

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; establishing the preferred manner of referring to items or materials that depict or describe a minor engaging in certain sexual conduct; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 **Sections 30 and 31** of this bill establish the preferred manner of referring to
2 items or materials that depict or describe a minor as the subject of a sexual
3 portrayal or engaging in or simulating, or assisting others to engage in or simulate,
4 sexual conduct in the Nevada Revised Statutes and the Nevada Administrative
5 Code. **Sections 6-29 and 32-37** of this bill make conforming changes to replace
6 words and terms that are not preferred for use in the Nevada Revised Statutes,
7 including the term “child pornography” and various related terms, with the term
8 “child sexual 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.** (Deleted by amendment.)
- 2 **Sec. 2.** (Deleted by amendment.)
- 3 **Sec. 3.** (Deleted by amendment.)
- 4 **Sec. 4.** (Deleted by amendment.)
- 5 **Sec. 5.** (Deleted by amendment.)



1 **Sec. 6.** 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]~~ *child*
29 *sexual abuse material* pursuant to NRS 200.710 ~~[or 200.720.]~~ *to*
30 *200.730, inclusive.*

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

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

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

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

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

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

42 50.700 1. In any criminal or juvenile delinquency action
43 relating to the commission of a sexual offense, a court may not order
44 the victim of or a witness to the sexual offense to take or submit to a
45 psychological or psychiatric examination.



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

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

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

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

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

19 (b) Any corroboration of the offense exists beyond the
20 testimony of the victim or witness.

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

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

33 6. As used in this section, "sexual offense" includes, without
34 limitation:

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

37 (b) Sexual assault pursuant to NRS 200.366;

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

39 (d) Battery with intent to commit sexual assault pursuant to
40 NRS 200.400;

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

43 (f) An offense involving ~~[pornography and a minor]~~ *child*
44 *sexual abuse material* pursuant to NRS 200.710 to 200.730,
45 inclusive;



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

3 (h) Incest pursuant to NRS 201.180;

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

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

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

7 (l) Pandering or sex trafficking of a child pursuant to
8 NRS 201.300;

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

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

17 (o) Sexual penetration of a dead human body pursuant to
18 NRS 201.450;

19 (p) A violation of NRS 201.553;

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

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

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

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

27 62B.270 1. A public institution or agency to which a juvenile
28 court commits a child or the licensing authority of a private
29 institution to which a juvenile court commits a child, including,
30 without limitation, a facility for the detention of children, shall
31 secure from appropriate law enforcement agencies information on
32 the background and personal history of each employee of the
33 institution or agency to determine:

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

35 (1) Murder, voluntary manslaughter, involuntary
36 manslaughter or mayhem;

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

39 (3) Assault with intent to kill or to commit sexual assault or
40 mayhem;

41 (4) Battery which results in substantial bodily harm to the
42 victim;

43 (5) Battery that constitutes domestic violence that is
44 punishable as a felony;



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

4 (7) Sexual assault, statutory sexual seduction, incest,
5 lewdness, indecent exposure, an offense involving ~~[pornography and~~
6 ~~a minor]~~ *child sexual abuse material* or any other sexually related
7 crime;

8 (8) A crime involving pandering or prostitution, including,
9 without limitation, a violation of any provision of NRS 201.295 to
10 201.440, inclusive, other than a violation of NRS 201.353 or
11 201.354 by engaging in prostitution;

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

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

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

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

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

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

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

38 2. An employee of the public or private institution or agency
39 must submit to the public institution or agency or the licensing
40 authority, as applicable, a complete set of fingerprints and written
41 authorization to forward those fingerprints to the Central Repository
42 for Nevada Records of Criminal History for submission to the
43 Federal Bureau of Investigation for its report.

44 3. The public institution or agency or the licensing authority, as
45 applicable, may exchange with the Central Repository or the Federal



1 Bureau of Investigation any information concerning the fingerprints
2 submitted.

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

6 5. When a report from the Federal Bureau of Investigation is
7 received by the Central Repository, the Central Repository shall
8 immediately forward a copy of the report to the public institution or
9 agency or the licensing authority, as applicable, for a determination
10 of whether the employee has criminal charges pending against him
11 or her for a crime listed in paragraph (a) of subsection 1 or has been
12 convicted of a crime listed in paragraph (a) of subsection 1.

13 6. A person who is required to submit to an investigation
14 required pursuant to this section shall not have contact with a child
15 without supervision in a public or private institution or agency to
16 which a juvenile court commits a child, including, without
17 limitation, a facility for the detention of children, before the
18 investigation of the background and personal history of the person
19 has been conducted.

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

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

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

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

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

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

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

36 62C.120 1. If a petition filed pursuant to the provisions of
37 this title contains allegations that a child committed an unlawful act
38 which would have been a sexual offense if committed by an adult or
39 which involved the use or threatened use of force or violence against
40 the victim, the district attorney shall provide to the victim and, if the
41 victim is less than 18 years of age, to the parent or guardian of the
42 victim, as soon as practicable after the petition is filed,
43 documentation that includes:

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



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

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

4 (a) Sexual assault pursuant to NRS 200.366;

5 (b) Battery with intent to commit sexual assault pursuant to
6 NRS 200.400;

7 (c) An offense involving ~~[pornography and a minor]~~ *child*
8 *sexual abuse material* pursuant to NRS 200.710 to 200.730,
9 inclusive;

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

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

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

13 (g) Sexual penetration of a dead human body pursuant to
14 NRS 201.450;

15 (h) Luring a child or person with mental illness pursuant to NRS
16 201.560, if punishable as a felony; or

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

18 **Sec. 10.** NRS 62F.100 is hereby amended to read as follows:

19 62F.100 As used in NRS 62F.100 to 62F.150, inclusive, unless
20 the context otherwise requires, "sexual offense" means:

21 1. Sexual assault pursuant to NRS 200.366;

22 2. Battery with intent to commit sexual assault pursuant to
23 NRS 200.400;

24 3. An offense involving ~~[pornography and a minor]~~ *child*
25 *sexual abuse material* pursuant to NRS 200.710 to 200.730,
26 inclusive;

27 4. Open or gross lewdness pursuant to NRS 201.210, if
28 punishable as a felony;

29 5. Indecent or obscene exposure pursuant to NRS 201.220, if
30 punishable as a felony;

31 6. Lewdness with a child pursuant to NRS 201.230;

32 7. Sexual penetration of a dead human body pursuant to
33 NRS 201.450;

34 8. Luring a child or person with mental illness pursuant to NRS
35 201.560, if punishable as a felony; or

36 9. An attempt to commit an offense listed in this section, if
37 punishable as a felony.

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

39 62F.225 1. "Sexual offense" means:

40 (a) Sexual assault pursuant to NRS 200.366;

41 (b) An offense involving ~~[pornography and a minor]~~ *child*
42 *sexual abuse material* pursuant to NRS 200.710 to 200.730,
43 inclusive;

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



1 (d) An attempt or conspiracy to commit an offense listed in
2 paragraph (a), (b) or (c), if punishable as a felony;

3 (e) An offense that is determined to be sexually motivated
4 pursuant to NRS 175.547 or 207.193; or

5 (f) An aggravated sexual offense.

