of at least 95*
33 *percent.*

34 3. *A social media platform shall be deemed to be in*
35 *compliance with the requirements of section 15 of this act if the*
36 *social media platform complies with the recommended practices*
37 *adopted by the Department of Health and Human Services*
38 *pursuant to subparagraph (2) of paragraph (a) of subsection 1 for*
39 *obtaining the affirmative consent of a verified parent or legal*
40 *guardian in accordance with section 15 of this act.*

41 **Sec. 18. 1.** *A social media platform shall not use the*
42 *personal information of a minor user in an algorithmic*
43 *recommendation system.*

44 2. *The provisions of subsection 1 shall not be construed to*
45 *prohibit contextual information delivery.*



1 3. *As used in this section:*

2 (a) *“Algorithmic recommendation system” means a fully or*
3 *partially automated system that suggests, promotes or ranks*
4 *information for, or presents advertising to, a user.*

5 (b) *“Contextual information delivery” means the delivery of*
6 *information or advertising to a user based on inferences drawn*
7 *exclusively from the specific content of the specific page, forum or*
8 *other Internet website that a user is currently viewing at the time*
9 *during which the information or advertisement is being provided*
10 *on that page, forum or other Internet website. The term does not*
11 *include the recommendation of information or advertising in*
12 *whole or in part based on other pages, forums or other Internet*
13 *websites that have been viewed by a user.*

14 **Sec. 19.** *A social media platform shall disable the following*
15 *features on the account of a minor user and shall not cause any*
16 *content viewed by a minor user to be delivered through or*
17 *accompanied by any of the following features:*

18 1. *Infinite scrolling, including, without limitation:*

19 (a) *Content that continuously loads as the user scrolls down*
20 *the page without the need for the user to open a separate page and*
21 *which has no apparent end; or*

22 (b) *The use of pages with no visible or apparent end as the*
23 *user continues to scroll.*

24 2. *The display of interactive metrics, icons or emoticons*
25 *which indicate:*

26 (a) *That another user has clicked a button to indicate their*
27 *reaction to a user’s content; or*

28 (b) *The number of times that other users have shared, liked or*
29 *reposted the user’s content.*

30 3. *Video that begins to play without the user first clicking on*
31 *the video or on a play button for that video.*

32 4. *Functions that allow a user or advertiser to broadcast live*
33 *video content in real-time to other users of the platform.*

34 **Sec. 20.** 1. *Except as otherwise provided in this section, a*
35 *social media platform shall not send notifications to a minor user:*

36 (a) *Between the hours of 12 a.m. and 6 a.m., based on the time*
37 *zone in which the minor user is located; or*

38 (b) *Between the hours of 8 a.m. and 3 p.m., Monday through*
39 *Friday, during the months of September through May, based on*
40 *the time zone in which the minor user is located.*

41 2. *A social media platform may send notification to a minor*
42 *user during the hours set forth in subsection 1 if the social media*
43 *platform obtains the affirmative consent of the verified parent or*
44 *legal guardian of the minor user in a manner consistent with*
45 *section 15 of this act to send notifications during those hours.*



1 *Such consent must be specific to sending notifications during*
2 *those hours and is in addition to the consent required by section*
3 *15 of this act.*

4 *3. A social media platform shall provide a mechanism by*
5 *which a verified parent or legal guardian of a minor user may*
6 *prevent the minor user from accessing or receiving notifications*
7 *from the social media platform between specific hours of the day,*
8 *as chosen by the parent or legal guardian. The default setting of*
9 *that mechanism must prevent the minor user from accessing or*
10 *receiving such notifications during the hours set forth in*
11 *subsection 1.*

12 *4. This section does not apply to an account created for a*
13 *judicially emancipated minor user pursuant to section 16 of this*
14 *act.*

15 **Sec. 21.** *A violation of the provisions of this act constitutes a*
16 *deceptive trade practice for the purposes of NRS 598.0953 to*
17 *598.0999, inclusive.*

18 **Sec. 22.** 1. On October 1, 2025, a social media platform shall
19 determine the age of each user who resides in this State using the
20 age verification system established pursuant to section 13 of this act.

21 2. If a social media platform determines pursuant to subsection
22 1 that a user is less than 13 years of age, the social media platform
23 shall immediately suspend the account of the user. If the social
24 media platform determines, after the resolution of any appeal
25 submitted pursuant to section 13 of this act, that the user is:

26 (a) Less than 13 years of age, or if no appeal is submitted
27 pursuant to section 13 of this act before November 1, 2025, the
28 social media platform shall delete the account of the user and all
29 personal information related to or collected in connection with the
30 account.

