

2013
Legislative Update



77th Nevada Legislative Session

&

27th Nevada Special Session

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**OFFICE OF INTERGOVERNMENTAL SERVICES SUMMARY
OF NEVADA 77TH LEGISLATIVE SESSION
2013**

This document contains a summary of legislative activity from the 77th Legislative Session. It is intended to provide you with basic information with regard to changes or additions to NRS, which occurred, and have an impact on our agency and the law enforcement community.

The information provided with each bill is a brief overview only and a link to the enrolled language. It is recommended until the NRS is updated; you refer to the specific bill in question and review the enrolled language. The information also can be found on the internet at www.leg.state.nv.us.

The Office of Intergovernmental Services would like to express its thanks to all the Department members who assisted in this process. To those who testified on the Department's behalf at various committee hearings, and reviewed pending legislation and amendments, we offer our sincere thanks for all your efforts.

Accessory to a Crime- revision

AB116 - https://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB116_EN.pdf

SUMMARY - AN ACT relating to crimes; revising certain provisions concerning accessories to certain crimes; and providing other matters properly relating thereto.

EFFECTIVE DATE – October 1, 2013

SPECIFICS - Existing law provides that anyone who is not the husband or wife, brother or sister, parent or grandparent, child or grandchild of an offender and who harbors, conceals or aids the offender after the commission of a crime is an accessory to the crime. (NRS 195.030) Section 1 of this bill removes every person other than the spouse or domestic partner from that exception if the crime is a felony. Section 1 also revises the acts which constitute being an accessory to a felony after the commission of the felony by specifically stating that a person acts as an accessory to a felony if he or she destroys or conceals, or aids in the destruction or concealment of, material evidence, or harbors or conceals the offender. Existing law provides that an accessory to a felony is guilty of a category C felony. (NRS 195.040) Section 2 of this bill revises this penalty to provide that a person who harbors, conceals or aids the offender after the commission of a felony and who is the brother or sister, parent or grandparent, child or grandchild of the offender is guilty of a gross misdemeanor.

Animals

AB110 - https://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB110_EN.pdf

SUMMARY - AN ACT relating to crimes; providing that a dog may not be determined to be dangerous or vicious based solely on its breed; and providing other matters properly relating thereto.

EFFECTIVE DATE – October 1, 2013

SPECIFICS - Existing law sets forth the circumstances under which a dog may be deemed dangerous or vicious and provides criminal penalties for a person who knowingly owns or keeps a vicious dog after notice that the dog is vicious or who knowingly transfers ownership of such a vicious dog. (NRS 202.500) This bill: (1) provides that a dog may not be determined to be dangerous or vicious based solely on the breed of the dog; and (2) prohibits a local authority from adopting or enforcing an ordinance or regulation that deems a dog dangerous or vicious based solely on the breed of the dog.

SB72 - https://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB72_EN.pdf

SUMMARY - AN ACT relating to cruelty to animals; prohibiting a person from intentionally engaging in horse tripping for sport, entertainment, competition or practice or from knowingly organizing, sponsoring, promoting, overseeing or receiving money for the admission of any person to a charreada or rodeo that includes horse tripping; providing a penalty; and providing other matters properly relating thereto.

EFFECTIVE DATE – June 3, 2013

SPECIFICS - Existing law prohibits a person from engaging in cruelty to animals and provides criminal penalties for a person who engages in that activity, including making a third and any subsequent offense within the immediately preceding 7 years a category C felony. (NRS 574.100) This bill prohibits a person from: (1) intentionally engaging in horse tripping for sport, entertainment, competition or practice; or (2) knowingly organizing, sponsoring,

promoting, overseeing or receiving money for the admission of any person to a charreada or rodeo that includes horse tripping. This bill imposes a criminal penalty against a person who is guilty of committing horse tripping. Finally, the bill defines the term "horse tripping" to mean the roping of the legs of or otherwise using a wire, pole, stick, rope or other object to intentionally trip or intentionally cause a horse or other animal of the equine species to fall, and excludes from that definition the tripping of the animal to provide medical or other health care for the animal or catching the animal by the legs and then releasing it as part of a horse roping event for which a permit has been issued by the local government where the event is conducted.

SB73 - https://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB73_EN.pdf

SUMMARY - AN ACT relating to animals; deleting certain provisions which make a report of an act of cruelty against an animal confidential; revising the prohibition against willfully releasing data or information concerning the report so that the prohibition only applies to data or information concerning the identity of the person who makes the report; and providing other matters properly relating thereto.

EFFECTIVE DATE – May 28, 2013

SPECIFICS - Existing law prohibits a person from committing an act of cruelty against an animal. (NRS 574.100) Cruelty is defined to include any act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted. (NRS 574.050) Existing law authorizes a person to report such an act of cruelty against an animal to any peace officer, officer of a society for the prevention of cruelty to animals or animal control officer. Existing law further provides, with certain exceptions, that the report is confidential and that the willful release of any data or information concerning the report constitutes a misdemeanor. (NRS 574.053) This bill deletes the provision which makes the report confidential and provides instead, with certain exceptions, that the willful release of any data or information concerning the identity of a person who made the report constitutes a misdemeanor.

SB83 - https://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB83_EN.pdf

SUMMARY - AN ACT relating to cruelty to animals; increasing the penalties for certain offenses related to the use of an animal or a bird for baiting or fighting; prohibiting a person from manufacturing, owning or possessing a gaff, spur or other sharp implement designed for attachment to a cock or other bird with the intent that it be used in fighting another cock or other bird under certain circumstances; providing penalties; and providing other matters properly relating thereto.

EFFECTIVE DATE – October 1, 2013

SPECIFICS - Under existing law, a person who owns, occupies or is otherwise connected in certain ways to a house, apartment, pit or place kept or used for baiting or fighting any bird or animal is subject to criminal penalties. A first offense is punishable as a gross misdemeanor, a second offense is punishable as a category E felony and a third or subsequent offense is punishable as a category D felony. (NRS 574.060) Section 1 of this bill increases those penalties to make the first offense punishable as a category E felony and a second or subsequent offense punishable as a category D felony. Section 1 also revises the offense to impose criminal penalties against a person only if he or she knowingly owns, occupies or is connected with the house, apartment, pit or place kept or used for baiting or fighting any bird or animal. Existing law imposes criminal penalties against a person who: (1) takes certain actions in furtherance of a fight between animals under certain circumstances; (2) owns, possesses, keeps, trains, promotes or purchases an animal with the intent to use it to fight another animal; or (3) sells an animal knowing that it is intended to be used to fight another animal. A first offense is punishable as a gross

misdemeanor, a second offense is punishable as a category E felony and a third or subsequent offense is punishable as a category D felony. (NRS 574.070) Section 2 of this bill increases those penalties to make the first offense punishable as a category E felony and a second or subsequent offense punishable as a category D felony. Existing law also imposes criminal penalties against a person who knowingly witnesses a fight between animals in an exhibition or for amusement or gain. A first offense is punishable as a misdemeanor, a second offense is punishable as a gross misdemeanor and a third or subsequent offense is punishable as a category E felony. (NRS 574.070) Section 2 of this bill increases those penalties to make the first offense punishable as a gross misdemeanor and a second or subsequent offense punishable as a category E felony. Section 2 also revises the offense to impose criminal penalties against a person who, instead of witnessing such a fight, attends such a fight. Section 2 also imposes the same criminal penalties against a person who manufactures, owns, possesses, sells, barter or exchanges, or advertises for sale, barter or exchange, certain sharp instruments designed to be attached to certain fighting birds.

Background Checks

AB181 - https://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB181_EN.pdf

SUMMARY - AN ACT relating to employment; prohibiting employers from conditioning employment on a consumer credit report or other credit information; providing certain exceptions; prohibiting employers from conditioning employment on access to an employee's social media account; providing civil remedies and administrative penalties; and providing other matters properly relating thereto.

EFFECTIVE DATE – October 1, 2013

SPECIFICS - Existing law establishes various unlawful employment practices. (Chapter 613 of NRS)Section 1.6 of this bill prohibits an employer from conditioning the employment of an employee or prospective employee on his or her consumer credit report or other credit information. Section 1.6 also prohibits an employer from taking certain employment actions based on the refusal of an employee or prospective employee to submit a credit report or other credit information or on the results of such a report or information. Section 1.6 further prohibits an employer from taking certain employment actions where an employee or prospective employee files a complaint, testifies in any legal proceeding or exercises his or her rights with respect to any violation committed by the employer. Section 1.7 of this bill provides certain exceptions to the preceding prohibitions, including, without limitation, an exception for circumstances in which the information contained in the consumer credit report or other credit information is reasonably related to the position of employment. Section 1.8 of this bill establishes the civil remedies available to a person affected by a violation committed by an employer, including employment of a prospective employee, reinstatement or promotion of an employee, payment of lost wages and benefits and the award of reasonable costs and attorney's fees. Section 1.9 of this bill authorizes the Labor Commissioner to impose an administrative penalty against an employer for each violation and to bring a civil action against the employer. Section 2 of this bill prohibits an employer from conditioning the employment of an employee or prospective employee on his or her disclosure of the user name, password or any other information that provides access to the employee's or prospective employee's personal social media account. Section 2 also prohibits an employer from taking certain employment actions based on the refusal of an employee or prospective employee to disclose such information. Section 2 further provides, however, that it is not unlawful for an employer to require an employee to disclose his or her user name, password or any other information to an account or a service, other than a personal social media account, for the purpose of accessing the employer's own internal computer or information system.

AB217 - https://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB217_EN.pdf

SUMMARY - AN ACT relating to protection of children; requiring the department of juvenile justice services of certain larger counties and agencies which provide child welfare services to obtain a background investigation of the criminal history of employees and applicants for employment; requiring such a department or agency to terminate or deny employment of certain persons based on the results of an investigation of the person's criminal history; authorizing such a department or agency to terminate or deny employment if certain criminal charges are pending against an employee or applicant for employment; and providing other matters properly relating thereto.

EFFECTIVE DATE – July 1, 2013

SPECIFICS - Existing law authorizes the board of county commissioners of a county whose population is 700,000 or more (currently Clark County) to establish by ordinance a department of juvenile justice services to administer certain provisions of existing law relating to juvenile delinquency and the abuse and neglect of children. (NRS 62G.200-62G.240) If the board of county commissioners has not established a department of juvenile justice services, the juvenile court must establish by court order a probation committee and must appoint a director of the department of juvenile justice services to administer certain functions of the juvenile court. (NRS 62G.300-62G.370) Existing law requires certain types of facilities which provide residential services to children, including, without limitation, a public institution or agency to which a juvenile court commits a child, to obtain a background investigation of employees of the facilities. (NRS 62B.270, 424.031, 432A.170, 433B.183, 449.123) Sections 2, 4 and 12 of this bill require a department of juvenile justice services in a county whose population is 700,000 or more (currently Clark County) and an agency which provides child welfare services to obtain a background investigation of applicants for employment with, and employees of, the department or agency. Sections 2, 4 and 12 further require such a department or agency to obtain a background investigation of each employee of the department or agency at least once every 5 years after the initial investigation. Under sections 2, 4 and 12, an applicant for employment or an employee required to submit to a background investigation must submit a complete set of his or her fingerprints to the department or agency and written authorization permitting the department or agency to obtain certain information concerning the background of the applicant or employee. Sections 3, 5 and 13 of this bill: (1) require a department of juvenile justice services and an agency which provides child welfare services to deny employment to an applicant, or terminate the employment of an employee, who has been convicted of certain crimes or who has had a substantiated allegation of child abuse or neglect made against him or her; and (2) authorize a department of juvenile justice services and an agency which provides child welfare services to deny employment to an applicant, or terminate the employment of an employee, against whom certain criminal charges are pending. Under sections 3, 5 and 13, a department of juvenile justice services and an agency which provides child welfare services must provide an applicant for employment or an employee a certain period to correct any information that the applicant or employee believes to be incorrect. During the period in which an applicant or employee seeks to correct information, the applicant or employee: (1) must not have contact with a child or the family or guardian of a child in the course of any duties as an employee of a department of juvenile justice services or an agency which provides child welfare services; (2) may be placed on administrative leave without pay; and (3) may be subject to the internal disciplinary procedures of the department of juvenile justice services or the agency which provides child welfare services. Section 15 of this bill provides that the provisions of this bill become effective on July 1, 2013, and, thus, apply to existing employees and applicants for employment beginning on that date.

Breathalyzer Calibration

SB175 - https://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB175_EN.pdf

SUMMARY - AN ACT relating to public safety; revising the manner in which a chemical solution or gas used in calibrating a device for testing a person's breath to determine the concentration of alcohol in the person's breath is presumed to be properly prepared and suitable for use in calibrating the device; revising provisions concerning the affidavit or declaration used in criminal or administrative proceedings to prove that a chemical solution or gas has the chemical composition necessary for accurately calibrating such a device; and providing other matters properly relating thereto.

EFFECTIVE DATE – May 23, 2013

SPECIFICS - Under existing law, a chemical solution or gas used in calibrating a device for testing a person's breath to determine the concentration of alcohol in his or her breath is presumed to be properly prepared and suitable for use in calibrating the device if: (1) a manufacturer or technician in a laboratory prepares the chemical solution or gas; and (2) the technician makes an affidavit or declaration that the solution or gas has the chemical composition that is necessary for calibrating the device. (NRS 484C.190, 488.510) Existing law further provides that the affidavit or declaration of the person who prepared the chemical solution or gas is admissible in a criminal or administrative proceeding to prove that the solution or gas has the chemical composition necessary for accurately calibrating the device. (NRS 50.315) This bill revises provisions governing the manner in which a chemical solution or gas is determined to have the chemical composition necessary for accurately calibrating, or verifying the calibration of, a device for testing a person's breath to determine the concentration of alcohol in his or her breath. Rather than requiring an affidavit or declaration by the person who prepares the chemical solution or gas, sections 1 and 2 of this bill provide that the chemical solution or gas used in calibrating, or verifying the calibration of, a device is presumed to be properly prepared and suitable for use in calibrating, or verifying the calibration of, a device if a person who is certified to calibrate a device by the Director of the Department of Public Safety under existing law and regulations: (1) examines the chemical solution or gas; (2) confirms the concentration of alcohol contained in the chemical solution or gas; and (3) makes an affidavit or declaration which identifies the concentration of alcohol in the chemical solution or gas and which states that the chemical solution or gas has the chemical composition that is necessary for use inaccurately calibrating, or verifying the calibration of, a device. Under section 3 of this bill, the affidavit or declaration of the person who examined the chemical solution or gas is admissible in a criminal or administrative proceeding to prove that the chemical solution or gas has the chemical composition necessary for accurately calibrating, or verifying the calibration of, a device. Section 4 of this bill provides that the amendatory provisions of this bill do not affect tests to determine the concentration of alcohol in a person's breath that are performed before the effective date of this bill.

