

Amendment No. 415

Senate Amendment to Senate Bill No. 367	(BDR 15-942)
<b>Proposed by:</b> Senate Committee on Judiciary	
<b>Amends:</b> Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.





SENATE BILL NO. 367—SENATORS CANNIZZARO;  
DONATE, DONDERO LOOP AND PAZINA

MARCH 23, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to public safety. (BDR 15-942)

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 public safety; ~~prohibiting a person from using, carrying or possessing a firearm under certain circumstances related to the commission of certain drug offenses;~~ prescribing the unit of prosecution for certain crimes involving ~~dangerous weapons;~~ the ownership or possession of a firearm by certain prohibited persons; authorizing a juvenile justice agency ~~(.)~~ and the juvenile court ~~and an agency which provides child welfare services;~~ to release certain information and records for the purpose of conducting a background check relating to the sale or transfer of a firearm; requiring a court to transmit to the Central Repository for Nevada Records of Criminal History certain records relating to the court-ordered admission to certain mental health facilities of certain children with an emotional disturbance for certain purposes relating to the purchase or possession of a firearm; ~~providing a penalty;~~ and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

~~Federal law provides that using or carrying a firearm during and in relation to a drug trafficking crime or possessing a firearm in furtherance of the commission of a drug trafficking crime is a separate criminal offense from the underlying drug trafficking crime. (18 U.S.C. § 924(c)) Section 2 of this bill enacts provisions based on this federal law which prohibit a person from: (1) using or carrying a firearm during and in relation to the commission of certain drug offenses; and (2) possessing a firearm in furtherance of the commission of certain drug offenses. Section 2 provides that a person who violates this prohibition is guilty of a category B felony.)~~

Existing law prohibits ~~a person who has been convicted of a felony~~ certain persons from owning or ~~possessing~~ having in their possession or under their custody or control “any ~~firearm,~~ firearm.” (NRS 202.360) The Nevada Supreme Court has held that the State may only charge a defendant with one count of being a ~~felon~~ prohibited person in possession of a firearm for each such incident, regardless of the number of firearms that the defendant possessed at one time, in one place. (*State v. Fourth Jud. Dist. Court*, 137 Nev. 37 (2021)) **Section 3** of this bill clarifies the Legislature’s intent with regard to ~~certain prohibitions against the ownership, possession,~~

17 ~~manufacture or sale of certain dangerous weapons or metal penetrating bullets by certain~~  
 18 ~~persons. Specifically, section 3 provides:~~ **this prohibition by providing** that, for purposes of  
 19 prosecuting a violation of ~~any such~~ **the** prohibition, each ~~dangerous weapon or bullet~~  
 20 **firearm** owned, possessed ~~[-, manufactured] or [sold by]~~ **under the custody or control of**  
 21 a person constitutes a separate violation. **Section 4** of this bill makes a conforming change to  
 22 indicate the proper placement of **section 3** in the Nevada Revised Statutes.

23 The Brady Handgun Violence Prevention Act requires that a background check be  
 24 conducted on any person wishing to purchase or redeem a firearm to determine whether the  
 25 person is prohibited from purchasing or possessing a firearm pursuant to federal or state law.  
 26 (Pub. L. No. 103-159, 107 Stat. 1536) Among other requirements, the Bipartisan Safer  
 27 Communities Act requires any background check conducted on a prospective buyer who is  
 28 less than 21 years of age to include a review of certain information and records to determine  
 29 whether the person is disqualified from purchasing or possessing a firearm under federal or  
 30 state law. (Pub. L. No. 117-159, 136 Stat. 1313) ~~Sections [5-8]~~ **5-7** of this bill authorize a  
 31 juvenile justice agency ~~[,] and~~ the juvenile court ~~[and an agency which provides child welfare~~  
 32 ~~services]~~ to release certain information and records for the purpose of performing a  
 33 background check to determine whether a person is eligible to purchase or possess a firearm  
 34 under federal or state law.

35 **Existing law requires a court to transmit certain records of adjudication concerning**  
 36 **a person's mental health to the Central Repository for Nevada Records of Criminal**  
 37 **History, along with a statement that the record is being transmitted for inclusion in all**  
 38 **appropriate databases of the National Instant Criminal Background Check System.**  
 39 **(NRS 159.0593, 174.035, 175.533, 175.539, 178.425, 433A.310, 433A.343) Section 8.5 of**  
 40 **this bill requires a court to transmit to the Central Repository certain records relating to**  
 41 **the court-ordered admission to certain mental health facilities of certain children with**  
 42 **an emotional disturbance who are in the custody of an agency which provides child**  
 43 **welfare services. Section 7.7 of this bill provides that no action for damages may be**  
 44 **brought against the court or an employee of the court for transmitting a record pursuant**  
 45 **to section 8.5.**

