

**Bill Digest:**

The intent of the contemplated draft statutory language herein is to create a more robust governance structure, through the already existing NCJIS Advisory Committee, for Nevada's projects related to the exchange, management, and handling of criminal justice information.

This draft bill is not intended to usurp the authority or control of any individual agency, department, or court; but to provide a mechanism through which priorities for limited resources can be set, and through which standards, policies, and best practices can be defined.

This reformed governance structure will allow Nevada greater ability to comply with various mandates and to adapt when those mandates and requirements change.

*Definitions:*

*NRS 179A.0xx "CJIS" defined. "CJIS" means the Federal Bureau of Investigation's Criminal Justice Information Services Division.*

*NRS 179A.0xx "NCJIS" defined. "NCJIS" means the Nevada Criminal Justice Information System and is the collective set of criminal history and public safety databases maintained by the Records and Technology Division and accessible by an agency of criminal justice at the local, state and federal levels.*

*NRS 179A.0xx "Criminal Justice Information" defined. "Criminal Justice Information" means the CJIS or NCJIS provided data necessary for an agency of criminal justice to perform its mission and enforce the laws, including, but not limited to: biometric, identity history, person, organization, property, and case/incident history data. Criminal Justice Information also refers to the CJIS and NCJIS provided data necessary for governmental agencies to perform their mission; including, but not limited to data used to make hiring or licensing decisions.*

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*NRS 179A.0xx "Agency of Criminal Justice" defined. "Agency of Criminal Justice" means the courts, a governmental agency, or any subunit of a governmental agency which performs the administration of criminal justice pursuant to a statute or executive order and which allocates a substantial part of its annual budget to the administration of criminal justice.*

**NRS 179A.075 Creation; duties of agencies of criminal justice and certain other agencies; duties and powers of Records and Technology Division of Department and Central Repository.**

1. The Central Repository for Nevada Records of Criminal History is hereby created within the Records and Technology Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime or delinquency of children shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository in the manner *and time period* approved by the Director of the Department.

3. Each agency of criminal justice shall submit the information relating to records of criminal history *as defined in NRS 179A.070* that it creates, *modifies*, or issues, and any information in its possession relating to the genetic markers of a biological specimen of a person who is convicted of an offense listed in subsection 4 of [NRS 176.0913](#), to the Division. The information must be submitted to the Division:

- (a) Through an electronic network;
- (b) On a medium of magnetic storage; or
- (c) In the manner prescribed by the Director of the Department,

↪ within the *time* period prescribed by the Director of the Department. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. The Division shall, in the manner prescribed by the Director of the Department:

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Records of criminal history; and

(2) The genetic markers of a biological specimen of a person who is convicted of an offense listed in subsection 4 of [NRS 176.0913](#).

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.

(c) Upon request, provide the information that is contained in the Central Repository to the State Disaster Identification Team of the Division of Emergency Management of the Department.

*(d) House and maintain the Nevada Criminal Justice Information System and the computerized interoperative system for information related to law enforcement.*

*(e) Serve as the Federal Bureau of Investigation's designated CJIS Systems Agency for the State of Nevada.*

5. The Division may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required to be obtained pursuant to [NRS 427A.735](#) and [449.179](#); or

(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

↳ To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to this subsection, the Central Repository must receive the person's complete set of fingerprints from the agency or political subdivision and submit the fingerprints to the Federal Bureau of Investigation for its report.

6. The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for a license;

(2) Has applied to a county school district, charter school or private school for employment; or

(3) Is employed by a county school district, charter school or private school,

↳ and notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of [NRS 200.508](#), [201.230](#), [453.3385](#), [453.339](#) or [453.3395](#), or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:

(1) Investigated pursuant to paragraph (d); or

(2) Employed by a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,

↳ who the Central Repository's records indicate have been convicted of a violation of [NRS 200.508](#), [201.230](#), [453.3385](#), [453.339](#) or [453.3395](#), or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits fingerprints or has fingerprints submitted pursuant to [NRS 427A.735](#), [449.176](#) or [449.179](#).

(g) On or before July 1 of each year, prepare and present to the Governor a printed annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be presented to the Governor throughout the year regarding specific areas of crime if they are approved by the Director of the Department.