Burglary- revising provisions

AB415 - https://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB415_EN.pdf

SUMMARY - AN ACT relating to criminal justice; revising provisions governing the crime of burglary; revising provisions governing the crime of vagrancy; authorizing the Advisory Commission on the Administration of Justice to apply for and accept certain money; requiring the Commission to study and report on certain issues; authorizing each county to establish a community court pilot project to provide an alternative to sentencing a person who is charged with certain misdemeanors; and providing other matters properly relating thereto.

EFFECTIVE DATE – October 1, 2013

SPECIFICS - Existing law provides that a person who enters certain structures with the intent to commit grand or petit larceny, assault or battery, any felony or to obtain money by false pretenses is guilty of the crime of burglary. (NRS 205.060) Existing law also provides that a person commits the crime of petit larceny if the person intentionally steals, takes and carries, leads or drives away certain goods or property. (NRS 205.240) Section 1 of this bill removes the crime of petit larceny from the underlying offenses which constitute burglary if the petit larceny was intended to be committed in a commercial establishment during business hours and the person has not: (1) twice previously been convicted of petit larceny within the previous 7 years; or (2) previously been convicted of a felony. Existing law prohibits a person from lodging in any building, structure or place without certain permission. (NRS 207.030) Section 1.5 of this bill further prohibits a person from lodging in such a place if the property is the subject of a notice of default and election to sell or is placed on a registry of vacant, abandoned or foreclosed property, unless the person is the owner, tenant or otherwise entitled to possession of the property. Existing law establishes the Advisory Commission on the Administration of Justice and directs the Commission, among other duties, to identify and study the elements of this State's system of criminal justice. (NRS 176.0123, 176.0125) Section 3 of this bill authorizes the Chair of the Commission to apply for grants and accept grants, bequests, devises, donations and gifts. Section 8 of this bill requires the Commission to include certain items relating to criminal justice on an agenda for discussion and to issue a report. Existing law provides that a misdemeanor is punishable by a fine of not more than \$1,000 or imprisonment in the county jail for not more than 6 months, or by both a fine and imprisonment. (NRS 193.150) Section 10 of this bill authorizes each county to establish a community court pilot project within any of its justice courts located in the county to provide an alternative to sentencing a person who is charged with certain misdemeanors. Section 11 of this bill requires the community court to evaluate each defendant to determine whether services or treatment is likely to assist the defendant to modify behavior or obtain skills that may prevent the defendant from engaging in further criminal activity. The services or treatment that the community court may order the defendant to receive may include, without limitation, treatment for alcohol or substance abuse, health education, treatment for mental health, family counseling, literacy assistance, job training, housing assistance or any other services or treatment that the community court deems appropriate. Section 11 provides that if the defendant successfully completes all conditions imposed by the community court, the sentence to which the defendant agreed upon with the justice court must not be executed or recorded. If the defendant does not successfully complete the conditions imposed, the case will be transferred back to the justice court, and the sentence must be carried out.

Child Abuse- reporting requirements

AB155 - https://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB155_EN.pdf

SUMMARY - AN ACT relating to children; revising provisions governing persons who are required to report the abuse or neglect of a child; revising provisions governing the punishment for the failure of a person to report the abuse or neglect of a child; revising provisions governing investigations of reports concerning the possible abuse or neglect of a child; revising provisions relating to the abandonment of a newborn child to a provider of emergency services; requiring the Legislative Committee on Health Care to review certain provisions governing a person who provides a service related to health care; providing a penalty; and providing other matters properly relating thereto.

EFFECTIVE DATE – October 1, 2013

SPECIFICS -Under existing law, persons in certain professions and occupations are required, if the person in his or her professional or occupational capacity knows or has reasonable cause to believe that a child has been abused or neglected, to report the abuse or neglect to an agency which provides child welfare services or to a law

enforcement agency. (NRS 432B.220) Section 2 of this bill revises the manner in which those persons are specified in existing law and provides that those persons must be informed in writing or by electronic communication of their duty as mandatory reporters. Those persons must also provide a written acknowledgment or an electronic record of having been so informed. The party responsible for informing the person and maintaining a copy of the acknowledgment or record is: (1) the entity responsible for the licensure, certification or endorsement of the person in this State if such licensure, certification or endorsement is required in the person's professional or occupational capacity; or (2) the employer of the person if no licensure, certification or endorsement in this State is required. Section 5 of this bill requires those mandatory reporters currently holding a license, certificate or endorsement in this State to be informed of their duty as mandatory reporters at the next renewal of their license, certificate or endorsement and requires those current mandatory reporters who are not required to be licensed, certified or endorsed by this State to be informed of their duty as mandatory reporters by their employer on or before December 31, 2013. Section 1.5 of this bill requires the Legislative Committee on Health Care to review, after each regular session of the Nevada Legislature, any chapter added to title 39, 40 or 54 of NRS that authorizes or requires the issuance of a license, permit or certificate to a person who provides any service related to health care to determine if the person should be included as a person required to report the abuse or neglect of a child. Section 1.5 also requires the Committee, before the next regular session of the Legislature, to prepare and submit to the Legislature a report concerning the findings of the Committee. The report must include, without limitation, any recommended legislation. Existing law requires an attorney to report the abuse or neglect of a child unless the attorney acquired the knowledge of the abuse or neglect from a client who is or may be accused of the abuse or neglect. (NRS 432B.220) Section 1.7 of this bill provides that an attorney is not required to report the abuse or neglect of a child if the attorney acquired the knowledge of the abuse or neglect from a client during a privileged communication if the client: (1) has been or may be accused of committing the abuse or neglect; or (2) is the victim of the abuse or neglect and is in foster care, except that the attorney may report the abuse or neglect with the consent of the child. Under existing law, a failure to report the abuse or neglect of a child by a person with a duty to report the abuse or neglect is punishable as a misdemeanor. (NRS 432B.240) Section 3 of this bill provides that a first violation of the duty to report is punishable as a misdemeanor, and any subsequent violation is punishable as a gross misdemeanor. Existing law requires an agency which provides child welfare services to immediately initiate an investigation upon receipt of a report concerning the possible abuse or neglect of a child if the report indicates that: (1) the child is 5 years of age or younger; (2) there is a high risk of serious harm to the child; (3) the child has died; or (4) the child is living in a household in which another child has died, been seriously injured or shows signs of abuse. (NRS 432B.260) Section 3.5 of this bill deletes the requirement for an immediate investigation when the report concerns the possible abuse or neglect of a child who is 5 years of age or younger. Under existing law, a parent may voluntarily leave a child who is not more than 30 days old with a provider of emergency services under certain circumstances, thereby presumably abandoning the child. That law is commonly referred to as Nevada's "Safe Haven Law." (NRS 432B.630) Section 4 of this bill expands the definition of "provider of emergency services" to include a volunteer fire department and any ambulance service holding a permit issued in this State.

Child Welfare

AB93 - https://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB93_EN.pdf

SUMMARY - AN ACT relating to child welfare; requiring an applicant for a license to operate a child care facility or a licensee to notify the Health Division of the Department of Health and Human Services upon the occurrence of certain events; and providing other matters properly relating thereto.

EFFECTIVE DATE – July 1, 2014

SPECIFICS - Existing law requires the Health Division of the Department of Health and Human Services to request information on the background and personal history of various persons associated with a child care facility, including: (1) employees of an applicant for a license to operate a child care facility or of a licensee; (2) certain residents of a child care facility; and (3) certain participants in an outdoor youth program, which is a type of child care facility. (NRS 432A.024, 432A.170) The Health Division is required to request this information not later than 3 days after the date upon which such an employee is hired, such a resident begins his or her residency or such a participant begins his or her participation. (NRS 432A.170) This bill requires an applicant for a license or a licensee to notify the Health Division as soon as practicable but not later than 24 hours after the applicant or licensee hires such an employee, begins the residency of such a resident or begins the participation of such a participant.

AB154 - https://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB154_EN.pdf

SUMMARY - AN ACT relating to the protection of children; authorizing a multidisciplinary team to review the death of a child to use data collected concerning the death of a child for research and prevention purposes in certain circumstances; consolidating the administrative teams that review the report and recommendations of a multidisciplinary team appointed to review the death of a child and the Executive Committee to Review the Death of Children; and providing other matters properly relating thereto.

EFFECTIVE DATE – July1, 2013

SPECIFICS - Under existing law, the director or other authorized representative of an agency which provides child welfare services and the Executive Committee to Review the Death of Children are authorized to appoint a multidisciplinary team to review certain records concerning the death of a child. (NRS 432B.403-432B.407, 432B.409) Section 1 of this bill authorizes a multidisciplinary team to review the death of a child to use data collected concerning the death of a child for research and prevention purposes if the data is aggregated and does not allow for the identification of any person. An administrative team consisting of administrators of agencies which provide child welfare services, and agencies responsible for vital statistics, public health, mental health and public safety is required to review the report and recommendations of a multidisciplinary team. (NRS 432B.408) Section 2 of this bill consolidates the administrative team into the Executive Committee and requires the Executive Committee to review the report and recommendations of a multidisciplinary team. Section 3 of this bill provides that certain members of the Executive Committee who are administrators of agencies which provide child welfare services, and agencies responsible for mental health and public safety, must serve as nonvoting members of the Executive Committee.

SB97 - https://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB97_EN.pdf

SUMMARY - AN ACT relating to child welfare; revising the information that must be included in a petition alleging that a child is in need of protection; revising provisions relating to the semiannual review of the placement of a child by the court and the annual hearing concerning the permanent placement of a child; and providing other matters properly relating thereto.

EFFECTIVE DATE – October 1, 2013

SPECIFICS - Existing law requires certain information to be set forth in a petition alleging that a child is in need of protection. (NRS 432B.510) Section 1 of this bill specifies that the child's address included in the petition must be the address of the primary residence of the child at the time of removal, rather than the address of the location where the child was placed after removal. Existing law requires that the court review semiannually the placement of a child with a person other than a parent and annually review the permanent placement of a child. Certain

persons, including the parties to any prior proceedings, any persons planning to adopt the child and the persons providing care to the child, are required to be given notice of the hearing and an opportunity to be heard. (NRS 432B.580, 432B.590) Sections 3 and 4 of this bill revise existing law to provide certain persons with the right to be heard. Section 4 also requires the court in an annual review to make certain determinations regarding out-of-state placement and transition services.

Communicable Diseases

SB4 - https://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB4_EN.pdf

SUMMARY - AN ACT relating to communicable diseases; revising provisions governing the testing of a person who may have exposed certain public employers, employees or volunteers to a communicable disease; and providing other matters properly relating thereto.

EFFECTIVE DATE – May 27, 2013

SPECIFICS - Under existing law, if the duties of a law enforcement officer, correctional officer, emergency medical attendant, firefighter, county coroner or medical examiner or any of their employees, any other person who is employed by an agency of criminal justice or any other public employee may require him or her to come into contact with human blood or bodily fluids and if he or she may have been exposed to a contagious disease while performing those duties, the employee or his or her employer may petition a court to have the person or decedent who may have exposed the employee or his or her employer to a contagious disease tested for exposure to the human immunodeficiency virus, the hepatitis B surface antigen, hepatitis C and tuberculosis. Upon a finding by a court that there is probable cause to believe that a possible transfer of blood or other bodily fluids to the petitioner or the person on whose behalf the petition was filed occurred, the court is required to order testing of the blood of the person or decedent who possibly exposed to a contagious disease the petitioner or the person on whose behalf the petition was filed. (NRS 441A.195) Section 1 of this bill allows any such employee or a volunteer for a public agency, who comes in contact with human blood or bodily fluids in the course of his or her official duties, or his or her employer or the public agency for which he or she volunteers, to seek a test of the person or decedent who possibly exposed the public employee or volunteer to a communicable disease. Section 1 requires a court to determine that the employee or volunteer would require medical intervention if there is a positive result to the test for the presence of a communicable disease before issuing an order for a test. Section 1 allows a judge or a justice of the peace hearing the petition upon a determination of probable cause and the ordering of a test, to authorize certain persons acting on behalf of the employer or public agency to sign the name of the judge or justice of the peace on a duplicate order. Such an order is to be deemed an order of the court but must be returned to the judge or justice of the peace for endorsement. Failure by the judge or justice of the peace to endorse the order does not in and of itself invalidate the order. Section 1 also: (1) requires any records concerning such a petition or proceeding on such a petition to be sealed and kept confidential; and (2) authorizes a court to establish rules to allow a judge or justice of the peace to conduct a hearing or issue an order by electronic or telephonic means. Sections 2 and 3 of this bill authorize justice courts and municipal courts to issue such orders.

Confidential Information

SB90 - https://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB90_EN.pdf

SUMMARY - AN ACT relating to confidential information; requiring a state or local governmental entity to keep confidential certain records which are submitted to the entity in connection with an application for a special use permit or any other license, permit or similar approval; and providing other matters properly relating thereto.

EFFECTIVE DATE – July 1, 20113

SPECIFICS - Existing law provides that exploration or subsurface information obtained as a result of a geothermal project must be filed with the Division of Minerals of the Commission on Mineral Resources and further provides that this information is confidential for 5 years after the date of filing. (NRS 534A.031) Section 10.5 of this bill requires a state or local governmental entity to keep this information confidential during the same period if the information is submitted to the entity in connection with an application for a special use permit or any other license, permit or similar approval.

Constables

AB223 - https://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB223_EN.pdf

SUMMARY - AN ACT relating to constables; revising provisions governing certain notice of a foreclosure sale required to be provided to a tenant; requiring a constable in certain townships to become certified as a category I or category II peace officer within a certain period after commencing his or her term of office; prohibiting a constable or deputy constable in certain smaller townships from making arrests in the course of his or her duties unless he or she is certified as a category I or category II peace officer; revising provisions governing the appointment of deputy constables and the clerical and operational staff of a constable; clarifying that a constable may issue a citation for a violation of certain laws governing the registration of motor vehicles only if the motor vehicle is located in his or her township; revising various other provisions governing constables; and providing other matters properly relating thereto.