31 (b) At least 13 years of age but less than 18 years of age,
32 the social media platform shall proceed in accordance with
33 subsection 3.

34 (c) At least 18 years of age, the social media platform may
35 restore the account of the user.

36 3. If a social media platform determines pursuant to subsection
37 1 that a user is at least 13 years of age but less than 18 years of age,
38 the social media platform shall immediately suspend the account of
39 the user until the social media platform:

40 (a) Obtains the affirmative consent of the parent or legal
41 guardian of the user pursuant to section 15 of this act for the user to
42 maintain the account;

43 (b) Determines that the user has been judicially emancipated in
44 accordance with section 16 of this act; or



1 (c) Determines that the user is at least 18 years of age after an
2 appeal is submitted pursuant to section 13 of this act.

3 4. If the social media platform determines, after the resolution
4 of any appeal submitted pursuant to paragraph (c) of subsection 3,
5 that the user of an account that has been suspended pursuant to
6 subsection 3 is less than 18 years of age or if no appeal is submitted
7 by the user of such an account before November 1, 2025, and the
8 account remains suspended on that date, the social media platform
9 shall delete the account and all personal information related to or
10 collected in connection with the account.

11 5. As used in this section:

12 (a) "Personal information" has the meaning ascribed to it in
13 section 9 of this act.

14 (b) "Social media platform" has the meaning ascribed to it in
15 section 10 of this act.

16 (c) "User" has the meaning ascribed to it in section 11 of this
17 act.

18 **Sec. 23.** 1. This section becomes effective upon passage and
19 approval.

20 2. Sections 1 to 22, inclusive, of this act become effective:

21 (a) Upon passage and approval for the purpose of adopting any
22 regulations and performing any other preparatory administrative
23 tasks that are necessary to carry out the provisions of this act; and

24 (b) On October 1, 2025, for all other purposes.



SENATE BILL NO. 66—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 20, 2024

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing certain postconviction petitions for a writ of habeas corpus. (BDR 3-441)

FISCAL NOTE: Effect on Local Government: No.
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 writs of habeas corpus; revising provisions governing the county in which an offender must file a postconviction petition for a writ of habeas corpus challenging the computation of time the offender has served; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law: (1) authorizes an offender who is convicted of a crime and under
2 a sentence of death or imprisonment to file a postconviction petition for a writ of
3 habeas corpus; and (2) prescribes requirements governing the county in which any
4 such petition must be filed. (NRS 34.724, 34.738) Under existing law, a
5 postconviction petition for a writ of habeas corpus challenging the computation of
6 time an offender has served must be filed with the clerk of the district court for the
7 county in which the conviction occurred, unless the petitioner is incarcerated
8 outside this State. If the petitioner is incarcerated outside this State, existing law
9 requires the petitioner to file the petition with the clerk of the First Judicial District
10 Court in Carson City. (NRS 34.738) **Section 1** of this bill revises these
11 requirements by requiring a petitioner to file a postconviction petition for a writ of
12 habeas corpus challenging the computation of time served by the petitioner with the
13 clerk of: (1) the district court for the county in which the petitioner is incarcerated,
14 if, at the time the petition is filed, the petitioner is incarcerated in this State; (2)
15 the district court for the county in which the petitioner resides, if, at the time the
16 petition is filed, the petitioner has been released from the custody of the
17 Department of Corrections and resides in this State; or (3) the First Judicial District
18 Court in Carson City, if, at the time the petition is filed, the petitioner is
19 incarcerated outside this State or has been released from the custody of the
20 Department and resides outside this State. **Section 2** of this bill makes the



21 amendatory provisions of **section 1** applicable to a postconviction petition for a
22 writ of habeas corpus filed on or after the effective date of this bill.