6 2. The term does not include an offense involving consensual
7 sexual conduct if the victim was:

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

10 (b) At least 13 years of age and the offender was not more than
11 4 years older than the victim at the time of the commission of the
12 offense.

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

14 62G.223 1. A department of juvenile justice services shall
15 secure from appropriate law enforcement agencies information on
16 the background and personal history of each applicant for
17 employment with the department of juvenile justice services, and
18 each employee of the department of juvenile justice services, to
19 determine:

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

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

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

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

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

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

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

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

37 (8) A crime involving pandering or prostitution, including,
38 without limitation, a violation of any provision of NRS 201.295 to
39 201.440, inclusive;

40 (9) Abuse or neglect of a child, including, without limitation,
41 a violation of any provision of NRS 200.508 or 200.5083 or
42 contributory delinquency;

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



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

5 (12) 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, other
8 than a violation described in subparagraph (11), within the
9 immediately preceding 3 years;

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

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

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

22 2. A department of juvenile justice services shall request
23 information from:

24 (a) The Statewide Central Registry concerning an applicant for
25 employment with the department of juvenile justice services, or an
26 employee of the department of juvenile justice services, to
27 determine whether there has been a substantiated report of child
28 abuse or neglect made against the applicant or employee; and

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

33 3. Each applicant for employment with the department of
34 juvenile justice services, and each employee of the department of
35 juvenile justice services, must submit to the department of juvenile
36 justice services:

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

41 (b) Written authorization for the department of juvenile justice
42 services to obtain any information that may be available from the
43 Statewide Central Registry or the central registry of information
44 concerning the abuse or neglect of a child established by any other



1 state in which the applicant or employee resided within the
2 immediately preceding 5 years.

3 4. The department of juvenile justice services may exchange
4 with the Central Repository or the Federal Bureau of Investigation
5 any information concerning the fingerprints submitted pursuant to
6 this section.

7 5. When a report from the Federal Bureau of Investigation is
8 received by the Central Repository, the Central Repository shall
9 immediately forward a copy of the report to the department of
10 juvenile justice services for a determination of whether the applicant
11 or employee has criminal charges pending against him or her for a
12 crime listed in paragraph (a) of subsection 1 or has been convicted
13 of a crime listed in paragraph (a) of subsection 1.

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

17 7. As used in this section, "Statewide Central Registry" means
18 the Statewide Central Registry for the Collection of Information
19 Concerning the Abuse or Neglect of a Child established by
20 NRS 432.100.

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

22 62G.353 1. A department of juvenile justice services shall
23 secure from appropriate law enforcement agencies information on
24 the background and personal history of each applicant for
25 employment with the department of juvenile justice services, and
26 each employee of the department of juvenile justice services, to
27 determine:

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

29 (1) Murder, voluntary manslaughter, involuntary
30 manslaughter or mayhem;

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

33 (3) Assault with intent to kill or to commit sexual assault or
34 mayhem;

35 (4) Battery which results in substantial bodily harm to the
36 victim;

37 (5) Battery that constitutes domestic violence that is
38 punishable as a felony;

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

42 (7) Sexual assault, statutory sexual seduction, incest,
43 lewdness, indecent exposure or an offense involving ~~[pornography
44 and a minor;]~~ *child sexual abuse material;*



1 (8) A crime involving pandering or prostitution, including,
2 without limitation, a violation of any provision of NRS 201.295 to
3 201.440, inclusive;

4 (9) Abuse or neglect of a child, including, without limitation,
5 a violation of any provision of NRS 200.508 or 200.5083 or
6 contributory delinquency;

7 (10) 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 (11) A violation of any federal or state law prohibiting
11 driving or being in actual physical control of a vehicle while under
12 the influence of intoxicating liquor or a controlled substance that is
13 punishable as a felony;

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

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

24 (14) Any offense involving arson, fraud, theft,
25 embezzlement, burglary, robbery, fraudulent conversion,
26 misappropriation of property or perjury within the immediately
27 preceding 7 years; or

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

31 2. A department of juvenile justice services shall request
32 information from:

33 (a) The Statewide Central Registry concerning an applicant for
34 employment with the department of juvenile justice services, or an
35 employee of the department of juvenile justice services, to
36 determine whether there has been a substantiated report of child
37 abuse or neglect made against the applicant or employee; and

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

42 3. Each applicant for employment with the department of
43 juvenile justice services, and each employee of the department of
44 juvenile justice services, must submit to the department of juvenile
45 justice services:



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

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

11 4. The department of juvenile justice services may exchange
12 with the Central Repository or the Federal Bureau of Investigation
13 any information concerning the fingerprints submitted pursuant to
14 this section.

15 5. When a report from the Federal Bureau of Investigation is
16 received by the Central Repository, the Central Repository shall
17 immediately forward a copy of the report to the department of
18 juvenile justice services for a determination of whether the applicant
19 or employee has criminal charges pending against him or her for a
20 crime listed in paragraph (a) of subsection 1 or has been convicted
21 of a crime listed in paragraph (a) of subsection 1.

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

25 7. As used in this section, "Statewide Central Registry" means
26 the Statewide Central Registry for the Collection of Information
27 Concerning the Abuse or Neglect of a Child established by
28 NRS 432.100.

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

30 62H.010 1. The fingerprints of a child must be taken if the
31 child is in custody for an unlawful act that, if committed by an adult,
32 would have been:

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

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

35 (1) The use or threatened use of force or violence against the
36 victim; or

37 (2) The possession, use or threatened use of a firearm or a
38 deadly weapon.

39 2. The fingerprints of a child who is in custody but who is not
40 subject to the provisions of subsection 1 may be taken if a law
41 enforcement officer finds latent fingerprints during the investigation
42 of an offense and the officer has reason to believe that the latent
43 fingerprints are those of the child. The officer shall use the
44 fingerprints taken from the child to make an immediate comparison
45 with the latent fingerprints. If the comparison is:



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

4 (b) Positive, the fingerprint card and other copies of the
5 fingerprints:

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

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

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

12 (a) May be retained in a local file or a local system for the
13 automatic retrieval of fingerprints if they are retained under special
14 security measures that limit inspection of the fingerprints to law
15 enforcement officers who are conducting criminal investigations. If
16 the child from whom the fingerprints are taken subsequently is not
17 adjudicated delinquent, the parent or guardian of the child or, when
18 the child becomes at least 18 years of age, the child may petition the
19 juvenile court for the removal of the fingerprints from any local file
20 or local system.

21 (b) Must be submitted to the Central Repository if the child is
22 adjudicated delinquent for an unlawful act that would have been a
23 felony or a sexual offense if committed by an adult, and may be
24 submitted to the Central Repository for any other act. Any such
25 fingerprints submitted to the Central Repository must be submitted
26 with a description of the child and the unlawful act, if any, that the
27 child committed. The Central Repository shall retain the fingerprints
28 and information of the child under special security measures that
29 limit inspection of the fingerprints and the information to:

30 (1) Law enforcement officers who are conducting criminal
31 investigations; and

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

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

39 4. A child who is in custody must be photographed for the
40 purpose of identification. Except as otherwise provided in this
41 subsection, the photographs of the child must be kept in the file
42 pertaining to the child under special security measures which
43 provide that the photographs may be inspected only to conduct
44 criminal investigations and photographic lineups. If the juvenile



1 court subsequently determines that the child is not delinquent, the
2 juvenile court shall order the photographs to be destroyed.