46 **Existing law requires the inclusion, correction and removal of certain records in**  
 47 **each appropriate database of the National Instant Background Check System for certain**  
 48 **purposes relating to the purchase or possession of a firearm. (NRS 179A.163, 179A.165,**  
 49 **179A.167, 433A.310) Section 7.5 of this bill requires the inclusion, correction and**  
 50 **removal of certain records transmitted pursuant to section 8.5 in each appropriate**  
 51 **database of the National Instant Criminal Background Check System for the same**  
 52 **purpose. Section 7.5 also requires the Central Repository to take reasonable steps to**  
 53 **ensure that the information contained in a record transmitted pursuant to section 8.5 is**  
 54 **removed from the National Instant Criminal Background Check System when the**  
 55 **person who is the subject of the record reaches 21 years of age.**

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

1 **Section 1.** Chapter 202 of NRS is hereby amended by adding thereto the  
 2 provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2.** ~~[1. A person shall not:~~  
 4 ~~—(a) Use or carry a firearm during and in relation to the commission of any~~  
 5 ~~act in violation of NRS 453.321, 453.322, 453.337, 453.3385 or 453.401; or~~  
 6 ~~—(b) Possess a firearm in furtherance of the commission of any act in~~  
 7 ~~violation of NRS 453.321, 453.322, 453.337, 453.3385 or 453.401;~~  
 8 ~~2. A person who violates the provisions of subsection 1 is guilty of a~~  
 9 ~~category B felony and shall be punished by imprisonment in the state prison for a~~  
 10 ~~minimum term of not less than 1 year and a maximum term of not more than 6~~  
 11 ~~years, and may be further punished by a fine of not more than \$5,000.] **(Deleted**~~  
 12 **by amendment.)**

1        **Sec. 3. 1. For purposes of prosecuting a violation of NRS ~~202.257,~~**  
 2 **~~202.260, 202.262, 202.273 to 202.277, inclusive, 202.300, 202.350 or~~ 202.360,**  
 3 **~~for section 2 of this act,~~ each ~~dangerous weapon or metal penetrating bullet~~**  
 4 **firearm owned, possessed, manufactured, sold, disposed of, handled, used or**  
 5 **carried by or ~~otherwise~~ under the custody or control of a person constitutes a**  
 6 **separate violation.**

7        **2. As used in this section ~~is~~**

8        ~~(a) "Dangerous weapon" means:~~

9        ~~(1) An explosive or incendiary device;~~

10        ~~(2) A short barreled rifle, short barreled shotgun, pistol, revolver or~~  
 11 **other.** **"firearm" includes any firearm ~~is~~**

12        ~~(3) An explosive substance, other than ammunition or any components~~  
 13 **thereof; or**

14        ~~(4) A machete.~~

15        ~~(b) "Metal penetrating bullet" has the meaning ascribed to it in NRS~~  
 16 **202.273 that is loaded or unloaded and operable or inoperable.**

17        **Sec. 4.** NRS 202.253 is hereby amended to read as follows:

18        202.253 As used in NRS 202.253 to 202.369, inclusive ~~is~~, **and section 3 of**  
 19 **this act:**

20        1. "Antique firearm" has the meaning ascribed to it in 18 U.S.C. § 921(a)(16).

21        2. "Explosive or incendiary device" means any explosive or incendiary  
 22 material or substance that has been constructed, altered, packaged or arranged in  
 23 such a manner that its ordinary use would cause destruction or injury to life or  
 24 property.

25        3. "Firearm" means any device designed to be used as a weapon from which a  
 26 projectile may be expelled through the barrel by the force of any explosion or other  
 27 form of combustion.

28        4. "Firearm capable of being concealed upon the person" applies to and  
 29 includes all firearms having a barrel less than 12 inches in length.

30        5. "Firearms importer or manufacturer" means a person licensed to import or  
 31 manufacture firearms pursuant to 18 U.S.C. Chapter 44.

32        6. "Machine gun" means any weapon which shoots, is designed to shoot or  
 33 can be readily restored to shoot more than one shot, without manual reloading, by a  
 34 single function of the trigger.

35        7. "Motor vehicle" means every vehicle that is self-propelled.

36        8. "Semiautomatic firearm" means any firearm that:

37        (a) Uses a portion of the energy of a firing cartridge to extract the fired  
 38 cartridge case and chamber the next shell or round;

39        (b) Requires a separate function of the trigger to fire each cartridge; and

40        (c) Is not a machine gun.