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

1 **Section 1.** NRS 34.738 is hereby amended to read as follows:

2 34.738 1. A petition that challenges the validity of a
3 judgment of conviction or sentence must be filed with the clerk of
4 the district court for the county in which the conviction occurred.
5 Any other petition must be filed with the clerk of:

6 (a) The district court for the county in which the petitioner is
7 incarcerated ~~+~~ ~~+~~, *if, at the time the petition is filed, the petitioner*
8 *is incarcerated in this State;*

9 (b) *The district court for the county in which the petitioner*
10 *resides, if, at the time the petition is filed, the petitioner has been*
11 *released from the custody of the Department of Corrections and*
12 *resides in this State; or*

13 (c) The First Judicial District Court in and for Carson City, if ,
14 *at the time the petition is filed, the petitioner* ~~is~~ :

15 (1) *Is* incarcerated outside this State while serving a term of
16 imprisonment imposed by a court of this State ~~+~~ ; *or*

17 (2) *Has been released from the custody of the Department*
18 *of Corrections and resides outside this State.*

19 2. A petition that is not filed in the district court for the
20 appropriate county:

21 (a) Shall be deemed to be filed on the date it is received by the
22 clerk of the district court in which the petition is initially lodged;
23 and

24 (b) Must be transferred by the clerk of that court to the clerk of
25 the district court for the appropriate county.

26 3. A petition must not challenge both the validity of a judgment
27 of conviction or sentence and the computation of time that the
28 petitioner has served pursuant to a judgment of conviction. If a
29 petition improperly challenges both the validity of a judgment of
30 conviction or sentence and the computation of time that the
31 petitioner has served pursuant to a judgment of conviction, the
32 district court for the appropriate county shall resolve that portion of
33 the petition that challenges the validity of the judgment of
34 conviction or sentence and dismiss the remainder of the petition
35 without prejudice.

36 **Sec. 2.** The amendatory provisions of this act do not apply to a
37 postconviction petition for a writ of habeas corpus filed pursuant to
38 NRS 34.724 before the effective date of this act.



1 **Sec. 3.** This act becomes effective upon passage and approval.

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SENATE BILL NO. 67—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 20, 2024

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to certain actions and proceedings. (BDR 3-447)

FISCAL NOTE: Effect on Local Government: No.
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 civil actions; revising provisions governing the legal representation of certain persons by the Attorney General or the chief legal officer or authorized legal representative of a political subdivision; revising requirements relating to a special verdict form in certain actions; revising provisions governing indemnification of certain persons in certain civil actions; revising provisions governing civil liability of public employers for certain conduct of employees; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires the Attorney General or the chief legal officer or other
2 authorized representative of a political subdivision of this State to provide legal
3 representation for the defense of officers or employees of the State or a political
4 subdivision of the State who are named as defendants in a civil action and certain
5 other persons. Under existing law, a person who wishes to receive such services
6 must submit a written request for defense within 15 days after service of a copy of
7 the summons and complaint or other legal document commencing the action. (NRS
8 41.0339) **Section 1** of this bill instead requires the submission of a written request
9 for defense within 15 days after the date on which: (1) the person receives service
10 of a copy of the summons and complaint or other legal document commencing the
11 action or waives such service; or (2) a court of competent jurisdiction enters an
12 order finding that the person was served by an alternative service method.

13 Existing law: (1) authorizes a person who submits a written request for defense
14 to employ his or her own counsel at any time after the request is submitted; and (2)
15 relieves the State or political subdivision of the State of any further duty to
16 represent the person at the time at which the person employs his or her own



17 counsel. (NRS 41.03455) **Section 2** of this bill eliminates language authorizing a
18 person to employ his or her own legal counsel at any time after the submission of a
19 written request for defense. **Section 2** thereby: (1) authorizes a person who has not
20 submitted a written request for defense to employ his or her own counsel; and (2)
21 relieves the State or political subdivision of the State of any duty to represent a
22 person who employs his or her own counsel at the time at which the person retains
23 such counsel, regardless of whether the person has submitted a written request for
24 defense on or before that date.

25 In certain cases in which the State or a political subdivision of the State are
26 named defendants, existing law requires a court or jury of this State to return a
27 special verdict in the form of certain specific written findings. (NRS 41.0348)
28 **Section 3** of this bill revises the required written findings. **Section 3** also removes
29 specific language referring to a court or jury of this State, which could make the
30 special verdict requirement applicable to a case in another jurisdiction if Nevada
31 law is applied in such a case.

32 Existing law requires the State or a political subdivision of the State to
33 indemnify certain officers or employees of the State or a political subdivision of the
34 State for damages caused by any act or omission relating to the public duty or
35 employment of the person, unless an exception applies. (NRS 41.0349) **Section 4**
36 of this bill revises the circumstances under which the State or a political subdivision
37 of the State is exempt from the requirement to indemnify a person. **Section 4** also
38 authorizes the State or a political subdivision of the State to indemnify a person
39 against liability for exemplary or punitive damages under certain circumstances.