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

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

6 (a) Sexual assault pursuant to NRS 200.366;

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

8 (c) Battery with intent to commit sexual assault pursuant to
9 NRS 200.400;

10 (d) An offense involving ~~pornography and a minor~~ **child**
11 **sexual abuse material** pursuant to NRS 200.710 to 200.730,
12 inclusive;

13 (e) Incest pursuant to NRS 201.180;

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

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

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

17 (i) Sexual penetration of a dead human body pursuant to
18 NRS 201.450;

19 (j) Luring a child or person with mental illness pursuant to NRS
20 201.560, if punishable as a felony;

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

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

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

26 62H.220 1. For each child adjudicated delinquent for an
27 unlawful act that would have been a sexual offense if committed by
28 an adult, the Division of Child and Family Services shall collect
29 from the juvenile courts, local juvenile probation departments and
30 the staff of the youth correctional services, as directed by the
31 Department of Health and Human Services:

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

33 (b) The name of the child; and

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

36 (1) Were directly related to the delinquent act committed by
37 the child; or

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

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

44 3. Except as otherwise provided in NRS 239.0115, all
45 information containing the name of the child and all information



1 relating to programs of treatment in which the child participated is
2 confidential and must not be used for a purpose other than that
3 provided for in this section and NRS 62H.320.

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

5 (a) Sexual assault pursuant to NRS 200.366;

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

7 (c) Battery with intent to commit sexual assault pursuant to
8 NRS 200.400;

9 (d) An offense involving ~~[pornography and a minor]~~ *child*
10 *sexual abuse material* pursuant to NRS 200.710 to 200.730,
11 inclusive;

12 (e) Incest pursuant to NRS 201.180;

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

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

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

16 (i) Sexual penetration of a dead human body pursuant to
17 NRS 201.450;

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

20 (k) Annoyance or molestation of a minor pursuant to
21 NRS 207.260;

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

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

26 (n) An offense committed in another jurisdiction that, if
27 committed in this State, would have been an offense listed in this
28 subsection.

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

30 62H.310 As used in this section and NRS 62H.300 and
31 62H.320:

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

35 2. "Sexual offense" means:

36 (a) Sexual assault pursuant to NRS 200.366;

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

38 (c) Battery with intent to commit sexual assault pursuant to
39 NRS 200.400;

40 (d) An offense involving ~~[pornography and a minor]~~ *child*
41 *sexual abuse material* pursuant to NRS 200.710 to 200.730,
42 inclusive;

43 (e) Incest pursuant to NRS 201.180;

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

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



- 1 (h) Lewdness with a child pursuant to NRS 201.230;
- 2 (i) Sexual penetration of a dead human body pursuant to
- 3 NRS 201.450;
- 4 (j) Luring a child or a person with mental illness pursuant to
- 5 NRS 201.560, if punished as a felony;
- 6 (k) An attempt to commit an offense listed in paragraphs (a) to
- 7 (j), inclusive;
- 8 (l) An offense that is determined to be sexually motivated
- 9 pursuant to NRS 175.547; or
- 10 (m) An offense committed in another jurisdiction that, if
- 11 committed in this State, would be an offense listed in this
- 12 subsection.

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

14 127.1869 1. If the court determines that tribal customary

15 adoption is in the best interests, as described in NRS 125E.230, of a

16 ward who is an Indian child and the Indian child's tribe consents to

17 the tribal customary adoption:

18 (a) The appropriate agency which provides child welfare

19 services shall provide the Indian child's tribe and proposed tribal

20 customary adoptive parents with a written report on the Indian child,

21 including, without limitation, to the extent not otherwise prohibited

22 by state or federal law, the medical background, if known, of the

23 Indian child's parents, and the Indian child's educational

24 information, developmental history and medical background,

25 including all known diagnostic information, current medical reports

26 and any psychological evaluations.

27 (b) The court shall accept a tribal customary adoptive home

28 study conducted by the Indian child's tribe if the home study:

29 (1) Includes federal criminal background checks, including

30 reports of child abuse, that meet the standards applicable under the

31 laws of this State for all other proposed adoptive placements;

32 (2) Uses the prevailing social and cultural standards of the

33 Indian child's tribe as the standards for evaluation of the proposed

34 adoptive placement;

35 (3) Includes an evaluation of the background, safety and

36 health information of the proposed adoptive placement, including

37 the biological, psychological and social factors of the proposed

38 adoptive placement and assessment of the commitment, capability

39 and suitability of the proposed adoptive placement to meet the

40 Indian child's needs; and

41 (4) Except where the proposed adoptive placement is the

42 Indian child's current foster care placement, is completed before the

43 placement of the Indian child in the proposed adoptive placement.

44 (c) Notwithstanding subsection 2, the court may not accept the

45 tribe's order or judgment of tribal customary adoption if any adult



1 living in the proposed adoptive placement has a felony conviction
2 for child abuse or neglect, spousal abuse, crimes against a child,
3 including child ~~[pornography.]~~ *sexual abuse material*, or a crime
4 involving violence. The Division shall, by regulation, define “crime
5 involving violence” for the purposes of this paragraph. The
6 definition must include rape, sexual assault and homicide, but must
7 not include other physical assault or battery.

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

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

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

14 (c) The order or judgment:

15 (1) Includes a description of the modification of the legal
16 relationship of the Indian child’s parents or Indian custodian and the
17 Indian child, including any contact between the Indian child and
18 the Indian child’s parents or Indian custodian, responsibilities of the
19 Indian child’s parents or Indian custodian and the rights of
20 inheritance of the parents and Indian child;

21 (2) Includes a description of the Indian child’s legal
22 relationship with the tribe; and

23 (3) Does not include any child support obligation from the
24 Indian child’s parents or Indian custodian.

25 ↪ The court shall afford full faith and credit to a tribal customary
26 adoption order or judgment that is accepted under this subsection.

27 3. A tribal customary adoptive parent is not required to file a
28 petition for adoption when the court accepts a tribal customary
29 adoption order or judgment under subsection 2. The clerk of the
30 court may not charge or collect a fee for a proceeding under this
31 subsection.

32 4. After accepting a tribal customary adoption order or
33 judgment under subsection 2, the court that accepted the order or
34 judgment shall proceed as provided in NRS 127.150 and enter an
35 order or decree of adoption. In addition to the requirements under
36 NRS 127.151, the order or decree of adoption must include a
37 statement that any parental rights or obligations not specified in the
38 order or decree are transferred to the tribal customary adoptive
39 parents and a description of any parental rights or duties retained by
40 the Indian child’s parents, the rights of inheritance of the parents
41 and Indian child and the Indian child’s legal relationship with the
42 child’s tribe.

43 5. A tribal customary adoption under this section does not
44 require the consent of the Indian child or the child’s parents.



1 6. Upon the court's entry of an order or decree of adoption
2 under this section, the court's jurisdiction over the Indian child
3 terminates.