41        9. "Unfinished frame or receiver" means a blank, a casting or a machined  
 42 body that is intended to be turned into the frame or lower receiver of a firearm with  
 43 additional machining and which has been formed or machined to the point at which  
 44 most of the major machining operations have been completed to turn the blank,  
 45 casting or machined body into a frame or lower receiver of a firearm even if the  
 46 fire-control cavity area of the blank, casting or machined body is still completely  
 47 solid and unmachined.

48        **Sec. 5.** NRS 62H.025 is hereby amended to read as follows:

49        62H.025 1. Juvenile justice information is confidential and may only be  
 50 released in accordance with the provisions of this section or as expressly authorized  
 51 by other federal or state law.

1           2. For the purpose of ensuring the safety, permanent placement, rehabilitation,  
2 educational success and well-being of a child or the safety of the public, a juvenile  
3 justice agency may release juvenile justice information to:

- 4           (a) A director of juvenile services or his or her designee;  
5           (b) The Chief of the Youth Parole Bureau or his or her designee;  
6           (c) The Chief Parole and Probation Officer or his or her designee;  
7           (d) The Director of the Department of Corrections or his or her designee;  
8           (e) A district attorney or his or her designee;  
9           (f) An attorney representing the child;  
10          (g) The director, chief or sheriff of a state or local law enforcement agency or  
11 his or her designee;  
12          (h) The director of a state or local agency which administers juvenile justice or  
13 his or her designee;  
14          (i) A director of a state or local facility for the detention of children or regional  
15 facility for the treatment and rehabilitation of children or his or her designee;  
16          (j) The director of an agency which provides child welfare services or his or  
17 her designee;  
18          (k) The director of an agency which provides mental health services or his or  
19 her designee;  
20          (l) A guardian ad litem or court appointed special advocate who represents the  
21 child;  
22          (m) A parent or guardian of the child;  
23          (n) The child to whom the juvenile justice information pertains if the child has  
24 reached the age of majority, or a person who presents a release that is signed by the  
25 child who has reached the age of majority and which specifies the juvenile justice  
26 information to be released and the purpose for the release;  
27          (o) A school district, if the juvenile justice agency and the school district have  
28 entered into a written agreement to share juvenile justice information and data from  
29 an educational record of a child maintained by the school district for a purpose  
30 consistent with the purposes of this section;  
31          (p) A person or organization who has entered into a written agreement with the  
32 juvenile justice agency to provide assessments or juvenile justice services;  
33          (q) A person engaged in bona fide research that may be used to improve  
34 juvenile justice services or secure additional funding for juvenile justice services if  
35 the juvenile justice information is provided in the aggregate and without any  
36 personal identifying information;  
37          (r) A person who is authorized by a court order to receive the juvenile justice  
38 information, if the juvenile justice agency was provided with notice and opportunity  
39 to be heard before the issuance of the order; ~~and~~  
40          (s) A law enforcement agency in the course of a criminal investigation, a  
41 delinquency proceeding conducted pursuant to the provisions of this title or a  
42 situation involving a child who is subject to the jurisdiction of the juvenile court  
43 and who poses a threat to himself or herself or to the safety or well-being of others  
44 ~~and~~; **or**  
45          (t) *A federal, state or local governmental entity, or an agency of such an*  
46 *entity, that needs access to the information to perform a background check to*  
47 *determine whether a person who is less than 21 years of age is eligible to*  
48 *purchase and possess firearms under state and federal law.*

49           3. A juvenile justice agency may deny a request for juvenile justice  
50 information if:

- 51           (a) The request does not, in accordance with the purposes of this section,  
52 demonstrate good cause for the release of the information; or

1 (b) The release of the information would cause material harm to the child or  
2 would prejudice any court proceeding to which the child is subject.

3 ➤ A denial pursuant to this subsection must be made in writing to the person  
4 requesting the information not later than 5 business days after receipt of the request.

5 4. Any juvenile justice information provided pursuant to this section may not  
6 be used to deny a child access to any service for which the child would otherwise  
7 be eligible, including, without limitation:

- 8 (a) Educational services;  
9 (b) Social services;  
10 (c) Mental health services;  
11 (d) Medical services; or  
12 (e) Legal services.

13 5. Except as otherwise provided in this subsection, any person who is  
14 provided with juvenile justice information pursuant to this section and who further  
15 disseminates the information or makes the information public is guilty of a gross  
16 misdemeanor. This subsection does not apply to:

17 (a) A district attorney who uses the information solely for the purpose of  
18 initiating legal proceedings; ~~for~~

19 (b) A person or organization described in subsection 2 who provides a report  
20 concerning juvenile justice information to a court or other party pursuant to this  
21 title or chapter 432B of NRS ~~for~~; or

22 *(c) A federal, state or local governmental entity, or an agency of such an*  
23 *entity, that uses the information to perform a background check to determine*  
24 *whether a person who is less than 21 years of age is eligible to purchase and*  
25 *possess firearms under state and federal law.*

26 6. As used in this section:

27 (a) "Juvenile justice agency" means the Youth Parole Bureau or a director of  
28 juvenile services.