40 Existing law generally protects a public employer from liability for harm or
41 injury caused by the conduct of a person that was outside the course and scope of
42 the public duties or employment of the person and was not reasonably foreseeable.
43 (NRS 41.03475, 41.745) **Section 5** of this bill additionally protects a public
44 employer from liability for a deprivation of constitutional rights caused by the
45 conduct of an employee or officer of the public employer unless: (1) the public
46 employer was personally involved in the deprivation; or (2) a sufficient causal
47 connection exists between wrongful conduct of the public employer and the
48 deprivation.

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

1 **Section 1.** NRS 41.0339 is hereby amended to read as follows:
2 41.0339 1. The official attorney shall provide for the defense,
3 including the defense of cross-claims and counterclaims, of any
4 present or former local judicial officer, state judicial officer, officer
5 or employee of the State or a political subdivision, immune
6 contractor or State Legislator in any civil action brought against that
7 person based on any alleged act or omission relating to the person's
8 public duties or employment, or any other person who is named as a
9 defendant in a civil action solely because of an alleged act or
10 omission relating to the public duties or employment of a local
11 judicial officer, state judicial officer, officer or employee of the
12 State or a political subdivision, immune contractor or State
13 Legislator, if:



1 (a) ~~Within 15 days after service of a copy of the summons and~~
2 ~~complaint or other legal document commencing the action, the~~ *The*
3 person submits a written request for defense ~~;~~ *within the time*
4 *specified in subsection 2:*

5 (1) To the official attorney; or

6 (2) If the officer, employee or immune contractor has an
7 administrative superior, to the administrator of the person's agency
8 and the official attorney; and

9 (b) The official attorney has determined that the act or omission
10 on which the action is based appears to be within the course and
11 scope of public duty or employment and appears to have been
12 performed or omitted in good faith.

13 2. *Regardless of the date on which the Attorney General,*
14 *person designated by the Attorney General or person serving in*
15 *the office of administrative head of the named agency receives*
16 *service pursuant to subsection 2 of NRS 41.031, a written request*
17 *for defense pursuant to subsection 1 must be submitted to the*
18 *official attorney and, if applicable, the administrator of the*
19 *person's agency, within 15 days after the date on which:*

20 (a) *The person receives service of a copy of the summons and*
21 *complaint or other legal document commencing the action or*
22 *waives such service; or*

23 (b) *A court of competent jurisdiction enters an order finding*
24 *that the person was served by an alternative service method*
25 *pursuant to the Nevada Rules of Civil Procedure.*

26 3. If the official attorney determines that it is impracticable,
27 uneconomical or could constitute a conflict of interest for the legal
28 service to be rendered by the official attorney or a deputy of the
29 official attorney, the official attorney must employ special counsel
30 pursuant to NRS 41.03435 or 41.0344, whichever is applicable.

31 **Sec. 2.** NRS 41.03455 is hereby amended to read as follows:

32 41.03455 ~~At any time after;~~ *A person authorized to submit* a
33 written request for defense ~~is submitted;~~ *pursuant to* ~~the official~~
34 ~~attorney, the person requesting the defense;~~ *NRS 41.0339* may
35 employ his or her own counsel to defend the action. ~~At that time;~~
36 *Upon the retention by a person of his or her own legal counsel,* the
37 State or political subdivision is excused from any further duty to
38 represent ~~that;~~ *the* person and is not liable for any expenses in
39 defending the action, including court costs and attorney's fees.

40 **Sec. 3.** NRS 41.0348 is hereby amended to read as follows:

41 41.0348 In every action or proceeding in any court ~~of this~~
42 ~~state;~~ in which both the State or political subdivision and any
43 present or former officer, employee, immune contractor or member
44 of a board or commission thereof or any present or former State
45 Legislator are named defendants, the court or jury in rendering any



1 final judgment, verdict, or other disposition shall return a special
2 verdict in the form of written findings which determine whether:

3 1. The individual defendant was acting within the scope of the
4 defendant's public duty or employment; and

5 2. ~~The~~ *Clear and convincing evidence establishes that the*
6 *alleged act or omission by the individual defendant ~~was wanton~~*
7 *involved oppression, fraud or ~~malicious~~ malice, express or*
8 *implied, as those terms are defined in NRS 42.001.*