EFFECTIVE DATE – July 1, 2013

SPECIFICS - Existing law provides for a summary eviction procedure when the tenant of any dwelling, apartment, mobile home, recreational vehicle or commercial premises with periodic rent due by the month or a shorter period defaults in the payment of the rent. (NRS 40.253) Section 1 of this bill provides that the affidavit of complaint for eviction of a tenant that a landlord or landlord's agent is authorized to file in justice court or district court applies to tenants of recreational vehicles. Existing law provides that if a sale of property is a residential foreclosure, the posting of certain required notices on the property must be completed by a licensed process server or any constable or sheriff. (NRS 107.087) Section 3 of this bill: (1) specifies that the constable or sheriff who posts such a notice must be a constable or sheriff of the county in which the property is located; and (2) revises the date by which certain required notices must be provided. Existing law provides that a constable is a peace officer in his or her township. (NRS 258.070) Section 8.6 of this bill requires a constable of a township whose population is 15,000 or more or that has within its boundaries a city whose population is 15,000 or more to become certified as a category I or category II peace officer by the Peace Officers' Standards and Training Commission within 1 year after the date on which the constable commences his or her term of office or appointment unless the Commission, for good cause shown, extends the time. Section 16.5 of this bill provides that this requirement does not apply to a constable who is in office on July 1, 2013, unless he or she is elected or appointed to a term of office on or after July 1, 2013. Sections 7.5, 12 and 12.5 of this bill provide that a constable or deputy constable in a township whose population is less than 15,000 or that has within its boundaries a city whose population is less than 15,000 may not make an arrest in the course of performing his or her duties as a constable unless he or she is certified as a category I or category II peace officer. Existing law authorizes a constable to appoint deputies and provides that a deputy constable must be certified as a category II peace officer by the Peace Officers' Standards and Training Commission within 1 year after the date on which the person commences employment as a peace officer unless the Commission, for good cause shown, extends the time. (NRS 258.060, 289.470, 289.550) Section 10 of this bill

provides that a person appointed as a deputy constable for a township whose population is 15,000 or more or that has within its boundaries a city whose population is 15,000 or more must be certified as a category I or category II peace officer by the Commission before he or she commences employment as a deputy constable. Existing law authorizes the board of county commissioners to appoint clerks for the constable of a township and to provide compensation for those clerks. (NRS258.065) Section 11 of this bill authorizes the constable to appoint clerical and operational staff for the office of the constable, subject to the approval of the board of county commissioners, and requires the board of county commissioners to fix the compensation of the clerical and operational staff of the constable's office. Section 11 further provides that the clerical and operational staff of a constable's office do not have the powers of a peace officer and may not possess a weapon or carry a concealed firearm while performing the duties of the constable's office. Existing law provides that a constable is a peace officer in his or her township and may issue a citation to the owner or driver of a vehicle that is required to be registered in this State if the constable determines that the vehicle is not properly registered. (NRS 258.070, 482.385) Sections 12, 15 and 16 of this bill clarify that the constable may issue such a citation only if the vehicle is located in his or her township at the time the citation is issued. Section 8.8 of this bill authorizes the board of county commissioners to establish, by resolution or ordinance, penalties to be imposed on a constable who fails to file a report, oath or other document required by statute to be filed with the county or the Peace Officers' Standards and Training Commission. Section 9 of this bill requires the oath of a constable to be filed and recorded in the office of the recorder of the county.

Consular Relations

SB24 - https://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB24_EN.pdf

SUMMARY - AN ACT relating to procedure in criminal cases; authorizing the Attorney General to establish a program to assist law enforcement personnel and prosecuting attorneys in complying with certain requirements of the Vienna Convention on Consular Relations; and providing other matters properly relating thereto.

EFFECTIVE DATE – July 1, 2013

SPECIFICS - The Nevada Supreme Court has succinctly described the Vienna Convention on Consular Relations as follows: The Vienna Convention is a multilateral treaty negotiated in 1963 to which both Mexico and the United States are parties. See Vienna Convention, April 24, 1963, 21 U.S.T. 77. Upon ratification in 1969, the treaty became the supreme law of the land under Article 6, Clause 2 of the United States Constitution. See U.S. Const. art. VI, cl. 2. Article 36 of the treaty provides that a foreign national who is "arrested or committed to prison or to custody pending trial or is detained in any other manner" has the right to have his foreign consulate notified and to communicate therewith. Vienna Convention, 21 U.S.T. at 101. Importantly, Article 36 also requires that the arresting authorities "shall inform the person concerned without delay of [these] rights." *Garcia v. State*, 117 Nev. 124, 127 (2001). This bill authorizes the Attorney General to establish a program to assist law enforcement personnel and prosecuting attorneys in complying with the requirements of Article 36 of the Vienna Convention on Consular Relations.

Criminal History- sealing

SB45 - https://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB45_EN.pdf

SUMMARY - AN ACT relating to records of criminal history; revising provisions governing the sealing of certain records of criminal history ; and providing other matters properly relating thereto.

EFFECTIVE DATE – July 1, 2013

SPECIFICS - Existing law authorizes a person to petition the court in certain circumstances for the sealing of all records of criminal history relating to a conviction of a crime, the dismissal or acquittal of charges or the setting aside of a conviction of a crime.(NRS 179.245, 179.255) Sections 6 and 7 of this bill revise provisions governing the information that such a petition must include and generally expand the applicability of certain provisions relating to the sealing of such records to all agencies of criminal justice which maintain the records. Section 8 of this bill provides that each agency of criminal justice named in an order for the sealing of records must be provided a copy of the order. Section 10 of this bill revises the definition of “agency of criminal justice” by specifying that the term also includes a subunit of any governmental agency which performs a function in the administration of criminal justice pursuant to a statute or executive order and which allocates a substantial part of its budget to a function in the administration of criminal justice.

Cyber Bullying

SB414 - https://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB414_EN.pdf

SUMMARY - AN ACT relating to juveniles; prohibiting a minor from transmitting or distributing certain images of bullying committed against another minor under certain circumstances; and providing other matters properly relating thereto.

EFFECTIVE DATE – October 1, 2013

SPECIFICS - Section 1 of this bill prohibits a minor from knowingly and willfully using an electronic communication device, such as a cell phone, to transmit or distribute, or otherwise knowingly and willfully transmitting or distributing, an image of bullying committed against another minor for the purpose of encouraging, furthering or promoting bullying and harming the minor. A minor who violates this provision is considered: (1) for a first violation, a child in need of supervision for the purposes of the laws governing juvenile justice; and (2) for a second or subsequent violation, to have committed a delinquent act.

DNA

AB233 - https://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB233_EN.pdf

SUMMARY - AN ACT relating to genetic marker analysis; authorizing a person convicted of any felony to file a petition requesting genetic marker analysis; authorizing the appeal of an order granting or dismissing a petition for genetic marker analysis; and providing other matters properly relating thereto.

EFFECTIVE DATE – October 1, 2013

SPECIFICS - Existing law authorizes a person who has been convicted of a category A or B felony, and who is currently under imprisonment for that conviction, to file a petition requesting genetic marker analysis of certain evidence within the possession or custody of the State. (NRS 176.0918) This bill authorizes a person convicted of any felony, regardless of whether the person is under such imprisonment, to: (1) file a petition requesting genetic marker analysis of certain evidence within the possession or custody of the State; and (2) file an appeal of an order dismissing such a petition for genetic marker analysis. This bill further authorizes the State to appeal an order granting such a petition.

SB243 - https://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB243_EN.pdf

SUMMARY - AN ACT relating to genetic marker analysis; defining certain terms relating to genetic marker analysis; establishing the State DNA Database; imposing an administrative assessment upon a defendant convicted of any crime; requiring that a biological specimen be obtained from a person arrested for a felony; establishing the Subcommittee to Review Arrestee DNA of the Advisory Commission on the Administration of Justice; providing penalties; and providing other matters properly relating thereto.

EFFECTIVE DATE – July 1, 2013

SPECIFICS - Existing law requires the board of county commissioners of each county to designate a forensic laboratory to conduct and oversee any genetic marker analysis that is required by law. (NRS 176.0917) Section 11 of this bill establishes the State DNA Database, which is to be overseen, managed and administered by the Forensic Science Division of the Washoe County Sheriff's Office. Section 12 of this bill specifies the duties and responsibilities of forensic laboratories with respect to DNA records. Under existing law, if a defendant is convicted of a felony or certain other specified offenses, the court, as part of the defendant's sentence, must order that a biological specimen be obtained from the defendant and that the specimen be used for analysis to determine the genetic markers of the specimen. (NRS 176.0911-176.0917) Section 13 of this bill requires that a biological specimen be obtained if a person is arrested for a felony. Section 13 provides that if the person is convicted of the felony, the biological specimen must be kept, but if the person is not convicted, the biological specimen must be destroyed and all records relating thereto must be purged from all databases. Existing law prohibits a person from sharing or disclosing certain information relating to another person's biological specimen or genetic marker analysis and makes such conduct punishable as a misdemeanor. (NRS 176.0913, 176.0916) Sections 13, 21 and 23 of this bill increase the penalty for such conduct from a misdemeanor to a category C felony. Section 15 of this bill imposes an additional administrative assessment of \$3 on a person convicted of a misdemeanor, gross misdemeanor or felony. Section 15 also provides that the money collected from the assessments must be used to defray the costs associated with obtaining biological specimens and conducting genetic marker analysis. Existing law: (1) establishes the Advisory Commission on the Administration of Justice and the Subcommittees on Juvenile Justice and Victims of Crime; and (2) directs the Commission and Subcommittees, among other duties, to identify and study the elements of this State's system of criminal justice. (NRS 176.0123-176.0125) Section 16.3 of this bill establishes the Subcommittee to Review Arrestee DNA of the Commission. Section 16.3 also: (1) requires the Chair of the Commission to appoint the members of the Subcommittee, including certain specified representatives; and (2) requires the Subcommittee to study issues related to arrestee DNA and report to the Commission with recommendations to address such issues.

Domestic Violence

AB115 - https://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB115_EN.pdf

SUMMARY - AN ACT relating to domestic violence; requiring the written statement provided by law enforcement to a suspected victim of domestic violence to inform the victim that an order for protection against domestic violence may include certain protections for animals; and providing other matters properly relating thereto.

EFFECTIVE DATE – October 1, 2013

SPECIFICS - Existing law provides that knowingly, purposefully or recklessly injuring or killing an animal with the intent to harass certain specified persons constitutes domestic violence. (NRS 33.018) Existing law also provides that a temporary or extended order for protection against domestic violence may enjoin the adverse party from:

(1) physically injuring, threatening to injure or taking possession of any animal that is owned or kept by the applicant for the order or a minor child; or (2) physically injuring or threatening to injure any animal that is owned or kept by the adverse party. Under existing law, an extended order for protection against domestic violence may specify arrangements for the possession and care of any animal owned or kept by the adverse party, the applicant for the order or a minor child. (NRS 33.030) This bill requires the written statement provided by a peace officer to a suspected victim of domestic violence to include certain statements concerning the protection for animals that may be included in temporary and extended orders for protection against domestic violence.

AB284 - https://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB284_EN.pdf

SUMMARY - AN ACT relating to residential leasing; providing for the early termination of certain rental agreements by victims of domestic violence under certain circumstances; and providing other matters properly relating thereto.

EFFECTIVE DATE – July 1, 2013

SPECIFICS - This bill provides, under certain circumstances, for the early termination of a rental agreement if a tenant, cotenant or household member is a victim of domestic violence. Section 1.3 of this bill: (1) establishes provisions concerning notice requirements for such an early termination; (2) establishes provisions concerning liability of unpaid amounts relating to the termination of a rental agreement; (3) requires a landlord to install a new lock onto the dwelling of certain persons who are victims of domestic violence; and (4) establishes certain limitations concerning the disclosure to a prospective landlord of an early termination pursuant to this bill. Section 1.7 of this bill establishes the form in which an affidavit submitted by a tenant or cotenant in support of a notice to terminate a rental agreement pursuant to this bill must be made. Existing law prohibits a landlord from taking certain retaliatory actions against a tenant. (NRS 118A.510) Section 2 of this bill prohibits a landlord from taking certain retaliatory actions against a tenant, cotenant or household member who is a victim of domestic violence or who terminates a rental agreement because he or she is a victim of domestic violence.

SB30 - https://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB30_EN.pdf

SUMMARY - AN ACT relating to records of criminal history; requiring the dissemination of records of criminal history to a multidisciplinary team to review the death of a victim of a crime that constitutes domestic violence; and providing other matters properly relating thereto.

EFFECTIVE DATE – July 1, 2013

SPECIFICS - Existing law requires the Central Repository for Nevada Records of Criminal History and an agency of criminal justice to provide records of criminal history, upon request, to certain persons or governmental entities. (NRS 179A.075, 179A.100) This bill adds a multidisciplinary team to review the death of a victim of a crime that constitutes domestic violence to those persons or governmental entities authorized to receive certain information and records.

Driver Authorization Card

SB303 - https://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB303_EN.pdf

SUMMARY - AN ACT relating to motor vehicles; providing for the issuance of a driver authorization card; establishing the contents of an application for a driver authorization card and certain instruction permits; establishing the information that must be contained on a driver authorization card and similarly obtained

instruction permits; providing for the expiration and renewal of a driver authorization card; providing that certain provisions of state law which apply to drivers' licenses also apply to a driver authorization card and similarly obtained instruction permits; making an appropriation; providing penalties; and providing other matters properly relating thereto.

EFFECTIVE DATE - Section 13 effective May 31, 2013. Section 12 effective July 1, 2013. Sections 1 to 11, inclusive, of this act become effective May 31, 2013, for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and January 1, 2014, for all other purposes.