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

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

12 9. The Division shall adopt regulations requiring that any
13 report regarding a ward who is an Indian child that an agency which
14 provides child welfare services submits to the court, including any
15 home studies, placement reports or other reports required by law
16 must address tribal customary adoption as a permanency option. The
17 Supreme Court may adopt rules necessary for the court processes to
18 implement the provisions of this section, and the Court
19 Administrator may prepare necessary forms for the implementation
20 of this section.

21 10. As used in this section, "tribal customary adoption" means
22 the adoption of an Indian child, by and through the tribal custom,
23 traditions or law of the child's tribe, and which may be effected
24 without the termination of parental rights.

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

26 176.133 As used in NRS 176.133 to 176.161, inclusive, unless
27 the context otherwise requires:

28 1. "Person professionally qualified to conduct psychosexual
29 evaluations" means a person who has received training in
30 conducting psychosexual evaluations and is:

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

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

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

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

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

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

43 2. "Psychosexual evaluation" means an evaluation conducted
44 pursuant to NRS 176.139.

45 3. "Sexual offense" means:



- 1 (a) Sexual assault pursuant to NRS 200.366;
- 2 (b) Statutory sexual seduction pursuant to NRS 200.368, if
- 3 punished as a felony;
- 4 (c) Battery with intent to commit sexual assault pursuant to
- 5 NRS 200.400;
- 6 (d) Abuse of a child pursuant to NRS 200.508, if the abuse
- 7 involved sexual abuse or sexual exploitation and is punished as a
- 8 felony;
- 9 (e) An offense involving ~~pornography and a minor~~ *child*
- 10 *sexual abuse material* pursuant to NRS 200.710 to 200.730,
- 11 inclusive;
- 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, if
- 16 punished as a felony;
- 17 (i) Indecent or obscene exposure pursuant to NRS 201.220, if
- 18 punished as a felony;
- 19 (j) Lewdness with a child pursuant to NRS 201.230;
- 20 (k) Soliciting a child for prostitution pursuant to NRS 201.354;
- 21 (l) Sexual penetration of a dead human body pursuant to
- 22 NRS 201.450;
- 23 (m) Sexual conduct between certain employees of a school or
- 24 volunteers at a school and a pupil pursuant to NRS 201.540;
- 25 (n) Sexual conduct between certain employees of a college or
- 26 university and a student pursuant to NRS 201.550;
- 27 (o) Luring a child or a person with mental illness pursuant to
- 28 NRS 201.560, if punished as a felony;
- 29 (p) An attempt to commit an offense listed in paragraphs (a) to
- 30 (o), inclusive, if punished as a felony; or
- 31 (q) An offense that is determined to be sexually motivated
- 32 pursuant to NRS 175.547 or 207.193.

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

34 176A.110 1. The court shall not grant probation to or

35 suspend the sentence of a person convicted of an offense listed in

36 subsection 3 unless:

37 (a) If a psychosexual evaluation of the person is required

38 pursuant to NRS 176.139, the person who conducts the

39 psychosexual evaluation certifies in the report prepared pursuant to

40 NRS 176.139 that the person convicted of the offense does not

41 represent a high risk to reoffend based upon a currently accepted

42 standard of assessment; or

43 (b) If a psychosexual evaluation of the person is not required

44 pursuant to NRS 176.139, a psychologist licensed to practice in this

45 State who is trained to conduct psychosexual evaluations or a



1 psychiatrist licensed to practice medicine in this State who is
2 certified by the American Board of Psychiatry and Neurology, Inc.,
3 and is trained to conduct psychosexual evaluations certifies in a
4 written report to the court that the person convicted of the offense
5 does not represent a high risk to reoffend based upon a currently
6 accepted standard of assessment.

7 2. This section does not create a right in any person to be
8 certified or to continue to be certified. No person may bring a cause
9 of action against the State, its political subdivisions, or the agencies,
10 boards, commissions, departments, officers or employees of the
11 State or its political subdivisions for not certifying a person pursuant
12 to this section or for refusing to consider a person for certification
13 pursuant to this section.

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

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

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

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

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

22 (e) An offense involving ~~pornography and a minor~~ *child*
23 *sexual abuse material* pursuant to NRS 200.710 to 200.730,
24 inclusive.

25 (f) Fertility fraud pursuant to paragraph (a) of subsection 1 of
26 NRS 200.975.

27 (g) Incest pursuant to NRS 201.180.

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

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

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

31 (k) Sexual penetration of a dead human body pursuant to
32 NRS 201.450.

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

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

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

39 (o) A violation of NRS 207.180.

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

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



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

2 176A.413 1. Except as otherwise provided in subsection 2, if
3 a defendant is convicted of stalking with the use of an Internet or
4 network site, electronic mail, text messaging or any other similar
5 means of communication pursuant to subsection 4 of NRS 200.575,
6 an offense involving ~~[pornography and a minor]~~ **child sexual abuse**
7 **material** pursuant to NRS 200.710 to 200.730, inclusive, luring a
8 child or a person with mental illness through the use of a computer,
9 system or network pursuant to paragraph (a) or (b) of subsection 4
10 of NRS 201.560 or a violation of NRS 201.553 which involved the
11 use of an electronic communication device and the court grants
12 probation or suspends the sentence, the court shall, in addition to
13 any other condition ordered pursuant to NRS 176A.400, order as a
14 condition of probation or suspension that the defendant not own or
15 use a computer, including, without limitation, use electronic mail, a
16 chat room or the Internet.

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

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

22 (b) The defendant will use the computer to provide
23 technological training concerning technology of which the
24 defendant has a unique knowledge; or

25 (c) The use of the computer by the defendant will assist
26 companies that require the use of the specific technological
27 knowledge of the defendant that is unique and is otherwise
28 unavailable to the company.

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

36 4. As used in this section:

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

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

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

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

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



1 **Sec. 21.** NRS 178.5698 is hereby amended to read as follows:
2 178.5698 1. The prosecuting attorney, sheriff or chief of
3 police shall, upon the request of a victim or witness, inform the
4 victim or witness:

5 (a) When the defendant is released from custody at any time
6 before or during the trial, including, without limitation, when the
7 defendant is released pending trial or subject to electronic
8 supervision;

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

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

13 2. A request for information pursuant to subsection 1 must be
14 made:

15 (a) In writing; or

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

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

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

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

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

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

29 (b) To each person listed in subsection 4, documentation that
30 includes:

31 (1) A form advising the person of the right to be notified
32 pursuant to subsection 5 or 6 and NRS 176.015, 176A.630,
33 178.4715, 209.392, 209.3923, 209.3925, 209.429, 209.521, 213.010,
34 213.040, 213.095 and 213.131 or NRS 213.10915;

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

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

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

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

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



1 (c) If a person listed in paragraph (a) or (b) is under the age of
2 18 years, each parent or guardian who is not the offender.

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

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

8 5. Except as otherwise provided in subsection 6, if the offense
9 was a felony and the offender is imprisoned, the warden of the
10 prison shall, if the victim or witness so requests in writing and
11 provides a current address, notify the victim or witness at that
12 address when the offender is released from the prison.