29 (b) "Juvenile justice information" means any information which is directly  
30 related to a child in need of supervision, a delinquent child or any other child who  
31 is otherwise subject to the jurisdiction of the juvenile court.

32 **Sec. 6.** NRS 62H.030 is hereby amended to read as follows:

33 62H.030 1. The juvenile court shall make and keep records of all cases  
34 brought before the juvenile court.

35 2. Except as otherwise provided in this section and NRS 217.110, records of  
36 any case brought before the juvenile court may be opened to inspection only by  
37 court order to persons who have a legitimate interest in the records.

38 3. The following records and information may be opened to inspection  
39 without a court order:

40 (a) Records of traffic violations which are being forwarded to the Department  
41 of Motor Vehicles;

42 (b) Records which have not been sealed and which are required by the Division  
43 of Parole and Probation for preparation of presentence investigations and reports  
44 pursuant to NRS 176.135 or general investigations and reports pursuant to NRS  
45 176.151;

46 (c) Records which have not been sealed and which are to be used, pursuant to  
47 chapter 179D of NRS, by:

- 48 (1) The Central Repository;  
49 (2) The Division of Parole and Probation; or  
50 (3) A person who is conducting an assessment of the risk of recidivism of  
51 an adult or juvenile sex offender;

52 (d) *Regardless of whether or not they have been sealed, records which are to*  
53 *be used for the purpose of conducting a background check to determine whether*

1 *a person who is less than 21 years of age is eligible to purchase and possess*  
2 *firearms under state and federal law;*

3 (e) Information maintained in the standardized system established pursuant to  
4 NRS 62H.200; and

5 ~~(e)~~ (f) Information that must be collected by the Division of Child and Family  
6 Services pursuant to NRS 62H.220.

7 4. The clerk of the court shall prepare and cause to be printed forms for social  
8 and legal records and other papers as may be required.

9 **Sec. 7.** NRS 62H.170 is hereby amended to read as follows:

10 62H.170 1. Except as otherwise provided in this section, if the records of a  
11 person are sealed:

12 (a) All proceedings recounted in the records are deemed never to have  
13 occurred; and

14 (b) The person may reply accordingly to any inquiry concerning the  
15 proceedings and the acts which brought about the proceedings.

16 2. The juvenile court may order the inspection of records that are sealed if:

17 (a) The person who is the subject of the records petitions the juvenile court to  
18 permit the inspection of the records by the persons named in the petition;

19 (b) An agency charged with the medical or psychiatric care of the person who  
20 is the subject of the records petitions the juvenile court to permit the inspection of  
21 the records by the agency;

22 (c) A prosecuting attorney or a defendant in a criminal action petitions the  
23 juvenile court to permit the inspection of the records to obtain information relating  
24 to the persons, including the defendant, who were involved in the acts detailed in  
25 the records;

26 (d) The person who is the subject of the records has committed an act which  
27 subjects the person to the jurisdiction of the juvenile court and which may form the  
28 basis of a civil action and a person who, in good faith, intends to bring or has  
29 brought the civil action, or any other person who is a party to the civil action,  
30 petitions the juvenile court to permit the inspection of the records to obtain  
31 information relating to the person who is the subject of the records; or

32 (e) The juvenile court determines that the inspection of the records is necessary  
33 to:

34 (1) Perform bona fide outcome and recidivism studies, which may include,  
35 without limitation, using personal identifying information from sealed juvenile  
36 records to perform criminal background checks on persons who were adjudicated  
37 pursuant to this title;

38 (2) Further bona fide research to determine the effectiveness of juvenile  
39 justice services;

40 (3) Improve the delivery of juvenile justice services; or

41 (4) Obtain additional resources for the delivery of juvenile justice services.

42 ↪ Personal identifying information contained in records inspected or obtained from  
43 criminal background checks pursuant to this paragraph must remain confidential in  
44 a manner consistent with any applicable laws and regulations.

45 3. Upon its own order, any court of this State may inspect records that are  
46 sealed if the records relate to a person who is less than 21 years of age and who is  
47 to be sentenced by the court in a criminal proceeding.

48 *4. A federal, state or local governmental entity, or an agency of such an*  
49 *entity, may inspect or release records or information used to perform a*  
50 *background check to determine whether a person who is less than 21 years of age*  
51 *is eligible to purchase and possess firearms under state and federal law.*

52 **Sec. 7.5.** NRS 179A.163 is hereby amended to read as follows:

1 179A.163 1. Upon receiving a record transmitted pursuant to NRS  
2 159.0593, 174.035, 175.533, 175.539, 178.425, 432B.6076, 433A.310 or  
3 433A.343, the Central Repository:

4 (a) Shall take reasonable steps to ensure that the information reported in the  
5 record is included in each appropriate database of the National Instant Criminal  
6 Background Check System; and

7 (b) May take reasonable steps to ensure that the information reported in the  
8 record is included in each appropriate database of the National Crime Information  
9 Center.