SPECIFICS - Under existing law, the Department of Motor Vehicles issues multiple licenses that confer to a person the privilege of operating a vehicle, including a driver's license, instruction permit, commercial driver's license and certain limited or restricted driver's licenses or instruction permits. (NRS 483.2521, 483.267, 483.270, 483.280, 483.340, 483.360, 483.908) The federal Real ID Act of 2005 requires any driver's license or identification card issued by a state to meet certain standards to be used for federal identification or other official purposes and allows for a state to issue driver's licenses or identification cards that do not meet such standards if such licenses or cards are of a unique design and clearly state that they may not be used for federal identification or other official purposes. (Real ID Act of 2005 § 202, Pub. Law No. 109-13, 119 Stat. 302, 312-15, 49 U.S.C. 30301 note) Section 5 of this bill sets forth requirements for applications for driver authorization cards and alternative requirements for applications for instruction permits. Section 5 establishes the information that must be included in such applications, including, without limitation, documents that must be submitted to prove the applicant's name, age and residence in this State. Section 5 allows an applicant to present various documents, including, without limitation, a birth certificate or passport issued by a foreign government, as proof of his or her name and age. Section 5 provides that a driver authorization card expires 1 year after issuance or renewal. Section 5 requires that a driver authorization card and an instruction permit obtained in accordance with section 5 be of the same design as a driver's license with only the minimum number of changes necessary to comply with the federal Real ID Act of 2005. Section 5 provides that any provision of title 43 of NRS that applies to a driver's license is deemed also to apply to a driver authorization card and an instruction permit obtained in accordance with section 5. Section 1 of this bill prohibits the Director of the Department from releasing any information from the files and records of the Department relating to legal presence to any person or federal, state or local governmental entity for any purpose relating to the enforcement of immigration laws. Section 12 of this bill makes an appropriation from the State Highway Fund to the Department of Motor Vehicles to pay the costs of developing and issuing driver authorization cards and similarly obtained instruction permits.

DUI

SB19 - https://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB19_EN.pdf

SUMMARY - AN ACT relating to driving under the influence; revising provisions concerning violations of local ordinances prohibiting driving under the influence of intoxicating liquor or a controlled substance; and providing other matters properly relating thereto.

EFFECTIVE DATE – July 1, 2013

SPECIFICS - Existing law authorizes the governing body of each city to enact an ordinance adopting the penalties set forth in state law for a misdemeanor offense of driving under the influence of intoxicating liquor or a controlled substance. (NRS484A.410) This bill specifically authorizes the governing body of each county to adopt such an ordinance. This bill also provides that a person convicted of a violation of a city or county ordinance prohibiting

driving under the influence is subject to the same legal consequences as a person convicted of a violation of the state law prohibiting the same or similar conduct, including, without limitation, consequences related to the revocation of the driver's license of a person convicted of driving under the influence. (NRS 483.460)

Education- children of public safety officers

AB130 - https://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB130_EN.pdf

SUMMARY - AN ACT relating to education; expanding the provisions that require the Board of Regents of the University of Nevada to pay certain fees and expenses associated with undergraduate classes taken by certain dependent children to include the children of public safety officers killed in the line of duty; and providing other matters properly relating thereto.

EFFECTIVE DATE – June 10, 2013

Under existing law, the Board of Regents of the University of Nevada is required, to the extent money is available, to pay certain fees and expenses associated with undergraduate classes taken at a school within the Nevada System of Higher Education by the dependent children of a police officer, firefighter, officer of the Nevada Highway Patrol, volunteer ambulance driver or attendant who was killed while performing his or her duties. (NRS 396.545) This bill expands the applicability of this provision to include the payment of those fees and expenses for dependent children of a public safety officer killed in the line of duty. This bill further defines the term “public safety officer” to mean a person serving a public agency in an official capacity, with or without compensation, as a peace officer, firefighter or as a member of a rescue or emergency medical services crew.

Firearms

SB76 - https://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB76_EN.pdf

SUMMARY - AN ACT relating to concealed firearms; revising the definition of “concealed firearm”; authorizing a person to obtain one permit to carry a concealed firearm for all handguns owned by the person; revising provisions relating to a person's demonstration of competence with certain firearms for the purpose of obtaining or renewing a permit to carry a concealed firearm; and providing other matters properly relating thereto.

EFFECTIVE DATE – October 1, 2013

SPECIFICS - Existing law defines “concealed firearm” as a loaded or unloaded pistol, revolver or other firearm which is carried upon a person in such a manner as not to be discernible by ordinary observation. (NRS 202.3653) Existing law provides that a person who applies for a permit to carry a concealed firearm may submit one application and obtain one permit to carry all revolvers and semiautomatic firearms owned by the person. A permit must list each category of firearm to which the permit pertains and is valid for any revolver or semiautomatic firearm which the permittee owns or thereafter obtains. An applicant for a permit must demonstrate competence with revolvers, semiautomatic firearms or both, as applicable, before obtaining a permit. (NRS 202.3657) Existing law also requires a permittee who wishes to renew his or her permit to demonstrate continued competence with revolvers, semiautomatic firearms or both, as applicable. (NRS 202.3677) Section 1 of this bill revises the definition of “concealed firearm” and defines the term as a loaded or unloaded handgun which is carried upon a person in a manner as not to be discernible by ordinary observation. Section 2 of this bill provides that a person may obtain one permit to carry all handguns owned by the person, and such a permit is valid for any handgun which the person owns or thereafter obtains. Section 2 requires an applicant for a permit to demonstrate competence with

handguns before obtaining a permit, and section 4 of this bill requires a permittee to demonstrate continued competence with handguns before renewing a permit. Section 3 of this bill revises the required form of a permit.

Foreclosure- abandoned residential property

SB278 - https://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB278_EN.pdf

SUMMARY - AN ACT relating to real property; establishing an expedited process for the foreclosure of abandoned residential property; authorizing a board of county commissioners or the governing body of an incorporated city to establish by ordinance a registry of abandoned residential real property and a registry of real property in danger of becoming abandoned; and providing other matters properly relating thereto.

EFFECTIVE DATE – July 1, 2013

SPECIFICS - Existing law provides for a trustee under a deed of trust to exercise a power of sale on real property after a breach of an obligation or payment of debt secured by the deed of trust. (NRS 107.080) This bill establishes an expedited procedure for the exercise of the power of sale with respect to abandoned residential property. Section 2 of this bill establishes the criteria to be used to determine whether real property constitutes abandoned residential property. Section 4 of this bill authorizes a beneficiary of a deed of trust to elect to use an expedited procedure for the exercise of the trustee's power of sale if: (1) after an investigation of the property, the beneficiary determines that the property is abandoned residential property; and (2) the beneficiary receives a certification that the property is abandoned residential property from an agency or contractor designated by the county or city in which the property is located. Under section 4, each county and city must designate an agency or contractor to provide certifications that property is abandoned residential property, and that agency or contractor may charge the beneficiary a fee of not more than \$300 to provide such certifications. To elect to use the expedited procedure, the beneficiary must include with the notice of default and election to sell the certification of the agency or contractor designated by the county or city and an affidavit setting forth the circumstances and conditions supporting the determination that the property is abandoned residential property. If the certification and affidavit are included with the notice of default and election to sell: (1) section 5 of this bill authorizes a notice of the sale of the property to be recorded not less than 60 days, rather than 3 months, after the recording of the notice of default and election to sell; and (2) section 6 of this bill provides that the requirements relating to the Foreclosure Mediation Program are inapplicable and that the trustee may exercise the power of sale by obtaining a certificate from the Mediation Administrator. Under section 4, if the trustee's sale is not conducted within 6 months, unless the trustee's sale is tolled under certain circumstances, after receipt of a certification from the agency or contractor designated by the county or city: (1) the notice of default and election to sell and the affidavit and certification to elect the expedited procedure are deemed to be withdrawn; and (2) the beneficiary is liable to the grantor or the successor in interest of the grantor for a civil penalty of not more than \$500. Section 4 further authorizes a grantor of a deed of trust or his or her successor in interest to record an affidavit stating that the property is not abandoned residential property and, if such an affidavit is recorded before the trustee's sale of the property, the notice of default and election to sell and the affidavit and certification to elect the expedited sale procedure are deemed to be withdrawn. Section 3 of this bill: (1) authorizes a board of county commissioners or the governing body of an incorporated city to establish a registry of abandoned residential property and a registry of real property that is in danger of becoming abandoned residential property; and (2) requires the affidavit and certification required to elect the expedited sale procedure to be submitted to the entity maintaining the registry of abandoned residential property for the jurisdiction in which the property is located. Section 7 of this bill provides that this bill expires by limitation on June 30, 2017, and thus, the authorization to use the expedited procedure for the exercise of the trustee's power of sale expires on that date.

Gender Identity- crimes against

SB139 - https://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB139_EN.pdf

SUMMARY - AN ACT relating to crimes; revising provisions governing crimes motivated by certain characteristics of the victim; providing an additional penalty for certain crimes motivated by the victim's gender identity or expression; providing certain civil liability for a person who commits certain crimes motivated by the victim's gender identity or expression; revising provisions concerning the reporting of certain crimes; providing penalties; and providing other matters properly relating thereto.

EFFECTIVE DATE – October 1, 2013

SPECIFICS - Existing law provides that if a person commits certain crimes because of a victim's actual or perceived race, color, religion, national origin, physical or mental disability or sexual orientation: (1) the person who committed the crime is subject to an additional penalty; (2) unless a greater penalty is provided by law, the person who committed the crime is guilty of a gross misdemeanor; and (3) a person injured by the crime may bring a civil action against the person who committed the crime. (NRS 41.690, 193.1675, 207.185) Further, existing law requires the Director of the Department of Public Safety to establish a Program for Reporting Crimes that is designed to collect, compile and analyze statistical data about crimes that manifest evidence of prejudice based on race, color, religion, national origin, physical or mental disability or sexual orientation. (NRS 179A.175) This bill expands those provisions to include: (1) certain additional crimes based on the categories used by the Federal Bureau of Investigation to compile statistics concerning hate crimes; and (2) cases in which a person commits a crime because of the victim's actual or perceived gender identity or expression.

Graffiti

SB237 - https://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB237_EN.pdf

SUMMARY - AN ACT relating to crimes; changing the penalty for certain graffiti offenses committed on any protected site in this State; revising the definition of "protected site" as it relates to such graffiti offenses; providing a penalty; and providing other matters properly relating thereto.

EFFECTIVE DATE – October 1, 2013

SPECIFICS - Existing law provides that a person who places graffiti on or otherwise defaces the real or personal public or private property of another without the permission of the owner is guilty of a category C felony if the offense is committed on any protected site in this State. (NRS 206.330) This bill changes the penalty for such an offense to a category D felony. This bill also revises the definition of "protected site" to include any site, building, structure, object or district: (1) listed in the register of historic resources of a community which is recognized as a Certified Local Government pursuant to the Certified Local Government Program jointly administered by the National Park Service and the Office of Historic Preservation of the State Department of Conservation and Natural Resources; (2) listed in the State Register of Historic Places or the National Register of Historic Places; or (3) that is more than 50 years old and is located in a municipal or state park.

Gross Misdemeanor- revisions

SB169 - https://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB169_EN.pdf

SUMMARY - AN ACT relating to crimes; revising criminal penalties for crimes that are gross misdemeanors; revising provisions governing the sealing of records of convictions pertaining to gross misdemeanors; and providing other matters properly relating thereto.

EFFECTIVE DATE – October 1, 2013

SPECIFICS - Existing law generally provides that a person convicted of a gross misdemeanor may be punished, in lieu of or in addition to a fine, by imprisonment in the county jail for not more than 1 year. (NRS 193.140) Existing law further provides that a person convicted of certain other offenses may also be punished, in lieu of or in addition to a fine, by imprisonment in the county jail for not more than 1 year. (NRS 200.5099, 372.760, 374.765, 383.180, 453.411, 459.280, 459.595, 618.685, 638.170, 641A.440) This bill provides that a person convicted of a gross misdemeanor may, in lieu of or in addition to any fine, only be punished by imprisonment in the county jail for a maximum of 364 days. Sections 4, 8-10, 16-18, 23, 27 and 28 of this bill also clarify that certain crimes which are punishable by imprisonment in the county jail for a maximum of 364 days constitute gross misdemeanors. Existing law provides that a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of a gross misdemeanor after 7 years from the date of release from actual custody or discharge from probation, whichever occurs later. (NRS 179.245) Section 5 of this bill reduces the period to 5 years after the date of release from actual custody or discharge from probation, whichever occurs later. Section 30 of this bill provides that the amendatory provisions of this bill apply to a person who is sentenced on or after October 1, 2013, for a crime committed before, on or after October 1, 2013. Section 31 of this bill authorizes a person who was convicted of a gross misdemeanor before October 1, 2013, and sentenced to a term of imprisonment in the county jail for 1 year to file a petition with the court of original jurisdiction requesting that the court, for good cause shown, order that his or her original sentence be modified to a sentence imposing a term of imprisonment for 364 days.

Habitual Criminal

AB97 - https://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB97_EN.pdf

SUMMARY - AN ACT relating to crimes; revising provisions relating to the time for filing a count alleging that a person is a habitual criminal, habitual felon or habitually fraudulent felon; and providing other matters properly relating thereto.

EFFECTIVE DATE - October 1, 2013

SPECIFICS - Existing law: (1) authorizes a prosecuting attorney to prosecute a person as a habitual criminal, a habitual felon or a habitually fraudulent felon if certain conditions exist; and (2) prescribes the punishment for a habitual criminal, a habitual felon or a habitually fraudulent felon. (NRS 207.010, 207.012, 207.014) Under existing law, a prosecuting attorney may: (1) include in the information charging the primary offense a count alleging that a person is a habitual criminal, a habitual felon or a habitually fraudulent felon; or (2) file such a count after the person's conviction for the primary offense but, in such a case, the sentence must not be imposed or a certain hearing held until 15 days after the filing. (NRS 207.016) This bill requires a count alleging that a person is a habitual criminal, a habitual felon or a habitually fraudulent felon to be filed not less than 2 days before the trial on the primary offense, unless an agreement of the parties provides otherwise or for good cause shown the court extends such time. This bill also authorizes the prosecution to supplement or amend such a count at any time before sentence is imposed, but, if such a supplement or amendment is filed, the sentence must not be imposed or a certain hearing must not occur until 15 days after the filing.

Healthcare Provider- crimes against

SB189 - https://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB189_EN.pdf

SUMMARY - AN ACT relating to crimes; revising the definition of provider of health care to include certain persons for the purposes of enhancing the penalties for assault and battery; providing penalties; and providing other matters properly relating thereto.

EFFECTIVE DATE – October 1, 2013

SPECIFICS - Existing law provides that a person is guilty of: (1) a category D felony if the person commits an assault upon a provider of health care; and (2) a category B felony if the person commits an assault upon a provider of health care with the use of a deadly weapon or the present ability to use a deadly weapon. (NRS 200.471) Existing law also provides that a person is guilty of: (1) a category B felony if the person commits a battery upon a provider of health care which causes substantial bodily harm or is committed by strangulation; and (2) a gross misdemeanor if the person commits a battery upon a provider of health care and the person knew or should have known that the victim was a provider of health care. (NRS 200.481) This bill revises the definition of provider of health care to include a medical student, dental student, dental hygienist student and pharmacy student for the purposes of enhancing the penalties for the crimes of assault and battery against such a person.