13 6. If the offender was convicted of a violation of subsection 3
14 of NRS 200.366 or a violation of subsection 1, paragraph (a) of
15 subsection 2 or subparagraph (2) of paragraph (b) of subsection 2 of
16 NRS 200.508, the warden of the prison shall notify:

17 (a) The immediate family of the victim if the immediate family
18 provides their current address;

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

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

24 ↪ before the offender is released from prison.

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

29 8. As used in this section:

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

32 (b) "Sexual offense" means:

33 (1) Sexual assault pursuant to NRS 200.366;

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

35 (3) Battery with intent to commit sexual assault pursuant to
36 NRS 200.400;

37 (4) An offense involving ~~[pornography and a minor]~~ **child**
38 **sexual abuse material** pursuant to NRS 200.710 to 200.730,
39 inclusive;

40 (5) Fertility fraud pursuant to paragraph (a) of subsection 1
41 of NRS 200.975;

42 (6) Incest pursuant to NRS 201.180;

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

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

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



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

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

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

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

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

11 (15) An attempt to commit an offense listed in this
12 paragraph.

13 **Sec. 22.** NRS 179.245 is hereby amended to read as follows:

14 179.245 1. Except as otherwise provided in subsection 6 and
15 NRS 176.211, 176A.245, 176A.265, 176A.295, 179.247, 179.259,
16 201.354 and 453.3365, a person may petition the court in which the
17 person was convicted for the sealing of all records relating to a
18 conviction of:

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

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

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

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

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

39 (f) Except as otherwise provided in paragraph (e), if the offense
40 is punished as a misdemeanor, a battery pursuant to NRS 200.481,
41 harassment pursuant to NRS 200.571, stalking pursuant to NRS
42 200.575 or a violation of a temporary or extended order for
43 protection, after 2 years from the date of release from actual custody
44 or from the date when the person is no longer under a suspended
45 sentence, whichever occurs later; or



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

4 2. A petition pursuant to subsection 1 must:

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

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

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

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

19 (1) Date of birth of the petitioner;

20 (2) Specific conviction to which the records to be sealed
21 pertain; and

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

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

28 3. Upon receiving a petition pursuant to this section, the court
29 shall notify the law enforcement agency that arrested the petitioner
30 for the crime and the prosecuting attorney, including, without
31 limitation, the Attorney General, who prosecuted the petitioner for
32 the crime. The prosecuting attorney and any person having relevant
33 evidence may testify and present evidence at any hearing on the
34 petition.

35 4. If the prosecuting agency that prosecuted the petitioner for
36 the crime stipulates to the sealing of the records, the court shall
37 apply the presumption set forth in NRS 179.2445 and seal the
38 records. If the prosecuting agency does not stipulate to the sealing of
39 the records or does not file a written objection within 30 days after
40 receiving notification pursuant to subsection 3 and the court makes
41 the findings set forth in subsection 5, the court may order the sealing
42 of the records in accordance with subsection 5 without a hearing. If
43 the court does not order the sealing of the records or the prosecuting
44 agency files a written objection, a hearing on the petition must be
45 conducted. At the hearing, unless an objecting party presents



1 evidence sufficient to rebut the presumption set forth in NRS
2 179.2445, the court shall apply the presumption and seal the records.

3 5. If the court finds that, in the period prescribed in subsection
4 1, the petitioner has not been charged with any offense for which the
5 charges are pending or convicted of any offense, except for minor
6 moving or standing traffic violations, the court may order sealed all
7 records of the conviction which are in the custody of any agency of
8 criminal justice or any public or private agency, company, official
9 or other custodian of records in the State of Nevada, and may also
10 order all such records of the petitioner returned to the file of the
11 court where the proceeding was commenced from, including,
12 without limitation, the Federal Bureau of Investigation and all other
13 agencies of criminal justice which maintain such records and which
14 are reasonably known by either the petitioner or the court to have
15 possession of such records.

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

18 (a) A crime against a child;

19 (b) A sexual offense;

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

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

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

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

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

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

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

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

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



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

5 9. Notwithstanding any other provision of law, no fee may be
6 charged by any court or agency of criminal justice in this State
7 related to a petition for the sealing of records pursuant to this section
8 if, at the time the crime for which the records to be sealed was
9 committed, the petitioner was being sex trafficked pursuant to NRS
10 201.300. As used in this subsection, "fee" includes, without
11 limitation, any fee to file a petition, obtain fingerprints if provided
12 by a governmental agency of this State, obtain any records of
13 criminal history, obtain records of past arrests and convictions or
14 obtain or certify copies of documents pursuant to NRS 19.013 and
15 any other fee related to the sealing of records pursuant to this
16 section.

17 10. As used in this section:

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

20 (b) "Sexual offense" means:

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

25 (2) Sexual assault pursuant to NRS 200.366.

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

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

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

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

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

40 (8) An offense involving ~~[pornography and a minor]~~ **child**
41 **sexual abuse material** pursuant to NRS 200.710 to 200.730,
42 inclusive.

43 (9) Fertility fraud pursuant to paragraph (a) of subsection 1
44 of NRS 200.975.

45 (10) Incest pursuant to NRS 201.180.



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

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

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

6 (14) Sexual penetration of a dead human body pursuant to
7 NRS 201.450.

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

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

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

14 (18) An attempt to commit an offense listed in this
15 paragraph.

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

17 179A.073 1. "Sexual offense" includes acts upon a child
18 constituting:

19 (a) Sexual assault under NRS 200.366;

20 (b) Statutory sexual seduction under NRS 200.368;

21 (c) Use of a minor in producing ~~[pornography]~~ *child sexual*
22 *abuse material* under NRS 200.710;

23 (d) Promotion of a sexual performance of a minor under
24 NRS 200.720;

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

27 (f) Incest under NRS 201.180;

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

29 (h) Luring a child or a person with mental illness pursuant to
30 NRS 201.560, if punished as a felony.

31 2. "Sexual offense" also includes acts committed outside the
32 State that would constitute any of the offenses in subsection 1 if
33 committed in the State, and the aiding, abetting, attempting or
34 conspiring to engage in any of the offenses in subsection 1.

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

36 179D.097 1. "Sexual offense" means any of the following
37 offenses:

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

42 (b) Sexual assault pursuant to NRS 200.366.

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

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



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

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

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

11 (h) An offense involving ~~[pornography and a minor]~~ **child**
12 **sexual abuse material** pursuant to NRS 200.710 to 200.730,
13 inclusive.

14 (i) Fertility fraud pursuant to paragraph (a) of subsection 1 of
15 NRS 200.975.

16 (j) Incest pursuant to NRS 201.180.

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

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

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

20 (n) Sexual penetration of a dead human body pursuant to
21 NRS 201.450.

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

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

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

28 (r) Sex trafficking pursuant to NRS 201.300.

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

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

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

35 (v) An offense committed in another jurisdiction that, if
36 committed in this State, would be an offense listed in this
37 subsection. This paragraph includes, without limitation, an offense
38 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 (w) An offense of a sexual nature committed in another
43 jurisdiction, whether or not the offense would be an offense listed in
44 this section, if the person who committed the offense resides or has
45 resided or is or has been a student or worker in any jurisdiction in



1 which the person is or has been required by the laws of that
2 jurisdiction to register as a sex offender because of the offense. This
3 paragraph includes, without limitation, an offense prosecuted in:

4 (1) A tribal court.