10 2. Except as otherwise provided in subsection 3, if the Central Repository  
11 receives a record described in subsection 1, the person who is the subject of the  
12 record may petition the court for an order declaring that:

13 (a) The basis for the adjudication reported in the record no longer exists;

14 (b) The adjudication reported in the record is deemed not to have occurred for  
15 purposes of 18 U.S.C. § 922(d)(4) and (g)(4) and NRS 202.360; and

16 (c) The information reported in the record must be removed from the National  
17 Instant Criminal Background Check System and the National Crime Information  
18 Center.

19 3. To the extent authorized by federal law, if the record concerning the  
20 petitioner was transmitted to the Central Repository pursuant to NRS 159.0593,  
21 174.035, 175.533, 175.539, 178.425, 432B.6076, 433A.310 or 433A.343, the  
22 petitioner may not file a petition pursuant to subsection 2 until 3 years after the date  
23 of the order transmitting the record to the Central Repository.

24 4. A petition filed pursuant to subsection 2 must be:

25 (a) Filed in the court which made the adjudication or finding pursuant to NRS  
26 159.0593, 174.035, 175.533, 175.539, 178.425, 433A.310 or 433A.343; and

27 (b) Served upon the district attorney for the county in which the court  
28 described in paragraph (a) is located.

29 5. The Nevada Rules of Civil Procedure govern all proceedings concerning a  
30 petition filed pursuant to subsection 2.

31 6. The court shall grant the petition and issue the order described in  
32 subsection 2 if the court finds that the petitioner has established that:

33 (a) The basis for the adjudication or finding made pursuant to NRS 159.0593,  
34 174.035, 175.533, 175.539, 178.425, 432B.6076, 433A.310 or 433A.343  
35 concerning the petitioner no longer exists;

36 (b) The petitioner's record and reputation indicate that the petitioner is not  
37 likely to act in a manner dangerous to public safety; and

38 (c) Granting the relief requested by the petitioner pursuant to subsection 2 is  
39 not contrary to the public interest.

40 7. Except as otherwise provided in this subsection, the petitioner must  
41 establish the provisions of subsection 6 by a preponderance of the evidence. If the  
42 adjudication or finding concerning the petitioner was made pursuant to NRS  
43 159.0593, 432B.6076 or 433A.310, the petitioner must establish the provisions of  
44 subsection 6 by clear and convincing evidence.

45 8. The court, upon entering an order pursuant to this section, shall cause, on a  
46 form prescribed by the Department of Public Safety, a record of the order to be  
47 transmitted to the Central Repository.

48 9. The Central Repository shall:

49 (a) Within 5 business days after receiving a record of an order transmitted  
50 pursuant to subsection 8, the Central Repository shall take reasonable steps to  
51 ensure that information concerning the adjudication or finding made pursuant to  
52 NRS 159.0593, 174.035, 175.533, 175.539, 178.425, 432B.6076, 433A.310 or

1 433A.343 is removed from the National Instant Criminal Background Check  
2 System and the National Crime Information Center, if applicable.

3 *(b) When a person who is the subject of a record transmitted pursuant to*  
4 *NRS 432B.6076 reaches 21 years of age or at a time reasonably near the date on*  
5 *which the person reaches 21 years of age, take reasonable steps to ensure that*  
6 *information concerning the finding made pursuant to NRS 432B.6076 is removed*  
7 *from the National Instant Criminal Background Check System.*

8 10. If the Central Repository fails to remove a record as provided in  
9 subsection 9, the ~~petitioner~~ person who is the subject of the record may bring an  
10 action to compel the removal of the record. If the ~~petitioner~~ person prevails in the  
11 action, the court may award the ~~petitioner~~ person reasonable attorney's fees and  
12 costs incurred in bringing the action.

13 11. If a petition brought pursuant to subsection 2 is denied, the person who is  
14 the subject of the record may petition for a rehearing not sooner than 2 years after  
15 the date of the denial of the petition.

16 **Sec. 7.7. NRS 179A.165 is hereby amended to read as follows:**

17 179A.165 1. Any record described in NRS 179A.163 is confidential and is  
18 not a public book or record within the meaning of NRS 239.010. A person may not  
19 use the record for any purpose other than for a purpose related to criminal justice,  
20 including, without limitation, inclusion in the appropriate database of the National  
21 Instant Criminal Background Check System and the National Crime Information  
22 Center, if applicable. The Central Repository may disclose the record to any agency  
23 of criminal justice.