Hoax bomb

AB352 - https://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB352_EN.pdf

SUMMARY - AN ACT relating to crimes; revising provisions relating to the unlawful use of a hoax bomb; providing penalties; and providing other matters properly relating thereto.

EFFECTIVE DATE – October 1, 2013

SPECIFICS - Existing law provides that it constitutes a gross misdemeanor for a person to manufacture, purchase, possess, sell, advertise for sale or transport a hoax bomb if the person knows or should know that such actions would make another person believe that the hoax bomb is an explosive or incendiary device. (NRS 202.263) This bill provides that to be guilty of such a crime a person must have the intent to: (1) make a person believe that the hoax bomb is an explosive or incendiary device; (2) cause alarm or reaction by an officer, an employee or a volunteer of a public safety agency; or (3) cause the evacuation of any private or public building. This bill further increases the penalty to a category C felony if the person commits the act in the furtherance of any other felony or to a category E felony if the act causes the evacuation of any private or public building.

Human Trafficking

AB67 - https://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB67_EN.pdf

SUMMARY - AN ACT relating to crimes; authorizing victims of human trafficking to bring a civil action; amending various provisions concerning the investigation and prosecution of sex trafficking, involuntary servitude and trafficking in persons; amending various provisions concerning the crimes of pandering, sex trafficking, involuntary servitude and trafficking in persons; revising various provisions governing the penalties for pandering, sex trafficking, involuntary servitude and trafficking in persons; requiring a person convicted of sex trafficking to register as a sex offender; amending various provisions relating to victims of sex trafficking; revising provisions

relating to the powers and duties of the Advocate for Missing or Exploited Children; providing penalties; and providing other matters properly relating thereto.

EFFECTIVE DATE – July 1, 2013

SPECIFICS - Existing law establishes the crime of pandering and provides that a person who is found guilty of pandering is guilty of a category B, C or D felony, depending on the circumstances surrounding the crime. (NRS 201.300-201.340) Existing law also creates the crimes of involuntary servitude and trafficking in persons. (NRS 200.463-200.468) Sections 1, 30-33, 40.7-44, 46-48 and 55 of this bill amend various provisions relating to the crimes of pandering, involuntary servitude and trafficking in persons. Section 30 increases the penalty for conspiracy to commit sex trafficking, involuntary servitude or trafficking in persons, and section 46 adds involuntary servitude and trafficking in persons to the list of crimes constituting racketeering activity. Sections 41-44 create the crime of sex trafficking, set forth the actions constituting the crimes of pandering and sex trafficking, and provide the terms of imprisonment and fines that must be imposed against a person convicted of pandering or sex trafficking. Section 42 further provides that a court may not grant probation to, or suspend the sentence of, a person convicted of sex trafficking and that certain defenses are not available in a prosecution for pandering or sex trafficking. Sections 32, 33 and 40 require a court to order a person convicted of sex trafficking, involuntary servitude or trafficking in persons to pay restitution to the victim of the crime. Section 47 authorizes victims of sex trafficking to obtain compensation from the Fund for Compensation of Victims of Crime. Section 48 prohibits the consideration of certain contributory conduct of a victim when considering compensation for a victim of sex trafficking. Finally, section 1 authorizes a victim of sex trafficking, involuntary servitude or trafficking in persons to bring a civil action against any person who caused, was responsible for or profited from the sex trafficking, involuntary servitude or trafficking in persons. Sections 4-6, 25, 34-39 and 49-51 of this bill revise provisions governing the investigation and prosecution of sex trafficking. Section 25 authorizes law enforcement agencies to intercept wire and oral communications during an investigation of sex trafficking, involuntary servitude and trafficking in persons upon compliance with existing law governing the interception of wire and oral communication by law enforcement agencies. Sections 4-6 provide that the provisions governing the statute of limitations for sex trafficking are the same as the provisions governing the statute of limitations for sexual assault. Finally, sections 34-39 and 49-51 provide that certain information relating to a victim of sex trafficking must be kept confidential. Existing law provides for the taking and the use at trial of videotaped depositions of certain victims in certain circumstances. (NRS 174.227, 174.228) Sections 10.3 and 10.7 of this bill authorize the taking and use at trial of videotaped depositions of victims of sex trafficking in certain circumstances. Existing law provides that a person convicted of pandering a child is required to register as an offender convicted of a crime against a child and is a Tier II offender for the purposes of offender registration and community notification. (NRS 179D.0357, 179D.115) Section 27 of this bill provides that a person convicted of sex trafficking an adult is required to register as a sex offender and is a Tier I offender for the purposes of sex offender registration and community notification. Section 40.3 of this bill gives the Attorney General and the district attorneys of the counties in this State concurrent jurisdiction to prosecute crimes involving pandering, sex trafficking and living from the earnings of a prostitute. Existing law creates the Office of Advocate for Missing or Exploited Children within the Office of the Attorney General and establishes the powers and duties of the Children's Advocate. (NRS 432.157) Section 53 of this bill authorizes the Children's Advocate to investigate and prosecute certain crimes. Section 53 also creates the Special Account for the Support of the Office of Advocate for Missing or Exploited Children and authorizes the Children's Advocate to apply for and accept gifts, grants and donations to assist the Children's Advocate in carrying out his or her duties.

AB146 - https://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB146_EN.pdf

SUMMARY - AN ACT relating to crimes; establishing the crime of involuntary servitude of a minor; providing a penalty; and providing other matters properly relating thereto.

EFFECTIVE DATE – October 1, 2013

SPECIFICS - Existing law establishes the crime of holding a person in involuntary servitude and provides that a person who holds another person in involuntary servitude is guilty of a category B felony. If a victim held in involuntary servitude suffers substantial bodily harm while held in involuntary servitude or in attempted escape or escape therefrom, the person who held the victim in involuntary servitude is punished by imprisonment in the state prison for a minimum term of not less than 7 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$50,000. If the victim suffers no substantial bodily harm as a result of being held in involuntary servitude, the person who held the victim in involuntary servitude is punished by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$50,000. (NRS 200.463) Section 2 of this bill establishes the crime of holding a minor in involuntary servitude and provides that a person who holds a minor in involuntary servitude is guilty of a category A felony and is punished by life imprisonment with the possibility of parole when a minimum of 15 years has been served. Sections 3, 4, 8 and 14 of this bill provide that a person found guilty of holding a minor in involuntary servitude is subject to the greater penalty for that crime if the act of holding the minor in involuntary servitude could subject the person to a lesser punishment under another statute. Sections 1, 6, 7 and 9-11 of this bill add references to section 2 so that the crime of holding a minor in involuntary servitude is treated the same as the crime of holding a person in involuntary servitude for certain purposes, including, without limitation, the habitual felon statute and civil forfeiture. Section 13 of this bill adds the crime of holding a minor in involuntary servitude to the list of offenses that constitute a crime against a child, thereby requiring a person convicted of holding a minor in involuntary servitude to register with law enforcement as an offender convicted of a crime against a child.

AB311 - https://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB311_EN.pdf

SUMMARY - AN ACT relating to victims of crime; creating the Contingency Account for Victims of Human Trafficking in the State General Fund; authorizing the Director of the Department of Health and Human Services to allocate money from the Account to nonprofit corporations and agencies and political subdivisions of this State for the purposes of establishing or providing programs and services to victims of human trafficking; and providing other matters properly relating thereto.

EFFECTIVE DATE – July 1, 2013

SPECIFICS - Existing law prohibits holding a person in involuntary servitude, assuming ownership over a person, the purchase or sale of a person, trafficking in persons, pandering and living from the earnings of a prostitute. (NRS 200.463, 200.464, 200.465, 200.467, 200.468, 201.310-201.340) Section 4 of this bill defines a victim of any of those crimes as a “victim of human trafficking.” Section 5 of this bill creates the Contingency Account for Victims of Human Trafficking in the State General Fund to be administered by the Director of the Department of Health and Human Services. Section 5 also requires that funds in the Contingency Account be expended only for establishing or providing programs or services to victims of human trafficking. Section 5 authorizes the Director to apply for and accept gifts, grants and donations or any other source of money for deposit into the Contingency Account. Finally, section 5 provides that money remaining in the Contingency Account at the end of each fiscal year does not revert to the State General Fund and is required to be carried over into the next fiscal year. Section 6 of this bill

authorizes a nonprofit organization or an agency or political subdivision of this State to apply for an allocation of money from the Contingency Account. Section 6 requires the Grants Management Advisory Committee within the Department of Health and Human Services to review such applications and make recommendations to the Director of the Department concerning allocations of money from the Contingency Account to applicants. Section 6 authorizes the Director to make allocations of money from the Contingency Account and place such conditions on the acceptance of an allocation as the Director determines are necessary, including, without limitation, requiring the submission of periodic reports concerning the use of an allocation by the recipient. Section 6 also requires that the recipient of an allocation of money from the Contingency Account use the money to establish or provide programs or services to victims of human trafficking.

Hypodermic Device

SB410 - https://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB410_EN.pdf

SUMMARY - AN ACT relating to hypodermic devices; authorizing certain entities to establish a program for the safe distribution and disposal of hypodermic devices and certain other material; requiring the State Board of Health to establish guidelines governing such a program; providing that the possession of a trace amount of a controlled substance is not a criminal offense in certain circumstances; removing hypodermic devices from the list of paraphernalia that is prohibited for delivery, sale, possession, manufacture or use in this State; providing that hypodermic devices may be sold or furnished without a prescription if not prohibited by federal law in certain circumstances; repealing a provision which makes it a crime to misuse a hypodermic device; and providing other matters properly relating thereto.

EFFECTIVE DATE – July 1, 2013

SPECIFICS - Section 4 of this bill authorizes a governmental entity, a tax-exempt nonprofit corporation, a public health program, a licensed medical facility or a person who has a tax-exempt nonprofit corporation as a fiscal sponsor, to establish a program for the safe distribution and disposal of hypodermic devices. Section 4.5 of this bill requires the State Board of Health to establish guidelines governing such a program. Sections 5-7 of this bill enact provisions governing the operation of a sterile hypodermic device program, including, without limitation, the training of the staff and volunteers of the program and the devices, material and information that a program may provide. Section 8 of this bill provides that the State, any of its political subdivisions and a sterile hypodermic device program and its staff and volunteers are exempt from civil liability relating to the operation of a sterile hypodermic device program. Section 9 of this bill: (1) provides for the confidentiality of any record which is obtained or created in the operation of a sterile hypodermic device program; (2) provides that such records are not discoverable or admissible in criminal proceedings; (3) prohibits the use of records obtained from a sterile hypodermic device program as a basis for initiating a criminal charge, or to substantiate a criminal charge, against a person who participates in the program; and (4) provides that the staff and volunteers of a sterile hypodermic device program cannot be compelled to provide evidence in criminal proceedings concerning information known to the staff member or volunteer through the program. Existing law prohibits the possession of a controlled substance. (NRS 453.336) Section 11 of this bill provides that a person does not violate this provision if he or she has a trace amount of a controlled substance that is in or on a hypodermic device that was obtained from a sterile hypodermic device program. Existing law prohibits the delivery, sale, possession or manufacture of certain drug paraphernalia when the person engaging in the act reasonably should know that it will be used for an illegal purpose. (NRS 453.560) Existing law further makes it a felony for a person to deliver drug paraphernalia to a minor who is at least 3 years younger than the person. (NRS 453.562) Section 12 of this bill removes hypodermic devices from the list of items that may be found to constitute drug paraphernalia. Existing law authorizes the sale of

hypodermic devices which are not restricted by federal law to being sold by prescription to be sold without a prescription for certain limited purposes. (NRS 454.480) Section 15 of this bill removes the restrictions so that hypodermic devices may be sold or furnished without a prescription for any purpose so long as the sale of such devices is not restricted by federal law. Section 16 of this bill repeals a provision which makes it a misdemeanor to use or allow the use of a hypodermic device for a purpose other than that for which it was purchased, because the specific uses were removed in section 15.

Industrial Insurance

AB11 - https://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB11_EN.pdf

SUMMARY - AN ACT relating to industrial insurance; revising the provision which requires an insurer to submit to the Administrator of the Division of Industrial Relations of the Department of Business and Industry a written report concerning certain claims for compensation; and providing other matters properly relating thereto.

EFFECTIVE DATE – May 24, 2013

SPECIFICS - Existing law requires an insurer to submit to the Administrator of the Division of Industrial Relations of the Department of Business and Industry a written report concerning certain claims relating to diseases of the heart or lungs and occupational diseases that are infectious or relate to cancer. (NRS 617.357) This bill revises that provision by requiring an insurer to submit such a report only if the claimant is a firefighter, police officer, including a peace officer, arson investigator or emergency medical attendant.

AB90 - https://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB90_EN.pdf

SUMMARY - AN ACT relating to industrial insurance; revising the persons who may represent an injured worker in certain hearings or other meetings; and providing other matters properly relating thereto.

EFFECTIVE DATE – October 1, 2013

SPECIFICS - Under existing law, a person may represent an injured worker before a hearing officer or in negotiations, settlements, hearings or other meetings with an insurer concerning a claim only if the person is: (1) employed full-time by the injured worker's labor organization; (2) an attorney admitted to practice law in Nevada; (3) a full-time employee of such an attorney who is supervised by that attorney; or (4) appearing on behalf of the injured worker without compensation. (NRS 616C.325) This bill allows any employee of the injured worker's labor organization who is not an independent contractor to appear on the injured worker's behalf in such situations. However, in all situations where representation of an injured worker is before an appeals officer, the representative must be admitted to practice law in this State.

AB206 - https://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB206_EN.pdf

SUMMARY - AN ACT relating to industrial insurance; providing that volunteer members of a county search and rescue organization shall be deemed to be employees of the county at a wage specified by statute for certain purposes relating to industrial insurance; and providing other matters properly relating thereto.

EFFECTIVE DATE – May 21, 2013

SPECIFICS - Under existing law, various persons, while conducting specified activities, are deemed to be employees for the purposes of receiving industrial insurance benefits. Existing law specifies the monthly wages that such

persons are deemed to earn while engaged in those activities. (NRS 616A.115-616A.225) This bill provides that volunteer members of a county search and rescue organization shall be deemed, for the purposes of receiving industrial insurance benefits, to be employees of the county at the wage of \$2,000 per month.