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

7 (3) A court having jurisdiction over juveniles.

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

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

13 (b) At least 13 years of age and the offender was not more than
14 4 years older than the victim at the time of the commission of the
15 offense.

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

17 179D.115 “Tier II offender” means an offender convicted of a
18 crime against a child or a sex offender, other than a Tier III
19 offender, whose crime against a child is punishable by
20 imprisonment for more than 1 year or whose sexual offense:

21 1. If committed against a child, constitutes:

22 (a) Luring a child pursuant to NRS 201.560, if punishable as a
23 felony;

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

26 (c) An offense involving sex trafficking pursuant to NRS
27 201.300 or prostitution pursuant to NRS 201.320 or 201.395;

28 (d) An offense involving ~~[pornography and a minor]~~ *child*
29 *sexual abuse material* pursuant to NRS 200.710 to 200.730,
30 inclusive; or

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

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

35 3. If committed in another jurisdiction, is an offense that, if
36 committed in this State, would be an offense listed in this section.
37 This subsection includes, without limitation, an offense prosecuted
38 in:

39 (a) A tribal court; or

40 (b) A court of the United States or the Armed Forces of the
41 United States; or

42 4. Is committed after the person becomes a Tier I offender if
43 any of the person’s sexual offenses constitute an offense punishable
44 by imprisonment for more than 1 year.



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

2 213.1258 1. Except as otherwise provided in subsection 2, if
3 the Board releases on parole a prisoner convicted of stalking with
4 the use of an Internet or network site, electronic mail, text
5 messaging or any other similar means of communication pursuant to
6 subsection 4 of NRS 200.575, an offense involving ~~[pornography~~
7 ~~and a minor]~~ *child sexual abuse material* pursuant to NRS 200.710
8 to 200.730, inclusive, luring a child or a person with mental illness
9 through the use of a computer, system or network pursuant to
10 paragraph (a) or (b) of subsection 4 of NRS 201.560 or a violation
11 of NRS 201.553 which involved the use of an electronic
12 communication device, the Board shall, in addition to any other
13 condition of parole, require as a condition of parole that the parolee
14 not own or use a computer, including, without limitation, use
15 electronic mail, a chat room or the Internet.

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

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

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

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

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

32 4. As used in this section:

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

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

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

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

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

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

43 217.050 "Personal injury" means:

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



1 2. In the case of a minor who was involved in the production of
2 ~~[pornography]~~ *child sexual abuse material* in violation of NRS
3 200.710, 200.720, 200.725 or 200.730, any harm which results in a
4 need for medical treatment or any psychological or psychiatric
5 counseling, or both;

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

7 4. Any harm which results from a violation of NRS 200.5099
8 or 200.50995.

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

10 217.070 1. "Victim" means a person who suffers direct or
11 threatened physical, financial or psychological harm as a result of
12 the commission of a crime, including, without limitation:

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

15 (b) A minor who was involved in the production of
16 ~~[pornography]~~ *child sexual abuse material* in violation of NRS
17 200.710, 200.720, 200.725 or 200.730;

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

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

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

27 (f) An older person or a vulnerable person who is abused,
28 neglected, exploited, isolated or abandoned in violation of NRS
29 200.5099 or 200.50995;

30 (g) A person who is physically injured or killed as the direct
31 result of an act of international terrorism as defined in 18 U.S.C. §
32 2331(1);

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

35 (i) A veteran who experienced an act of sexual assault while
36 serving on active duty, active duty for training or inactive duty
37 training;

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

40 (k) A person who is an immediate family member of a victim
41 who:

42 (1) Is a minor;

43 (2) Is physically or mentally incompetent; or

44 (3) Was killed.



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

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

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

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

7 217.100 1. Except as otherwise provided in subsection 5, any
8 person eligible for compensation under the provisions of NRS
9 217.010 to 217.270, inclusive, may apply to the Director for such
10 compensation not later than 24 months after the injury or death for
11 which compensation is claimed or, for a person who is a victim of
12 sex trafficking or facilitating sex trafficking, not later than 60
13 months after the injury or death for which compensation is claimed,
14 unless waived by the Director or a person designated by the Director
15 for good cause shown, and the personal injury or death was the
16 result of an incident or offense that was reported to the police within
17 5 days of its occurrence or, if the incident or offense could not
18 reasonably have been reported within that period, within 5 days of
19 the time when a report could reasonably have been made.

20 2. An order for the payment of compensation must not be
21 made unless the application is made within the time set forth in
22 subsection 1.

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

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

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

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

34 5. The limitations upon payment of compensation established
35 in subsection 1 do not apply to a minor who is sexually abused or
36 who is involved in the production of ~~[pornography.]~~ *child sexual*
37 *abuse material*. Such a minor must apply for compensation before
38 reaching 21 years of age.

39 6. As used in this section:

40 (a) "Facilitating sex trafficking" means a violation of
41 NRS 201.301.

42 (b) "Sex trafficking" means a violation of subsection 2 of
43 NRS 201.300.



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

2 220.125 1. The Legislative Counsel shall, to the extent
3 practicable, ensure that persons with physical, mental or cognitive
4 disabilities are referred to in Nevada Revised Statutes using
5 language that is commonly viewed as respectful and sentence
6 structure that refers to the person before referring to his or her
7 disability as follows:

8 (a) Words and terms that are preferred for use in Nevada
9 Revised Statutes include, without limitation, "persons with
10 disabilities," "persons with mental illness," "persons with
11 developmental disabilities," "persons with intellectual disabilities"
12 and other words and terms that are structured in a similar manner.

13 (b) Words and terms that are not preferred for use in Nevada
14 Revised Statutes include, without limitation, "disabled,"
15 "handicapped," "mentally disabled," "mentally ill," "mentally
16 retarded" and other words and terms that tend to equate the
17 disability with the person.

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

23 (a) Words and terms that are preferred for use in Nevada
24 Revised Statutes include, without limitation, "addictive disorder,"
25 "persons with addictive disorders," "person with an addictive
26 disorder," "person with an addictive disorder related to gambling"
27 and "substance use disorder."

28 (b) Words and terms that are not preferred for use in Nevada
29 Revised Statutes include, without limitation, "addict," "alcoholic,"
30 "alcohol abuse," "alcohol abuser," "alcohol and drug abuser," "drug
31 abuse," "drug addict," "problem gambler," "substance abuse" and
32 "substance abuser."

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

38 (a) Words and terms that are preferred for use in Nevada
39 Revised Statutes include, without limitation, "persons with mental
40 illness" and other words and terms that are structured in a similar
41 manner.

42 (b) Words and terms that are not preferred for use in Nevada
43 Revised Statutes include, without limitation, "insane" and
44 "insanity."



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

8 5. The Legislative Counsel shall, to the extent practicable,
9 ensure that:

10 (a) Terms related to persons living with the human
11 immunodeficiency virus are referred to in Nevada Revised Statutes
12 using language that is commonly viewed as respectful and sentence
13 structure that refers to the person before referring to the human
14 immunodeficiency virus as follows:

15 (1) Words and terms that are preferred for use in Nevada
16 Revised Statutes include, without limitation, “person living with the
17 human immunodeficiency virus” and “person diagnosed with the
18 human immunodeficiency virus.”