24 2. If a person or governmental entity is required to transmit, report or take any  
25 other action concerning a record pursuant to NRS 159.0593, 174.035, 175.533,  
26 175.539, 178.425, 179A.163, 432B.6076, 433A.310 or 433A.343, no action for  
27 damages may be brought against the person or governmental entity for:

28 (a) Transmitting or reporting the record or taking any other required action  
29 concerning the record;

30 (b) Failing to transmit or report the record or failing to take any other required  
31 action concerning the record;

32 (c) Delaying the transmission or reporting of the record or delaying in taking  
33 any other required action concerning the record; or

34 (d) Transmitting or reporting an inaccurate or incomplete version of the record  
35 or taking any other required action concerning an inaccurate or incomplete version  
36 of the record.

37 **Sec. 8. ~~[NRS 432B.290 is hereby amended to read as follows:~~**

38 ~~432B.290 1. Information maintained by an agency which provides child~~  
39 ~~welfare services must be maintained by the agency which provides child welfare~~  
40 ~~services as required by federal law as a condition of the allocation of federal money~~  
41 ~~to this State.~~

42 ~~2. Except as otherwise provided in this section and NRS 432B.165, 432B.175~~  
43 ~~and 432B.513, information maintained by an agency which provides child welfare~~  
44 ~~services may, at the discretion of the agency which provides child welfare services,~~  
45 ~~be made available only to:~~

46 ~~(a) A physician, if the physician has before him or her a child who the~~  
47 ~~physician has reasonable cause to believe has been abused or neglected;~~

48 ~~(b) A person authorized to place a child in protective custody, if the person has~~  
49 ~~before him or her a child who the person has reasonable cause to believe has been~~  
50 ~~abused or neglected and the person requires the information to determine whether~~  
51 ~~to place the child in protective custody;~~

52 ~~(c) An agency, including, without limitation, an agency in another jurisdiction,~~  
53 ~~responsible for or authorized to undertake the care, treatment or supervision of;~~

~~(1) The child; or  
 (2) The person responsible for the welfare of the child;  
 (d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the abuse or neglect of a child;  
 (e) Except as otherwise provided in paragraph (f), a court other than a juvenile court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;  
 (f) A court, as defined in NRS 159A.015, to determine whether a guardian or successor guardian of a child should be appointed pursuant to chapter 159A of NRS or NRS 432B.466 to 432B.468, inclusive;  
 (g) A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to the person;  
 (h) The attorney and the guardian ad litem of the child, if the information is reasonably necessary to promote the safety, permanency and well-being of the child;  
 (i) A person who files or intends to file a petition for the appointment of a guardian or successor guardian of a child pursuant to chapter 159A of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;  
 (j) The proposed guardian or proposed successor guardian of a child over whom a guardianship is sought pursuant to chapter 159A of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;  
 (k) A grand jury upon its determination that access to these records and the information is necessary in the conduct of its official business;  
 (l) A federal, state or local governmental entity, or an agency of such an entity, or a juvenile court, that needs access to the information to [carry];  
 (1) Carry out its legal responsibilities to protect children from abuse and neglect; or  
 (2) Perform a background check to determine whether a person who is less than 21 years of age is eligible to purchase and possess firearms under state and federal law;  
 (m) A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments or services and that has been trained to make such assessments or provide such services;  
 (n) A team organized pursuant to NRS 432B.350 for the protection of a child;  
 (o) A team organized pursuant to NRS 432B.405 to review the death of a child;  
 (p) A multidisciplinary team, as defined in NRS 432B.4014;  
 (q) A parent or legal guardian of the child and an attorney of a parent or guardian of the child, including, without limitation, the parent or guardian of a child over whom a guardianship is sought pursuant to chapter 159A of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning that parent or guardian;~~

1 ~~— (r) The child over whom a guardianship is sought pursuant to chapter 159A of~~  
2 ~~NRS or NRS 432B.466 to 432B.468, inclusive, if:~~

3 ~~— (1) The child is 14 years of age or older; and~~

4 ~~— (2) The identity of the person responsible for reporting the abuse or neglect~~  
5 ~~of the child to a public agency is kept confidential and the information is reasonably~~  
6 ~~necessary to promote the safety, permanency and well-being of the child;~~

7 ~~— (s) The persons or agent of the persons who are the subject of a report, if the~~  
8 ~~information is reasonably necessary to promote the safety, permanency and well-~~  
9 ~~being of the child and is limited to information concerning those persons;~~