Justifiable Homicide

SB136 - https://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB136_EN.pdf

SUMMARY - AN ACT relating to crimes; revising provisions relating to justifiable homicide by a public officer; and providing other matters properly relating thereto.

EFFECTIVE DATE – October 1, 2013

SPECIFICS - Existing law provides that homicide committed by a public officer, or a person acting under the command and in aid of the public officer, is justifiable under certain circumstances. (NRS 200.140) This bill provides that homicide by such a person is also justifiable when necessary in protecting against an imminent threat to the life of a person.

Juvenile Justice-reducing age for certain charges

AB202 - https://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB202_EN.pdf

SUMMARY - AN ACT relating to juvenile justice; revising the list of offenses that are excluded from the original jurisdiction of the juvenile court; reducing the age at which a child charged with murder or attempted murder may be certified as an adult for criminal proceedings; authorizing a child who is certified for adult criminal proceedings to petition the court for placement in a state juvenile detention facility during the pendency of the proceeding; requiring the Legislative Committee on Child Welfare and Juvenile Justice to appoint a task force to study certain issues relating to juveniles; and providing other matters properly relating thereto.

EFFECTIVE DATE – Section 10 and 11 of this act effective July 1, 2013. Sections 2 to 9, inclusive, of this act effective October 1, 2013. Sections 1, 1.3 and 1.7 of this act effective October 1, 2014.

SPECIFICS - Existing law provides that the juvenile court has exclusive jurisdiction over a child who is alleged to have committed an act designated as a criminal offense unless: (1) the criminal offense is excluded from the jurisdiction of the juvenile court; or (2) the child is alleged to have committed an offense for which the juvenile court may certify the child for criminal proceedings as an adult and the juvenile court certifies the child for criminal proceedings as an adult upon a motion by the district attorney and after a full investigation. (NRS 62B.330, 62B.390) Under existing law, the offenses excluded from the jurisdiction of the juvenile court include, without limitation, murder and attempted murder. (NRS 62B.330) Section 1 of this bill provides that murder and attempted murder are excluded from the jurisdiction of the juvenile court only if the offense was committed by a child who was 16 years of age or older when he or she committed the offense. Under section 11 of this bill, this provision becomes effective on October 1, 2014. Under existing law, a child may be certified for criminal proceedings as an adult upon a motion by the district attorney and after a full investigation if the child: (1) is charged with an offense that would have been a felony if committed by an adult; and (2) was 14 years of age or older at the time the child allegedly committed the offense. Section 1.3 of this bill reduces the minimum age of such certification from 14 years of age to 13 years of age if the child is charged with murder or attempted murder. Under section 11, this provision becomes effective on October 1, 2014. Under existing law, during the pendency of the proceeding, a child who is charged with a crime which is excluded from the original jurisdiction of the juvenile court may petition

the juvenile court for temporary placement in a facility for the detention of children. (NRS 62C.030) Section 2 of this bill authorizes a child who is certified for criminal proceedings as an adult to petition the juvenile court for temporary placement in a facility for the detention of children during the pendency of the proceeding. Under section 11, this provision becomes effective on October 1, 2013. Section 10 of this bill requires the Legislative Committee on Child Welfare and Juvenile Justice to create a task force to study certain issues relating to juvenile justice.

License Plates

AB111 - https://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB111_EN.pdf

SUMMARY - AN ACT relating to motor vehicles; requiring that special license plates provided to disabled veterans of the Armed Forces of the United States bear the international symbol of access; and providing other matters properly relating thereto.

EFFECTIVE DATE – May 21, 2013

SPECIFICS – Certain disabled veterans are entitled to special license plates which include an inscription indicating that the veteran is disabled. (NRS 482.377) The owner or operator of a motor vehicle displaying special license plates for disabled veterans is allowed to park the motor vehicle: (1) for up to 4 hours in a parking zone restricted as to the length of time parking is permitted; and (2) in a parking space designated for persons who are handicapped. (NRS 484B.463, 484B.467) This bill requires that special license plates for disabled veterans be inscribed additionally with the international symbol of access.

AB129 - https://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB129_EN.pdf

SUMMARY - AN ACT relating to motor vehicles; requiring the Department of Motor Vehicles to design, prepare and issue special license plates honoring peace officers who have received certain medals or the equivalent thereof; setting forth the requirements for a person to qualify for the issuance of the special license plates; exempting the special license plates from certain provisions otherwise applicable to special license plates; and providing other matters properly relating thereto.

EFFECTIVE DATE – July 1, 2013

SPECIFICS - Section 1 of this bill authorizes qualified persons to apply for the issuance of license plates specially designed by the Department of Motor Vehicles, in cooperation with interested parties, to honor peace officers who have received one of several specified medals or the equivalent thereof. The special license plates maybe issued to a peace officer who has received one of those medals, or the equivalent thereof, or to a family member of a peace officer who received posthumously the Medal of Honor, or the equivalent thereof. Unless the special license plates are lost or stolen, in which case a \$5 fee applies, no fee in addition to the ordinarily applicable registration and license fees and governmental services taxes may be charged for the issuance or renewal of a set of the special license plates. Section 1 clarifies further that the event leading to the issuance of one of the several specified medals, or the equivalent thereof, may have occurred before, on or after July 1, 2013. Under existing law, most special license plates: (1) must be approved by the Commission on Special License plates; (2) are subject to a limitation of not more than 30 separate designs of special license plates which the Department of Motor Vehicles may issue at any one time; and (3) may not be designed, prepared or issued by the Department unless a certain minimum number of applications for the plates are received. (NRS 482.367004, 482.367008, 482.36705) Sections 3-5 of this bill exempt the special license plates honoring peace officers who have received certain medals, or the

equivalent thereof, from all three of the preceding requirements. Finally, under existing law, a new vehicle dealer who is authorized to issue certificates of registration for any new motor vehicle he or she sells is prohibited from accepting an application for the registration of a motor vehicle if the applicant wishes to obtain special license plates. (NRS 482.216) Despite the broad exemption provided in sections 3-5, section 2 of this bill prohibits a new vehicle dealer from accepting an application for the registration of a motor vehicle if the applicant wishes to obtain the special plates honoring peace officers.

Marijuana- medical

SB374 - https://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB374_EN.pdf

SUMMARY - AN ACT relating to medical marijuana; making it a crime to counterfeit or forge, or attempt to counterfeit or forge, a registry identification card for the medical use of marijuana; making it a crime for a person to grow, harvest or process more than 12 marijuana plants; providing for the registration of medical marijuana establishments authorized to cultivate or dispense marijuana or manufacture edible marijuana products or marijuana-infused products for sale to persons authorized to engage in the medical use of marijuana; providing for the registration of agents who are employed by or volunteer at medical marijuana establishments; setting forth the manner in which such establishments must register and operate; creating the Subcommittee on the Medical Use of Marijuana of the Advisory Commission on the Administration of Justice; requiring the Health Division of the Department of Health and Human Services to adopt regulations; imposing an excise tax on each sale of marijuana, edible marijuana products and marijuana-infused products; providing penalties; and providing other matters properly relating thereto.

EFFECTIVE DATE- Section 26 and section 25.5 of this act become effective upon passage and approval. Sections 1 to 22, inclusive, 22.35 to 24.7, inclusive, and 25 of this act become effective June 12, 2013, for the purpose of adopting regulations and carrying out other preparatory administrative acts, and on April 1, 2014, for all other purposes. Sections 22.3 and 24.9 of this act become effective on April 1, 2016. Sections 14 and 15 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who: (a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or (b) Are in arrears in the payment for the support of one or more children, are repealed by the Congress of the United States.

SPECIFICS- Under existing law, the State of Nevada provides immunity from state and local prosecution for possessing, delivering and producing marijuana in certain limited amounts for patients with qualifying medical conditions, and their designated primary caregivers, who apply to and receive from the Health Division of the Department of Health and Human Services a registry identification card. Existing law does not specify the manner in which qualifying patients and their designated primary caregivers are to obtain marijuana. (Chapter 453A of NRS) Section 1 of this bill makes it a crime, punishable as a category E felony, for a person to counterfeit or forge or attempt to counterfeit or forge a registry identification card, which is the instrument that indicates a bearer is entitled to engage in the medical use of marijuana. Section 1.7 of this bill makes it a crime, punishable as a category E felony, for a person to grow, harvest or process more than 12 marijuana plants, and also makes such a person liable for costs of cleanup and disposal. Sections 3.5, 7.3, 7.5, 8 and 8.3 of this bill define what is meant by a "medical marijuana establishment," which includes: (1) cultivation facilities; (2) facilities for the production of edible marijuana products or marijuana-infused products; (3) independent testing laboratories; and (4) medical marijuana dispensaries. Section 1.4 of this bill creates the Subcommittee on the Medical Use of Marijuana of the

Advisory Commission on the Administration of Justice. The Subcommittee is tasked with considering, evaluating, reviewing and reporting on the medical use of marijuana, the dispensation of marijuana for medical use and laws providing for the dispensation of marijuana for medical use. Sections 10-11.7 of this bill set forth the manner in which a person may apply to obtain a registration certificate to operate a medical marijuana establishment. Section 10 mandates background checks for persons proposed to be owners, officers or board members of medical marijuana establishments, and requires such establishments to be sited at least 1,000 feet from existing schools and at least 300 feet from certain existing community facilities. Section 10.5 requires that medical marijuana establishments be located in accordance with local governmental ordinances on zoning and land use, and be professional in appearance. Section 11 limits, by the size of the population of each county, the number of medical marijuana establishments that may be certified in each county, and also limits the Division to accepting applications for the certification of the establishments to not more than 10 business days in any one calendar year. Section 11.5 imposes limits to prevent the overconcentration of medical marijuana establishments in one part of a county and to prevent situations of ownership that are geographically monopolistic. Section 11.7 sets forth the merit-based criteria to be used by the Health Division of the Department of Health and Human Services in determining whether to issue a registration certificate for the operation of a medical marijuana establishment, including such criteria as financial solvency, experience in running businesses, knowledge of medical marijuana and financial contributions by way of the payment of taxes or otherwise to the State of Nevada and its political subdivisions. Section 13 of this bill sets forth the procedure to apply for a medical marijuana establishment agent registration card, including background checks, and specifies that the application shall be deemed conditionally approved if the Division does not act upon the application within 30 days, but the conditional approval is limited to the period until such time as the Division acts upon the application. Section 12 of this bill provides the maximum fees to be charged by the Division for the initial issuance and renewal of medical marijuana establishment registration certificates and medical marijuana establishment agent registration cards. Section 12 also imposes, in the case of applications to operate a medical marijuana establishment, a nonrefundable application fee of \$5,000. Section 13.5 states that the registration certificates and registration cards are nontransferable. Sections 14 and 15 of this bill, in accordance with federal law, outline the procedure for the suspension of medical marijuana establishment registration certificates and medical marijuana establishment agent registration cards in the event that the holder fails to comply with certain requirements pertaining to the payment of child support. Sections 16 and 17 of this bill set forth the acts that are immediate grounds for the Division to revoke a registration certificate or registration card. Section 18 of this bill provides that it is a privilege to hold a registration certificate or registration card and holding such an instrument conveys no vested rights. Section 19 of this bill sets forth requirements for the secure and lawful operation of medical marijuana establishments. Sections 19.1 and 19.2 of this bill, respectively, require medical marijuana establishments to maintain an electronic verification system and an inventory control system. Both systems are intended to work together to ensure that marijuana cultivated for medical use is dispensed only in accordance with chapter 453A of NRS and only to persons authorized to engage in the medical use of marijuana. Sections 19.3 and 20 of this bill require medical marijuana dispensaries to use an independent testing laboratory to ensure that the products sold to end users are tested for content, quality and potency. Section 19.4 of this bill sets forth that medical marijuana establishments are to use certain security protocols. Sections 19.5 and 24.9 of this bill provide for the dispensation of marijuana and related products to persons who are not residents of this State. From April 1, 2014, through March 31, 2016, a nonresident purchaser must sign an affidavit attesting to the fact that he or she is entitled to engage in the medical use of marijuana in his or her state or jurisdiction of residency. On and after April 1, 2016, the requirement for such an affidavit is replaced by computer cross-checking between the State of Nevada and other jurisdictions. Sections 19.6, 22.35, 22.4 and 22.45 of this bill allow a registry identification cardholder and his or her designated primary caregiver, if any, to choose a particular medical marijuana dispensary to be his or her designated medical marijuana dispensary. The designation of a medical marijuana dispensary may be changed not more than once every 30 days. Section

19.7 of this bill requires that marijuana, edible marijuana products and marijuana-infused products be labeled and packaged in a safe manner. Section 19.8 of this bill allows the seizure of certain property possessed by a medical marijuana establishment under certain strictly prescribed circumstances. Section 19.9 of this bill requires the Division to prescribe standards for the operation of independent testing laboratories. Section 20 of this bill authorizes the Division to adopt any regulations the Division determines to be necessary or advisable to carry out the program of dispensing marijuana and related products to persons authorized by law to engage in the medical use of marijuana. Sections 22 and 22.3 of this bill increase the amounts of marijuana, edible marijuana products and marijuana-infused products that may be possessed collectively by a registry identification cardholder and his or her designated primary caregiver, if any. The increased amounts are derived, in substantial part, from the limits established by the State of Arizona. Sections 22 and 22.3 also provide a 2-year period, beginning on April 1, 2014, and ending on March 31, 2016, during which persons who are authorized to engage in the medical use of marijuana and who were cultivating, growing or producing marijuana on or before July 1, 2013, are “grandfathered” to continue such activity until March 31, 2016. On and after April 1, 2016, self-cultivation, self-growing and self-production is prohibited unless the person engaging in such activity qualifies for one of the compassionate exceptions from the prohibition, including illness that precludes travel to a medical marijuana dispensary, and the lack of a medical marijuana dispensary within 25 miles of the person’s residence. Section 22.4 of this bill stipulates that a registry identification card must indicate whether or not the holder is authorized to engage in the self-cultivation, self-growing or self-production of marijuana for medical purposes. Section 24 of this bill reduces by 50 percent the fees currently charged by the Division to provide an applicant with an application for a registry identification card, and to process the application and issue the card. Section 24.4 of this bill: (1) imposes an excise tax of 2 percent on each wholesale sale of marijuana, edible marijuana products and marijuana-infused products between medical marijuana establishments; (2) imposes an excise tax of 2 percent on the retail sale of marijuana and such products from a medical marijuana dispensary to an end user; and (3) makes clear that the 2 percent excise tax on retail sales is in addition to the state and local sales and use taxes that are otherwise imposed on the sale of tangible personal property.