(h) On or before July 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the

Legislature is not in regular session, a report containing statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice and the delinquency of children by any agency identified in subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

7. The Central Repository may:

(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime or the delinquency of children.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice, any other agency dealing with crime or the delinquency of children which is required to submit information pursuant to subsection 2 or the State Disaster Identification Team of the Division of Emergency Management of the Department. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

8. As used in this section:

(a) "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver's license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) The fingerprints, voiceprint, retina image and iris image of a person.

(b) "Private school" has the meaning ascribed to it in [NRS 394.103](#).

(Added to NRS by 1985, 912; A 1987, 666, 1765; 1989, 376, 559, 564; 1991, 825; 1995, 1910; 1997, 445, 1535, 3259, 3266; [1999, 459, 463, 1251, 2090, 2097, 3123, 3135; 2001, 146, 1853, 3034, 3038; 2003, 2834; 2005, 17, 900, 2421; 2007, 1221, 2928; 2009, 1834, 2369](#))

**NRS 179A.079 ~~[Advisory]~~ Committee on ~~[Nevada Criminal Justice Information Sharing]~~ *NCJIS Governance: Creation; members; duties; terms of office; meetings.***

1. The Director of the Department shall establish within the Department the ~~[Advisory]~~ Committee on *NCJIS* ~~[Nevada Criminal Justice Information]~~ *Governance*.

2. The ~~[Advisory]~~ *Governance* Committee consists of:

(a) The Director of the Department or the Director's designee;

(b) The Attorney General or the Attorney General's designee;

(c) The Director of the Department of Corrections or the Director's designee;

(d) One member who is a representative of the Judicial Branch of State Government, appointed by the Chief Justice of the Supreme Court;

(e) One member appointed by the Nevada Sheriffs' and Chiefs' Association, or a successor organization;

(f) One member appointed by the Nevada District Attorneys Association, or a successor organization;

***(g) One member appointed by the State Board of Parole Commissioners;***

~~{(g)}~~ (h) One member appointed by the Director of the Department who uses the Central Repository to obtain information relating to records of criminal history for purposes other than criminal justice, which may include, without limitation, for purposes of determining eligibility of persons for employment or licensure;

~~{(h)}~~ (i) One member of the Senate appointed by the Majority Leader of the Senate; and

~~{(i)}~~ (j) One member of the Assembly appointed by the Speaker of the Assembly.

3. The ~~{Advisory}~~ **Governance** Committee shall:

(a) ~~{Recommend}~~ **Prescribe** policies, ~~{and}~~ procedures, *and standards* that apply the best management practices *for the statewide sharing of criminal justice information between Nevada agencies of criminal justice and with the Nevada Criminal Justice Information System* ~~{to the activities at the Central Repository}~~;

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(b) ~~{Advise on}~~ *Decide which statewide criminal justice information sharing initiatives and systems will receive* technological support ~~{for the Central Repository}~~ *from the Division*; ~~{and}~~

(c) ~~{Advise}~~ *Decide* on the integrated information sharing of statistical data relating to crime *in Nevada* or the delinquency of children;

(d) *Establish such subcommittees as necessary to advise the Governance Committee on the status of criminal justice information sharing initiatives and systems; and*

(e) *Recommend regulatory and statutory changes as necessary to further the goals of statewide criminal justice information sharing.*

4. Each member that is appointed to the ~~{Advisory}~~ **Governance** Committee pursuant to subsection 2, other than a member of the Senate or the Assembly, shall serve a term of 3 years. A member of the Senate and the Assembly appointed to the ~~{Advisory}~~ **Governance** Committee shall serve until a replacement is appointed. Any vacancy occurring in the membership of the ~~{Advisory}~~ **Governance** Committee must be filled in the same manner as the original appointment.

5. The ~~{Advisory}~~ **Governance** Committee shall meet ~~{twice annually}~~ *quarterly or more frequently at the call of the committee chairman.*

6. The Director may assign such other employees of the Department as the Director deems necessary to assist the ~~{Advisory}~~ **Governance** Committee in its duties.

*7. The Director may establish regulations as necessary to implement the policies, procedures, and standards recommended by the Committee.*

~~{7}~~ 8. Members of the ~~{Advisory}~~ **Governance** Committee serve without compensation. If sufficient money is available, members are entitled to travel allowances provided for state officers and employees generally while attending meetings of the ~~{Advisory}~~ **Governance** Committee.

(Added to NRS by [2005.900](#))