9 **Sec. 4.** NRS 41.0349 is hereby amended to read as follows:

10 41.0349 1. ~~It~~ *Except as otherwise provided in subsection*
11 *2, any civil action brought against any present or former officer,*
12 *employee, immune contractor, member of a board or commission of*
13 *the State or a political subdivision or State Legislator, in which a*
14 *judgment is entered against the person based on any act or omission*
15 *relating to the person's public duty or employment, the State or*
16 *political subdivision shall indemnify the person unless:*

17 ~~It~~ *(a) The person failed to submit a timely request for*
18 *defense;*

19 ~~It~~ *(b) The person failed to cooperate in good faith in the*
20 *defense of the action;*

21 ~~It~~ *(c) The act or omission of the person was not within the*
22 *scope of the person's public duty or employment ~~or~~*

23 ~~—4.~~ *, including, without limitation, where the person was*
24 *terminated from employment or resigned in lieu of termination*
25 *based upon a determination by the State or political subdivision*
26 *that the act or omission was not within the scope of the person's*
27 *public duty or employment;*

28 *(d) The person has been held criminally liable for the act or*
29 *omission which is the subject of the civil action; or*

30 *(e) The act or omission of the person ~~was wanton~~ results in*
31 *exemplary or ~~malicious~~ punitive damages.*

32 2. *The State or political subdivision may indemnify a person*
33 *if:*

34 *(a) The exemplary or punitive damages are related to a*
35 *violation of state or federal law; and*

36 *(b) In the opinion of the official attorney:*

37 *(1) The act or omission upon which the damages are based*
38 *did not involve conscious disregard, fraud, malice or oppression,*
39 *as those terms are defined in NRS 42.001;*

40 *(2) The act or omission of the person was performed in*
41 *good faith; and*

42 *(3) Payment of the judgment or settlement is in the best*
43 *interest of the State or political subdivision.*

44 3. *Nothing in this section shall be construed to require the*
45 *State or political subdivision to indemnify a person against*



1 *exemplary or punitive damages which are related to the*
2 *commission of a crime.*

3 *4. As used in this section, "official attorney" has the meaning*
4 *ascribed to it in NRS 41.0338.*

5 **Sec. 5.** NRS 41.745 is hereby amended to read as follows:

6 41.745 1. An employer is not liable for harm or injury caused
7 by the intentional conduct of an employee if the conduct of the
8 employee:

9 (a) Was a truly independent venture of the employee;

10 (b) Was not committed in the course of the very task assigned to
11 the employee; and

12 (c) Was not reasonably foreseeable under the facts and
13 circumstances of the case considering the nature and scope of his or
14 her employment.

15 ➔ For the purposes of this subsection, conduct of an employee is
16 reasonably foreseeable if a person of ordinary intelligence and
17 prudence could have reasonably anticipated the conduct and the
18 probability of injury.

19 2. Nothing in this section imposes strict liability on an
20 employer for any unforeseeable intentional act of an employee.

21 *3. A public employer shall not be subject to liability based*
22 *exclusively on a theory of respondeat superior or vicarious*
23 *liability. Nothing in this section shall be construed to impose*
24 *liability on a public employer for a deprivation of constitutional*
25 *rights which is caused by the conduct of an employee or officer*
26 *unless:*

27 *(a) The public employer was personally involved in the*
28 *deprivation; or*

29 *(b) A sufficient causal connection exists between wrongful*
30 *conduct of the public employer and the deprivation.*

31 4. For the purposes of this section:

32 (a) "Employee" means any person who is employed by an
33 employer, including, without limitation, any present or former
34 officer or employee, immune contractor, an employee of a
35 university school for profoundly gifted pupils described in chapter
36 388C of NRS or a member of a board or commission or Legislator
37 in this State.

38 (b) "Employer" means any public or private employer in this
39 State, including, without limitation, the State of Nevada, a university
40 school for profoundly gifted pupils described in chapter 388C of
41 NRS, any agency of this State and any political subdivision of the
42 State.

43 (c) "Immune contractor" has the meaning ascribed to it in
44 subsection 3 of NRS 41.0307.



1 (d) “Officer” has the meaning ascribed to it in subsection 4 of
2 NRS 41.0307.

3 **Sec. 6.** The amendatory provisions of this act apply to any
4 cause of action or claim that accrues on or after October 1, 2025.