Medical Procedures- crimes against

SB199 - https://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB199_EN.pdf

SUMMARY - AN ACT relating to crimes; making it a felony to perform certain health care procedures or surgical procedures without a license; revising the provision defining when a person is deemed to be practicing dentistry; providing a penalty; and providing other matters properly relating thereto.

EFFECTIVE DATE – October 1, 2013

SPECIFICS - Existing law requires various medical professionals to be licensed to practice in this State (Chapters 630-637, 639 and 640 of NRS) Sections 5 and 6 of this bill make it a felony to perform certain health care procedures or surgical procedures without a license and set forth specific penalties for engaging in such unlawful conduct.

Sections 7-9 and 10-18 of this bill amend various provisions of existing law which impose penalties for the practice of certain medical professions without a license to specify that if the provisions of section 5 or 6 provide a greater penalty for engaging in the unlawful conduct, the greater penalty must apply. Section 9.5 of this bill revises the provision defining when a person is deemed to be practicing dentistry.

Mental Health- involuntary court-ordered

AB287 - https://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB287_EN.pdf

SUMMARY - AN ACT relating to mental health; authorizing the involuntary court-ordered admission of certain persons with mental illness to programs of community-based or outpatient services under certain circumstances; requiring a peace officer to take into custody and deliver a person to the appropriate location for an evaluation by an evaluation team from the Division of Mental Health and Developmental Services of the Department of Health and Human Services in certain circumstances; providing a penalty; and providing other matters properly relating thereto.

EFFECTIVE DATE – July 1, 2013

SPECIFICS - Existing law prescribes the process for initiating a petition for the involuntary court-ordered admission to a mental health facility of a person who is alleged to have a mental illness. Additionally, existing law specifies that if a court finds that a person has a mental illness and is likely to harm himself or herself or others if not treated, the court must place the person in the most appropriate course of treatment. (NRS 433A.115-433A.330) This bill authorizes the court to order the involuntary admission of such a person to a program of community-based or outpatient services if such a program is an appropriate course of treatment for that person. Section 3 of this bill requires that: (1) a plan of treatment be developed by persons who are qualified in the field of psychiatric mental health, in consultation with the person who will receive the treatment; (2) the plan contain certain information relating to the course of treatment; and (3) the developers of the plan submit the plan to the court in writing. Section 3.5 of this bill sets forth the manner in which to address a person who has been involuntarily admitted to a program of community-based or outpatient services and who fails to participate in the program or otherwise fails to carry out the written plan of treatment developed for the person and submitted to the court. Section 4 of this bill authorizes under certain circumstances both the conditional release of a person involuntarily admitted to a program of community-based or outpatient services and the revocation of such release, and section 19 of this bill authorizes the unconditional release of such a person under certain circumstances. Section 12 of this bill requires the counsel for a person who is judicially admitted to a program of community-based or outpatient services to represent the person until the person is released from the program. Section 12 also requires the court to serve notice upon such counsel of any action taken involving the person. Section 13 of this bill sets forth the requirements for participation in a program of community-based or outpatient services, including that: (1) the person who is admitted to the program must be 18 years of age or older and have a history of noncompliance with treatment for mental illness; and (2) the court must approve the written plan of treatment which has been developed for the person and submitted to the court. Section 23 of this bill revises existing law which generally requires a person and his or her responsible relatives to pay for the actual cost of the treatment and services rendered during the person's involuntary admission to a division facility to require the same for an involuntary admission to a program of community-based or outpatient services. (NRS 433A.640) Responsible relatives include only the parent or legal guardian of a minor or the husband or wife of a person. (NRS 433A.610)

More Cops (special session)

SB1 (special session) - https://www.leg.state.nv.us/Session/27th2013Special/Bills/SB/SB1_EN.pdf

SUMMARY - AN ACT relating to taxation; providing the legislative approval required for an increase in the tax imposed pursuant to the Clark County Sales and Use Tax Act of 2005; imposing certain conditions on the allotment and use of the proceeds of the increase of the tax; suspending temporarily the application of certain provisions of the Act; and providing other matters properly relating thereto.

EFFECTIVE DATE - Effective June 3, 2013 and expires by limitation on October 1, 2025.

SPECIFICS - Existing law authorizes the Board of County Commissioners of Clark County to impose a sales and use tax in Clark County of one-quarter of 1 percent to employ and equip additional police officers for the Boulder City Police Department, Henderson Police Department, Las Vegas Metropolitan Police Department, Mesquite Police Department and North Las Vegas Police Department, and allows the imposition of an increase in that tax of not more than one-quarter of 1 percent if the date on which the increased rate is first imposed is on or after October 1, 2009, and if the Legislature first approves the increased rate. (Clark County Sales and Use Tax Act of 2005) Section 3 of this bill provides the legislative approval required for the imposition of an increase in that tax of not more than fifteen-hundredths of 1 percent on or after October 1, 2013, if the increase is approved by two-thirds of the members of the Board of County Commissioners of Clark County and if the increased rate is first imposed before July 1, 2016. Section 3.5 of this bill imposes conditions on allotments to police departments of the proceeds of the increase in the tax. Section 3.7 of this bill imposes conditions on the use by police departments of the proceeds of the increase in the tax, authorizes the Committee on Local Government Finance to grant waivers of those conditions and requires the Committee to submit annual reports to the Legislative Commission concerning any waivers granted by the Committee. Section 1 of this bill amends the Clark County Sales and Use Tax Act of 2005 to suspend temporarily certain provisions of the Act which require a governing body to approve expenditures by a police department of proceeds received from the taxes imposed pursuant to the Act if the governing body determines that the proposed expenditure will not replace or supplant existing funding for the police department. Section 1 also requires that certain periodic reports required by the Act include a separate detailed description of any expenditures as a result of the temporary suspension of those provisions of the Act. Additionally, section 1 requires that a copy of the separate detailed description be submitted to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee. Section 2 of this bill amends the Act to specify the method for calculating the base fiscal year for certain purposes of the Act.

Off-Highway Vehicle

SB109 - https://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB109_EN.pdf

SUMMARY - AN ACT relating to off-highway vehicles; authorizing the operation of an off-highway vehicle for the purposes of display, demonstration, maintenance, sale or exchange under certain circumstances; requiring the Department of Motor Vehicles to furnish special plates for an off-highway vehicle under certain circumstances; specifying the required dimensions of a registration sticker or decal provided by the Department for an off-highway vehicle; revising provisions governing the registration and operation of an off-highway vehicle and the licensing of an off-highway dealer, long-term lessor, short-term lessor and manufacturer; and providing other matters properly relating thereto.

EFFECTIVE DATE – July 1, 2013

SPECIFICS - Existing law allows a manufacturer, distributor, dealer or rebuilder of motor vehicles to operate vehicles for the purposes of display, demonstration, maintenance, sale or exchange if the person attaches special plates to the motor vehicle. (NRS 482.320) The Department of Motor Vehicles provides those special plates to the person upon issuance of a license certificate. (NRS 482.330) Sections 2 and 3 of this bill set forth similar provisions applicable to dealers, lessors and manufacturers of off-highway vehicles. Existing law exempts certain off-highway vehicles from registration requirements. (NRS 490.082) Section 4 of this bill exempts from registration any off-highway vehicle: (1) operated solely in an organized race, festival or other event conducted under the auspices of a sanctioning body or by permit; (2) operated or stored on privately owned or leased land; (3) operated while

engaged in an approved search-and-rescue operation; or (4) that has a displacement of not more than 70 cubic centimeters. Under existing law, an off-highway vehicle that is registered or certified in another state and is located in this State for not more than 60 days is exempt from the requirement to register in this State. (NRS 490.082) Section 4 reduces the period of exemption from 60 to 15 days. Section 4.5 of this bill revises the dimensions of the registration sticker or decal for an off-highway vehicle, providing that the sticker or decal must be at least 3 inches high by 3 1/2 inches wide. Existing law requires that any off-highway vehicle operated on a highway must have at least one headlamp that illuminates objects at least 500 feet ahead of the vehicle and at least one tail lamp that is visible from at least 500 feet behind the vehicle. (NRS 490.120) Section 5 of this bill exempts an off-highway vehicle from this requirement when operated during daylight hours on a highway designated by a county for the operation of the off-highway vehicle without having the headlamp or tail lamp. Existing law requires that, in order to obtain a license as a dealer, long-term or short-term lessor or manufacturer of off-highway vehicles, an applicant must: (1) furnish a processing fee, a complete set of the applicant's fingerprints and written permission authorizing the Department to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and (2) file with the Department a bond of \$50,000 or make a deposit with the Department of \$50,000. (NRS 490.210, 490.270, 490.280) Section 7 of this bill exempts from the fingerprinting requirement any applicant who has previously met the same requirement as part of an application for a license to operate as a transporter, manufacturer, distributor, dealer, rebuilder, broker or salesperson of motor vehicles. (NRS 482.3163, 482.325, 482.333, 482.362) Section 8 of this bill exempts from the bond or deposit requirement any applicant who has previously filed a bond of \$50,000 or more covering certain activities involving off-highway vehicles or made a deposit of \$50,000 or more with the Department as part of an application for a license to operate as a broker, manufacturer, distributor, dealer or rebuilder of motor vehicles. (NRS 482.3333, 482.345, 482.346)

SB343- https://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB343_EN.pdf

SUMMARY- AN ACT relating to motor vehicles; allowing certain off-highway vehicles to be registered as motor vehicles intended for use on a highway; requiring the owner of an off-highway vehicle registered as a motor vehicle intended for use on a highway to obtain and maintain insurance on the vehicle; allowing certain off-highway vehicles to be operated on certain county roads under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

EFFECTIVE DATE- July 1, 2013

SPECIFICS- Under existing law, no off-highway vehicle may be registered for highway use or operated on a highway except in limited circumstances. (NRS 490.090, 490.100, 490.110) Any off-highway vehicle that is operated on a highway under these limited circumstances must be registered as an off-highway vehicle and have certain required equipment. (NRS 490.120) Sections 2-5 of this bill allow certain off-highway vehicles that are defined as "large all-terrain vehicles" to be registered as: (1) motor vehicles intended for use on a highway; or (2) off-highway vehicles. Section 5 requires the owner of a large all-terrain vehicle who registers the vehicle as a motor vehicle intended for use on a highway to provide proof that the owner carries insurance on the vehicle which meets the requirements for insurance on motor vehicles in this State generally. Section 12 of this bill provides that the fee for registration of an off-highway vehicle is the same for all off-highway vehicles, regardless of whether the owner of a large all-terrain vehicle chooses to register the vehicle as a motor vehicle intended for use on a highway. Sections 4 and 13 of this bill allow large all-terrain vehicles to be operated on a general county road or minor county road, unless the applicable city or county prohibits such use, provided that such vehicles are registered with the Department of Motor Vehicles for on-road use and have the requisite equipment for on-road use. Section 10 of this bill requires that the registration sticker or decal of a large all-terrain vehicle registered as a motor vehicle intended for use on

a highway be distinguishable from the sticker or decal of other off-highway vehicles. Section 14 of this bill provides that operating or knowingly allowing the operation of a large all-terrain vehicle registered as a motor vehicle intended for use on a highway without having the required insurance is punishable as a misdemeanor and the imposition of a fine not to exceed \$100.

Older Persons- crimes against

AB55 - https://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB55_EN.pdf

SUMMARY -AN ACT relating to crimes; imposing an additional penalty for attempting or conspiring to commit certain crimes against certain older or vulnerable persons; and providing other matters properly relating thereto.

EFFECTIVE DATE – October 1, 2013

SPECIFICS - Existing law provides for additional penalties to be imposed for certain crimes that are committed against persons 60 years of age or older or against vulnerable persons. The term “vulnerable persons” is defined for the purposes of this section to mean adults with certain physical or mental limitations. (NRS 193.167) This bill adds an attempt or conspiracy to commit certain crimes to that list.

Open Container- in vehicle

AB21- https://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB21_EN.pdf

SUMMARY - AN ACT relating to public safety; revising provisions prohibiting open containers of alcoholic beverages in motor vehicles; revising provisions governing the requirements and procedures for reporting motor vehicle accidents; transferring certain duties relating to the reporting of those accidents from the Department of Motor Vehicles to the Department of Public Safety; and providing other matters properly relating thereto.

EFFECTIVE DATE – October 1, 2013

SPECIFICS - Existing law prohibits a person from having an open container of an alcoholic beverage within the passenger area of a motor vehicle while the motor vehicle is on a highway. Existing law provides an exception to that prohibition for a motor vehicle which is designed, maintained or used primarily for the transportation of persons for compensation, or to the living quarters of a house coach or house trailer. (NRS 484B.150) Section 1 of this bill provides that the exception: (1) applies to the passenger area of such a motor vehicle; but (2) does not apply to a driver of such a motor vehicle who is in possession or control of an open container of an alcoholic beverage. Section 2 of this bill allows: (1) a driver of a vehicle which is involved in an accident with apparent damages of \$750 or more to submit electronically the accident report the driver is required to submit to the Department of Motor Vehicles; and (2) a driver who is required to submit a supplemental report to do so electronically. (NRS 484E.070) Section 2 further requires the Department of Motor Vehicles to approve the format of the forms for those accident reports and make the forms available to persons who are required to submit the reports to the Department. Section 4 of this bill allows a police officer who investigates a vehicle accident for which a report must be made by the officer, or who otherwise prepares a written or electronic report as a result of the investigation, to forward the report of the accident in writing or electronically. In addition, section 4 requires the report to be submitted to the Department of Public Safety rather than the Department of Motor Vehicles. Section 4 requires the data collected by the Department of Public Safety from those reports to be recorded in a central repository created by the Department of Public Safety to track data electronically concerning vehicle accidents on a statewide basis. Section 4 further requires a police officer to prepare a report of an investigation

which is conducted of a vehicle accident which results in bodily injury to or the death of any person or which involves apparent damage of \$750 or more to a vehicle or other property. (NRS 484E.110) Section 5 of this bill transfers from the Department of Motor Vehicles to the Department of Public Safety the duty to prepare certain forms for preparing written accident reports that are supplied to police departments, sheriffs and other appropriate agencies or persons. (NRS 484E.120) Section 5 further requires certain accident reports that are required to be prepared by a police officer to be made on the appropriate form approved by the Department of Public Safety rather than the Department of Motor Vehicles and requires any other accident reports to be made on forms approved by the Department of Motor Vehicles.