10 ~~— (t) An agency that is authorized by law to license foster homes or facilities for~~  
11 ~~children or to investigate persons applying for approval to adopt a child, if the~~  
12 ~~agency has before it an application for that license or is investigating an applicant to~~  
13 ~~adopt a child;~~

14 ~~— (u) Upon written consent of the parent, any officer of this State or a city or~~  
15 ~~county thereof or Legislator authorized by the agency or department having~~  
16 ~~jurisdiction or by the Legislature, acting within its jurisdiction, to investigate the~~  
17 ~~activities or programs of an agency which provides child welfare services if:~~

18 ~~— (1) The identity of the person making the report is kept confidential; and~~

19 ~~— (2) The officer, Legislator or a member of the family of the officer or~~  
20 ~~Legislator is not the person alleged to have committed the abuse or neglect;~~

21 ~~— (v) The Division of Parole and Probation of the Department of Public Safety~~  
22 ~~for use pursuant to NRS 176.135 in making a presentence investigation and report to~~  
23 ~~the district court or pursuant to NRS 176.151 in making a general investigation~~  
24 ~~and report;~~

25 ~~— (w) Any person who is required pursuant to NRS 432B.220 to make a report to~~  
26 ~~an agency which provides child welfare services or to a law enforcement agency;~~

27 ~~— (x) A local advisory board to expedite proceedings for the placement of~~  
28 ~~children created pursuant to NRS 432B.604;~~

29 ~~— (y) The panel established pursuant to NRS 432B.396 to evaluate agencies~~  
30 ~~which provide child welfare services;~~

31 ~~— (z) An employer in accordance with subsection 3 of NRS 432.100;~~

32 ~~— (aa) A team organized or sponsored pursuant to NRS 217.475 or 228.495 to~~  
33 ~~review the death of the victim of a crime that constitutes domestic violence;~~

34 ~~— (bb) The Committee on Domestic Violence appointed pursuant to NRS~~  
35 ~~228.470; or~~

36 ~~— (cc) The Committee to Review Suicide Fatalities created by NRS 439.5104.~~

37 ~~3. An agency investigating a report of the abuse or neglect of a child shall,~~  
38 ~~upon request, provide to a person named in the report as allegedly causing the~~  
39 ~~abuse or neglect of the child:~~

40 ~~— (a) A copy of:~~

41 ~~— (1) Any statement made in writing to an investigator for the agency by the~~  
42 ~~person named in the report as allegedly causing the abuse or neglect of the child; or~~

43 ~~— (2) Any recording made by the agency of any statement made orally to an~~  
44 ~~investigator for the agency by the person named in the report as allegedly causing~~  
45 ~~the abuse or neglect of the child; or~~

46 ~~— (b) A written summary of the allegations made against the person who is~~  
47 ~~named in the report as allegedly causing the abuse or neglect of the child. The~~  
48 ~~summary must not identify the person responsible for reporting the alleged abuse or~~  
49 ~~neglect or any collateral sources and reporting parties.~~

50 ~~4. Except as otherwise provided by subsection 6, before releasing any~~  
51 ~~information maintained by an agency which provides child welfare services~~  
52 ~~pursuant to this section, an agency which provides child welfare services shall take~~  
53 ~~whatever precautions it determines are reasonably necessary to protect the identity~~

1 ~~and safety of any person who reports child abuse or neglect and to protect any other~~  
2 ~~person if the agency which provides child welfare services reasonably believes that~~  
3 ~~disclosure of the information would cause a specific and material harm to an~~  
4 ~~investigation of the alleged abuse or neglect of a child or the life or safety of any~~  
5 ~~person.~~

6 ~~— 5. The provisions of this section must not be construed to require an agency~~  
7 ~~which provides child welfare services to disclose information maintained by the~~  
8 ~~agency which provides child welfare services if, after consultation with the attorney~~  
9 ~~who represents the agency, the agency determines that such disclosure would cause~~  
10 ~~a specific and material harm to a criminal investigation.~~

11 ~~— 6. A person who is the subject of a report of child abuse or neglect made~~  
12 ~~pursuant to this chapter that is assigned a disposition other than substantiated~~  
13 ~~pursuant to NRS 432B.305 and who believes that the report was made in bad faith~~  
14 ~~or with malicious intent may petition a district court to order the agency which~~  
15 ~~provides child welfare services to release information maintained by the agency~~  
16 ~~which provides child welfare services. The petition must specifically set forth the~~  
17 ~~reasons supporting the belief that the report was made in bad faith or with malicious~~  
18 ~~intent. The petitioner shall provide notice to the agency which provides child~~  
19 ~~welfare services so that the agency may participate in the action through its counsel.~~  
20 ~~The district court shall review the information which the petitioner requests to be~~  
21 ~~released and the petitioner shall be allowed to present evidence in support of the~~  
22 ~~petition. If the court determines that there is a reasonable question of fact as to~~  
23 ~~whether the report was made in bad faith or with malicious intent and that the~~  
24 ~~disclosure of the identity of the person who made the report would not be likely to~~  
25 ~~endanger the life or safety of the person who made the report, the court shall~~  
26 ~~provide a copy of the information to the petitioner and the original information is~~  
27 ~~subject to discovery in a subsequent civil action regarding the making of the report.~~