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

22 (b) The human immunodeficiency virus is referred to in Nevada
23 Revised Statutes using language that refers only to the human
24 immunodeficiency virus or HIV rather than using duplicative
25 references to both the human immunodeficiency virus or HIV and
26 acquired immunodeficiency syndrome, acquired immune deficiency
27 syndrome or AIDS.

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

31 *6. The Legislative Counsel shall, to the extent practicable,*
32 *ensure that terms related to items or materials that depict or*
33 *describe a minor as the subject of a sexual portrayal or engaging*
34 *in or simulating, or assisting others to engage in or simulate,*
35 *sexual conduct are referred to in Nevada Revised Statutes using*
36 *language that is commonly viewed as respectful and sentence*
37 *structure which clearly indicates that a minor depicted or*
38 *described in any such item or material is a victim as follows:*

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

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



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

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

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

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

2. It is the policy of this State that:

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

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

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

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

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

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

↪ in the same manner as provided in NRS 220.125 for Nevada Revised Statutes.



1 3. The Legislative Counsel shall:

2 (a) Include each permanent regulation in the Nevada
3 Administrative Code; and

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

6 ↪ that is required to be adopted pursuant to the provisions of this
7 chapter and which is adopted by an entity other than an agency.

8 4. The Legislative Commission may authorize inclusion in the
9 Nevada Administrative Code of the regulations of an agency
10 otherwise exempted from the requirements of this chapter.

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

12 424.031 1. The licensing authority or a person or entity
13 designated by the licensing authority shall obtain from appropriate
14 law enforcement agencies information on the background and
15 personal history of each applicant for a license to conduct a foster
16 home, person who is licensed to conduct a foster home, employee of
17 that applicant or licensee, and resident of a foster home who is 18
18 years of age or older, other than a resident who remains under the
19 jurisdiction of a court pursuant to NRS 432B.594, to determine
20 whether the person investigated has been arrested for, has charges
21 pending for or has been convicted of:

22 (a) Murder, voluntary manslaughter or mayhem;

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

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

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

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

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

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

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

43 (i) Any offense relating to ~~[pornography involving minors,]~~
44 *child sexual abuse material*, including, without limitation, a
45 violation of any provision of NRS 200.700 to 200.760, inclusive, or



1 a law of any other jurisdiction that prohibits the same or similar
2 conduct;

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

6 (k) A crime involving domestic violence that is punishable as a
7 felony;

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

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

12 (n) Any offense involving the sale, furnishing, purchase,
13 consumption or possession of alcoholic beverages by a minor
14 including, without limitation, a violation of any provision of NRS
15 202.015 to 202.067, inclusive, or driving a vehicle under the
16 influence of alcohol or a controlled substance in violation of chapter
17 484C of NRS or a law of any other jurisdiction that prohibits the
18 same or similar conduct, within the immediately preceding 7 years;
19 or

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

22 2. A licensing authority or a person or entity designated by the
23 licensing authority may conduct an investigation of the background
24 and personal history of a person who is 18 years of age or older who
25 routinely supervises a child in a foster home in the same manner as
26 described in subsection 1.

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

30 4. Unless a preliminary Federal Bureau of Investigation
31 Interstate Identification Index name-based check of the records of
32 criminal history has been conducted pursuant to NRS 424.039, a
33 person who is required to submit to an investigation pursuant to
34 subsection 1 shall not have contact with a child in a foster home
35 without supervision before the investigation of the background and
36 personal history of the person has been conducted.

37 5. The licensing authority or its designee:

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

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



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

2 424.145 1. The licensing authority or a person designated by
3 the licensing authority shall obtain from appropriate law
4 enforcement agencies information on the background and personal
5 history of each applicant for or holder of a license to conduct a
6 foster care agency and each owner, member of the governing body,
7 employee, paid consultant, contractor, volunteer or vendor of that
8 applicant or licensee who may come into direct contact with a child
9 placed by the foster care agency, to determine whether the person
10 investigated has been arrested for, has charges pending for or has
11 been convicted of:

12 (a) Murder, voluntary manslaughter or mayhem;

13 (b) Any other felony involving the use or threatened use of force
14 or violence against the victim or the use of a firearm or other deadly
15 weapon;

16 (c) Assault with intent to kill or to commit sexual assault or
17 mayhem;

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

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

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

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

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

33 (i) Any offense relating to ~~[pornography involving minors,]~~
34 *child sexual abuse material*, including, without limitation, a
35 violation of any provision of NRS 200.700 to 200.760, inclusive, or
36 a law of any other jurisdiction that prohibits the same or similar
37 conduct;

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

41 (k) A crime involving domestic violence that is punishable as a
42 felony;

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



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

3 (n) Any offense involving the sale, furnishing, purchase,
4 consumption or possession of alcoholic beverages by a minor,
5 including, without limitation, a violation of any provision of NRS
6 202.015 to 202.067, inclusive, or driving a vehicle under the
7 influence of alcohol or a controlled substance in violation of chapter
8 484C of NRS or a law of any other jurisdiction that prohibits the
9 same or similar conduct, within the immediately preceding 7 years;
10 or

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

13 2. Unless a preliminary Federal Bureau of Investigation
14 Interstate Identification Index name-based check of the records of
15 criminal history has been conducted pursuant to NRS 424.039, a
16 person who is required to submit to an investigation pursuant to this
17 section shall not have contact with a child in a foster home without
18 supervision before the investigation of the background and personal
19 history of the person is completed.

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

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

28 432.150 As used in NRS 432.150 to 432.220, inclusive, unless
29 the context otherwise requires:

30 1. "Clearinghouse" means the program established by the
31 Attorney General pursuant to NRS 432.170.

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

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

35 (a) Used in the production of ~~[pornography]~~ *child sexual abuse*
36 *material* in violation of the provisions of NRS 200.710 ~~[:]~~ *to*
37 *200.730, inclusive;*

38 (b) Subjected to sexual exploitation as defined in NRS
39 432B.110; or

40 (c) Employed or exhibited in any injurious, immoral or
41 dangerous business or occupation in violation of the provisions of
42 NRS 609.210.

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



1 **Sec. 35.** NRS 432A.170 is hereby amended to read as follows:
2 432A.170 1. The Division may, upon receipt of an
3 application for a license to operate a child care facility, conduct an
4 investigation into the:

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

7 (b) Qualifications and background of the applicant or the
8 employees of the applicant;

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

10 (d) Policies and purposes of the applicant.