28 ~~— 7. If an agency which provides child welfare services receives any~~  
29 ~~information that is deemed confidential by law, the agency which provides child~~  
30 ~~welfare services shall maintain the confidentiality of the information as prescribed~~  
31 ~~by applicable law.~~

32 ~~— 8. Pursuant to this section, a person may authorize the release of information~~  
33 ~~maintained by an agency which provides child welfare services about himself or~~  
34 ~~herself, but may not waive the confidentiality of such information concerning any~~  
35 ~~other person.~~

36 ~~— 9. An agency which provides child welfare services may provide a summary~~  
37 ~~of the outcome of an investigation of the alleged abuse or neglect of a child to the~~  
38 ~~person who reported the suspected abuse or neglect.~~

39 ~~— 10. Except as otherwise provided in this subsection, any person who is~~  
40 ~~provided with information maintained by an agency which provides child welfare~~  
41 ~~services and who further disseminates the information or makes the information~~  
42 ~~public is guilty of a gross misdemeanor. This subsection does not apply to:~~

43 ~~— (a) A district attorney or other law enforcement officer who uses the~~  
44 ~~information solely for the purpose of initiating legal proceedings;~~

45 ~~— (b) An employee of the Division of Parole and Probation of the Department of~~  
46 ~~Public Safety making a presentence investigation and report to the district court~~  
47 ~~pursuant to NRS 176.135 or making a general investigation and report pursuant to~~  
48 ~~NRS 176.151; [or]~~

49 ~~— (c) An employee of a juvenile justice agency who provides the information to~~  
50 ~~the juvenile court [.] ; or~~

51 ~~— (d) A federal, state or local governmental entity, or an agency of such an~~  
52 ~~entity, that uses the information to perform a background check to determine~~

~~whether a person who is less than 21 years of age is eligible to purchase and possess firearms under state and federal law.~~

~~11. An agency which provides child welfare services may charge a fee for processing costs reasonably necessary to prepare information maintained by the agency which provides child welfare services for release pursuant to this section.~~

~~12. An agency which provides child welfare services shall adopt rules, policies or regulations to carry out the provisions of this section.~~

~~13. As used in this section, "juvenile justice agency" means the Youth Parole Bureau or a director of juvenile services.] (Deleted by amendment.)~~

**Sec. 8.5. NRS 432B.6076 is hereby amended to read as follows:**

432B.6076 1. Except as otherwise provided in NRS 432B.6077, if the court finds, after proceedings for the court-ordered admission of a child alleged to be a child with an emotional disturbance who is in the custody of an agency which provides child welfare services to a facility, including, without limitation, an evidentiary hearing:

(a) That there is not clear and convincing evidence that the child with respect to whom the hearing was held exhibits observable behavior such that the child is likely to harm himself or herself or others if allowed liberty, the court shall enter its finding to that effect and the child must not be admitted to a facility.

(b) That there is clear and convincing evidence that the child with respect to whom the hearing was held is in need of treatment in a facility and is likely to harm himself or herself or others if allowed liberty, the court may order the admission of the child for the most appropriate course of treatment. The order of the court must be interlocutory and must not become final if, within 30 days after the admission, the child is unconditionally released from the facility pursuant to NRS 432B.6084.

2. Before issuing an order for admission or a renewal thereof, the court shall explore other alternative courses of treatment within the least restrictive appropriate environment as suggested by the evaluation team who evaluated the child, or other persons professionally qualified in the field of psychiatric mental health, which the court believes may be in the best interests of the child.

3. Except as otherwise provided in subsection 4, if the court issues an order for the admission of a child who is 16 years of age or older to a public or private mental health facility pursuant to this section, the court must, notwithstanding any other provision of law requiring the court to seal a court record relating to a proceeding conducted pursuant to NRS 432B.607 to 432B.6085, inclusive, cause, within 5 business days after the order becomes final pursuant to this section, on a form prescribed by the Department of Public Safety, a record of the order to be transmitted to the Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System.

4. The provisions of subsection 3 do not apply if the child with respect to whom the proceeding was held voluntarily seeks treatment and stipulates to his or her admission to a facility.

5. As used in this section, "National Instant Background Check System" has the meaning ascribed to it in NRS 179A.062.

**Sec. 9.** This act becomes effective on July 1, 2023.