11 2. Subject to the provisions of subsection 7, the Division shall
12 secure from appropriate law enforcement agencies information on
13 the background and personal history of every applicant, licensee,
14 operator of a small child care establishment, employee of an
15 applicant, licensee or small child care establishment, resident of a
16 child care facility or small child care establishment who is 18 years
17 of age or older, other than a resident who remains under the
18 jurisdiction of a court pursuant to NRS 432B.594, or participant in
19 an outdoor youth program who is 18 years of age or older, to
20 determine whether the person has been convicted of:

21 (a) Murder, voluntary manslaughter or mayhem;

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

24 (c) Assault with intent to kill or to commit sexual assault or
25 mayhem;

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

28 (e) Any crime against a child, including, without limitation,
29 abuse, neglect or endangerment of a child, contributory delinquency
30 or ~~[pornography involving a minor;]~~ *child sexual abuse material;*

31 (f) Arson;

32 (g) Assault;

33 (h) Battery, including, without limitation, battery which
34 constitutes domestic violence;

35 (i) Kidnapping;

36 (j) Any offense relating to the possession or use of any
37 controlled substance or any dangerous drug as defined in chapter
38 454 of NRS within the immediately preceding 5 years;

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

43 (l) Abuse, neglect, exploitation, isolation or abandonment of
44 older persons or vulnerable persons, including, without limitation, a
45 violation of any provision of NRS 200.5091 to 200.50995,



1 inclusive, or a law of any other jurisdiction that prohibits the same
2 or similar conduct;

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

6 (n) A crime that constitutes domestic violence pursuant to
7 NRS 33.018;

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

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

11 3. Subject to the provisions of subsection 7, the Division shall
12 request information concerning every applicant, licensee, operator
13 of a small child care establishment, employee of an applicant,
14 licensee or small child care establishment, resident of a child care
15 facility or small child care establishment who is 18 years of age or
16 older, other than a resident who remains under the jurisdiction of a
17 court pursuant to NRS 432B.594, or participant in an outdoor youth
18 program who is 18 years of age or older, from:

19 (a) The Central Repository for Nevada Records of Criminal
20 History for its report concerning a conviction in this State of any of
21 the crimes set forth in subsection 2 and for submission to the
22 Federal Bureau of Investigation for its report pursuant to NRS
23 432A.175; and

24 (b) The Statewide Central Registry for the Collection of
25 Information Concerning the Abuse or Neglect of a Child established
26 pursuant to NRS 432.100 to determine whether there has been a
27 substantiated report of child abuse or neglect made against any of
28 them.

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

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

33 (a) Employee of an applicant, licensee or small child care
34 establishment, resident of a child care facility or small child care
35 establishment who is 18 years of age or older, other than a resident
36 who remains under the jurisdiction of a court pursuant to NRS
37 432B.594, or participant in an outdoor youth program who is 18
38 years of age or older for an initial background check not later than 3
39 days after the employee is hired, the residency begins or the
40 participant begins participating in the program and before the
41 employee, resident or participant has direct contact with any child at
42 the child care facility, and then at least once every 5 years thereafter.

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



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

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

9 7. The provisions of subsections 2, 3 and 5 apply to a small
10 child care establishment and an operator of a small child care
11 establishment if the operator of such an establishment has applied or
12 registered with the Division of Welfare and Supportive Services of
13 the Department pursuant to NRS 432A.1756.

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

15 432B.198 1. An agency which provides child welfare
16 services shall secure from appropriate law enforcement agencies
17 information on the background and personal history of each
18 applicant for employment with the agency, and each employee of
19 the agency, to determine:

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

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

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

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

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

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

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

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

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

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

44 (10) A violation of any federal or state law regulating the
45 possession, distribution or use of any controlled substance or any



1 dangerous drug as defined in chapter 454 of NRS within the
2 immediately preceding 3 years;

3 (11) 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 that is
6 punishable as a felony;

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

12 (13) Abuse, neglect, exploitation, isolation or abandonment
13 of older persons or vulnerable persons, including, without
14 limitation, a violation of any provision of NRS 200.5091 to
15 200.50995, inclusive, or a law of any other jurisdiction that
16 prohibits the same or similar conduct; or

17 (14) Any offense involving arson, fraud, theft,
18 embezzlement, burglary, robbery, fraudulent conversion,
19 misappropriation of property or perjury within the immediately
20 preceding 7 years; or

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

23 2. An agency which provides child welfare services shall
24 request information from:

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

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

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

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

40 (b) Written authorization for the agency to obtain any
41 information that may be available from the Statewide Central
42 Registry or the central registry of information concerning the abuse
43 or neglect of a child established by any other state in which the
44 applicant or employee resided within the immediately preceding 5
45 years.



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

5 5. When a report from the Federal Bureau of Investigation is
6 received by the Central Repository, the Central Repository shall
7 immediately forward a copy of the report to the agency which
8 provides child welfare services for a determination of whether the
9 applicant or employee has criminal charges pending against him or
10 her for a crime listed in paragraph (a) of subsection 1 or has been
11 convicted of a crime listed in paragraph (a) of subsection 1.

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

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

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

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

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

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

28 8. As used in this section, "Statewide Central Registry" means
29 the Statewide Central Registry for the Collection of Information
30 Concerning the Abuse or Neglect of a Child established by
31 NRS 432.100.

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

33 433B.183 1. A division facility which provides residential
34 treatment to children shall secure from appropriate law enforcement
35 agencies information on the background and personal history of
36 each employee of the facility to determine:

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

38 (1) Murder, voluntary manslaughter, involuntary
39 manslaughter or mayhem;

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

42 (3) Assault with intent to kill or to commit sexual assault or
43 mayhem;

44 (4) Battery which results in substantial bodily harm to the
45 victim;



1 (5) Battery that constitutes domestic violence that is
2 punishable as a felony;

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

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

10 (8) A crime involving pandering or prostitution, including,
11 without limitation, a violation of any provision of NRS 201.295 to
12 201.440, inclusive, other than a violation of NRS 201.354 by
13 engaging in prostitution;

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

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

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

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

29 (13) Abuse, neglect, exploitation, isolation or abandonment
30 of older persons or vulnerable persons, including, without
31 limitation, a violation of any provision of NRS 200.5091 to
32 200.50995, inclusive, or a law of any other jurisdiction that
33 prohibits the same or similar conduct; or

34 (14) Any offense involving arson, fraud, theft,
35 embezzlement, burglary, robbery, fraudulent conversion,
36 misappropriation of property or perjury within the immediately
37 preceding 7 years; or

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

40 2. An employee must submit to the Division a complete set of
41 fingerprints and written authorization to forward those fingerprints
42 to the Central Repository for Nevada Records of Criminal History
43 for submission to the Federal Bureau of Investigation for its report.



1 3. The Division may exchange with the Central Repository or
2 the Federal Bureau of Investigation any information concerning the
3 fingerprints submitted.

4 4. The Division may charge an employee investigated pursuant
5 to this section for the reasonable cost of that investigation.

6 5. When a report from the Federal Bureau of Investigation is
7 received by the Central Repository, the Central Repository shall
8 immediately forward a copy of the report to the Division for a
9 determination of whether the employee has criminal charges
10 pending against him or her for a crime listed in paragraph (a) of
11 subsection 1 or has been convicted of a crime listed in paragraph (a)
12 of subsection 1.

13 6. An employee who is required to submit to an investigation
14 required pursuant to this section shall not have contact with a child
15 in a division facility without supervision before the investigation of
16 the background and personal history of the employee has been
17 conducted.

18 7. The division facility shall conduct an investigation of each
19 employee pursuant to this section at least once every 5 years after
20 the initial investigation.

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

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

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

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

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

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