Open Meeting

AB65 - https://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB65_EN.pdf

SUMMARY - AN ACT relating to public meetings; exempting certain entities, proceedings and meetings from compliance with the Open Meeting Law in certain circumstances; prohibiting a member of a public body from designating a person to attend a meeting in the member's place without certain authority; revising provisions relating to the prosecution of an alleged violation of the Open Meeting Law; revising provisions governing the provision of supporting material for meetings to the public; and providing other matters properly relating thereto.

EFFECTIVE DATE – July 1, 2013

SPECIFICS - The Open Meeting Law requires that meetings of public bodies be open to the public, with limited exceptions set forth specifically in statute. (NRS 241.020) Section 2 of this bill provides certain exceptions and exemptions to the Open Meeting Law and provides that any other provision of law which: (1) exempts a meeting, hearing or proceeding from the requirements of the Open Meeting Law; or (2) otherwise authorizes or requires a closed meeting, hearing or proceeding prevails over the general provisions of the Open Meeting Law. Sections 6 and 8 of this bill make conforming changes. Section 3 of this bill prohibits a member of a public body from designating a person to attend a meeting of the public body in the place of the member unless members of the public body are expressly authorized to do so by the constitutional provision, statute, ordinance, resolution or other legal authority that created the public body. Section 3 also requires that any such designation be made in writing or made on the record at a meeting of the public body, deems any person so designated to be a member of the public body for purposes of determining a quorum at the meeting and entitles such a person to exercise the same powers as the regular members of the public body at the meeting. Any action taken by a public body in violation of the Open Meeting Law is void. (NRS 241.036) Under existing law, the Attorney General is required to investigate and prosecute any violation of the Open Meeting Law. (NRS 241.039) Existing law authorizes the Attorney General or a member of the public to sue a public body: (1) within 60 days after an alleged violation to have an action by the public body declared void; or (2) within 120 days after an alleged violation to require the public body to comply with the Open Meeting Law. (NRS 241.037) Section 4 of this bill provides that if a public body takes certain corrective action within 30 days after an alleged violation, the Attorney General may decide not to commence prosecution of the alleged violation if the Attorney General determines that foregoing prosecution would be in the best interests of the public. Section 4 also extends by 30 days the deadline by which lawsuits to enforce the Open Meeting Law may be filed by the Attorney General in the context of corrective action. Section 4 further provides that any action taken by a public body to correct an alleged violation of the Open Meeting Law is effective prospectively. With certain exceptions, a public body is required to comply with the Open Meeting Law when a quorum of its members is present to deliberate toward a decision or take action on a matter over which the public body has supervision, control, jurisdiction or advisory power. (NRS 241.015) Section 6 of this bill defines "deliberate" for purposes of this requirement to mean collectively examining, weighing and reflecting on the

reasons for or against an action and includes the collective discussion or exchange of facts preliminary to the ultimate decision. Section 6 also clarifies that a quorum of members may be present in person or by means of electronic communication. Under the Open Meeting Law, a public body is required, upon request and at no charge, to provide a copy of an agenda for the meeting, any proposed ordinance or regulation to be discussed at the meeting, and other supporting material, with certain exceptions, provided to members of the public body for an item on the agenda. (NRS 241.020) Section 7 of this bill requires that a public body include on the notice for a meeting: (1) the name and contact information for the person designated by the public body from whom a member of the public may request the supporting material for a meeting; and (2) a list of the locations where the supporting material is available to the public. Section 7 also requires the governing body of a city or county whose population is 45,000 or more (currently Clark, Douglas, Elko, Lyon and Washoe Counties and the cities of Carson City, Henderson, Las Vegas, North Las Vegas, Reno and Sparks) to post the supporting material to its website not later than the time at which the material is provided to the members of the governing body or, if the supporting material is provided to the governing body at a meeting, not later than 24 hours after the meeting. Section 7 also authorizes such a public body to provide the supporting material via a link to the posting on its website to a person who has requested to receive the material by electronic mail if the person so agrees.

AB445 - https://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB445_EN.pdf

SUMMARY - AN ACT relating to public bodies; requiring that notices of public meetings by public bodies be posted on the official website of the State; requiring the Department of Administration to establish a clear and conspicuous location on the official website of the State for such postings; requiring the Department to establish a directory of public bodies and to include the directory on the official website of the State in a clear and conspicuous location; and providing other matters properly relating thereto.

EFFECTIVE DATE - Sections 2 to 5, inclusive, and 6 of this act effective June 2, 2013. Section 1 of this act effective January 1, 2014.

SPECIFICS - Under Nevada's Open Meeting Law, a public body is required to post a notice, an agenda and certain other information about each of its meetings, with certain exceptions. The notice must be posted at the principal office of the public body, or if there is no principal office, at the building in which the meeting is to be held, and at not less than three other separate, prominent places within the jurisdiction of the public body not later than 9 a.m. of the third working day before the meeting. (NRS241.020) Section 2 of this bill requires the Department of Administration to establish and maintain a location on the official website of the State for the posting of notices by public bodies that are required by the Open Meeting Law. Section 2 also requires that the location be identified on the official website in a clear and conspicuous manner. Section 1 of this bill revises the notice provision of the Open Meeting Law to require the posting of notices of public meetings on the State's official website. Section 2.5 of this bill requires the Department to: (1) establish a directory of all public bodies; and (2) include the directory on the official website of the State in a clear and conspicuous location. Section 4 of this bill requires the Department to have the locations on the State's official website fully operational by January 1, 2014. Section 6 of this bill requires the posting of notices of meetings by public bodies to the official website of the State beginning on January 1, 2014, except that section 5 of this bill allows public bodies of local governments until July 1, 2014, to comply with the new requirement.

SB39 - https://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB39_EN.pdf

SUMMARY - AN ACT relating to the Nevada Commission on Homeland Security; clarifying that the exceptions to the Open Meeting Law that are provided by law for the Commission also apply, with certain limitations, to all committees appointed by the Chair of the Commission; and providing other matters properly relating thereto.

EFFECTIVE DATE – October 1, 2013

SPECIFICS - Existing law generally requires the Nevada Commission on Homeland Security to comply with the Open Meeting Law but authorizes the Commission, upon a majority vote, to hold a closed meeting to receive security briefings, discuss procedures for responding to acts of terrorism and related emergencies, or discuss deficiencies in security with respect to public services, public facilities and infrastructure. (NRS 239C.140) This bill clarifies that the exceptions to the Open Meeting Law that are provided by law for the Commission also apply to all committees appointed by the Chair of the Commission. This bill authorizes any such committee to hold a closed meeting under circumstances where the Commission may do so, with the prior approval of the Commission.

Organized Retail Theft

AB102 - https://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB102_EN.pdf

SUMMARY - AN ACT relating to crimes; revising provisions relating to the crime of participation in an organized retail theft ring; providing a penalty; and providing other matters properly relating thereto.

EFFECTIVE DATE – October 1, 2013

SPECIFICS - Existing law: (1) defines the crime of participation in an organized retail theft ring as three or more persons who associate for the purpose of engaging in the conduct of committing a series of thefts of retail merchandise against more than one merchant in this State or against one merchant but at more than one location of a retail business of the merchant in this State; and (2) provides that a person who participates in an organized retail theft ring is guilty of a category B felony, punishable by imprisonment for a minimum term of not less than 1 year and a maximum term of not more than 10 years, if the aggregated value of the property or services involved in all thefts committed by the organized retail theft ring during a period of 90 days is at least \$3,500 but less than \$10,000. (NRS 205.08345) This bill replaces the crime of participation in an organized retail theft ring with the crime of organized retail theft and provides that such a crime may be committed by one or more persons who conduct a series of thefts of retail merchandise at one or more merchants in this State with the intent to return the merchandise for value or resell, trade or barter the merchandise for value.

PEBS

AB303 - https://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB303_EN.pdf

SUMMARY - AN ACT relating to the Public Employees' Benefits Program; revising provisions relating to the subsidy for coverage of certain retired persons under the Program; and providing other matters properly relating thereto.

EFFECTIVE DATE – July 1, 2013

SPECIFICS - Existing law provides for the payment of a subsidy to cover a portion of the cost of the coverage provided through the Public Employees' Benefits Program by an individual medical plan offered pursuant to the Health Insurance for the Aged Act, 42 U.S.C. §§ 1395 et seq., which is commonly known as Medicare, to persons who were initially hired before January 1, 2012, and who retire with state service. The amount of this subsidy is established by the Legislature each biennium. (NRS 287.046; section 2 of chapter 421, Statutes of Nevada 2011, at pp. 2574-75) This bill authorizes the Board of the Public Employees' Benefits Program to approve the payment of an additional amount to increase the subsidy of such retired persons above the amount established by the Legislature for the biennium for those retired persons from any money that is available for that purpose, such as excess reserves.

Personal Information- maintained or removed

SB364 - https://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB364_EN.pdf

SUMMARY – AN ACT relating to governmental administration; removing the requirement that each governmental agency ensure that any personal information contained in certain documents is either maintained in a confidential manner or removed from the document; removing the requirement that the board of county commissioners in certain larger counties establish in certain cities a branch office of the county clerk at which marriage licenses may be issued; revising provisions relating to recording and filing certificates of marriage; revising provisions governing certain other documents relating to marriage; prohibiting certain solicitations on county property; and providing other matters properly relating thereto.

EFFECTIVE DATE – July 1, 2013

SPECIFICS - Existing law prohibits, with certain exceptions, a governmental agency from requiring a person to include personal information on any document submitted to the governmental agency on or after January 1, 2007. On or before January 1, 2017, each governmental agency is required to ensure that any personal information contained in a document submitted to that agency before January 1, 2007, is either maintained in a confidential manner or removed from the document. (NRS 239B.030) Section 1 of this bill authorizes rather than requires each governmental agency to ensure that any personal information contained in a document submitted to that agency before January 1, 2007, is either maintained in a confidential manner or removed from the document. Existing law requires the board of county commissioners in a county whose population is 700,000 or more (currently Clark County) to designate one branch office of the county clerk at which marriage licenses may be issued and establish that office in an incorporated city whose population is 220,000 or more but less than 500,000 (currently the City of Henderson). Existing law also authorizes the board to designate, at the request of the county clerk, not more than four additional branch offices of the county clerk at which marriage licenses can be issued. (NRS 122.040) Section 2 of this bill removes the requirement to establish a branch office at which marriage licenses can be issued in an incorporated city whose population is 220,000 or more but less than 500,000 and allows the board to designate, at the request of the county clerk, not more than five branch offices at which marriage licenses may be issued. Existing law requires copies of certificates of marriage to be recorded by the county recorder or filed by the county clerk. (NRS 122.130) Sections 2.5, 5.5 and 8-10 of this bill remove references to “copies” of certificates of marriage so that original certificates of marriage are required to be recorded by the county recorder or filed by the county clerk. Sections 3-5 of this bill revise provisions governing certain documents relating to the authority to solemnize marriages. Existing law prohibits any person, while on county courthouse property, from soliciting another person to be married by a marriage commissioner or justice of the peace or at a commercial wedding chapel. (NRS 122.215) Section 7 of this bill extends this prohibition to all county property where marriage licenses are issued.

Pharmacy- sale of certain products

AB39 - https://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB39_EN.pdf

SUMMARY - AN ACT relating to pharmacy; making various changes concerning the sale, transfer or acquisition of certain products that are precursors to methamphetamine; providing penalties; and providing other matters properly relating thereto.

EFFECTIVE DATE – October 1, 2013

SPECIFICS - Existing law prohibits any person, other than a pharmacy, from selling or transferring in the course of business or selling at retail certain products that contain materials that can be used to manufacture methamphetamine. (NRS 639.410) Existing law further requires a retail distributor of such products to keep the products in a locked case or cabinet or behind a store counter to prevent access to the public. (NRS 453.354) Existing law also limits the quantity of certain chemicals contained in these products that may be sold or transferred to the same person during a calendar day. (NRS 453.355) Section 6 of this bill establishes a limit on the quantity of these chemicals that can be sold or transferred to the same person during a 30-day period. Existing law requires a retail distributor of certain products that can be used to manufacture methamphetamine to maintain a logbook of the sales and transfers of such a product and to ensure that certain information is entered in the logbook. (NRS 453.357) Section 2 of this bill requires the State Board of Pharmacy to approve a real-time, stop sale system for use by pharmacies in this State if the Board determines that the real-time, stop sale system: (1) is available and appropriate for use by pharmacies in this State; and (2) the system has certain capabilities and will be available free of charge. Such a system will: (1) allow pharmacies to electronically submit information before completing a sale or transfer of such a product to determine whether the sale or transfer would violate any law; and (2) allow law enforcement agencies to access transaction records related to the sale or transfer, or attempted sale or transfer, of a product that is a precursor to methamphetamine. Section 3 of this bill requires a pharmacy to use a real-time, stop sale system that is approved by the Board. A pharmacy is prohibited from completing a sale or transfer of a product if informed through the system that the sale or transfer will violate any law, except in certain circumstances. Section 4.5 of this bill provides that the failure of the real-time, stop sale system or the misuse of the system does not create any civil liability for the Board. Section 7 of this bill requires a retail distributor of certain products that can be used to manufacture methamphetamine, in addition to maintaining the logbook and checking the name and identification of a person seeking to obtain such a product, to consult with the real-time, stop sale system, if such a system is approved by the Board.

Presentence Investigations

AB64 - https://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB64_EN.pdf

SUMMARY - AN ACT relating to criminal justice; revising provisions concerning the delivery of copies of reports of presentence investigation and certain judgments of conviction; and providing other matters properly relating thereto.

EFFECTIVE DATE – June 1, 2013

SPECIFICS - Existing law provides that when a court imposes a sentence of imprisonment in the state prison or revokes a program of probation and orders a sentence of imprisonment to the state prison to be executed, the court is required to cause a copy of any report of a presentence investigation to be delivered to the Director of the Department of Corrections when the judgment of imprisonment is delivered by the sheriff to an authorized person designated by the Director to receive the prisoner from the county where the prisoner is held for commitment. (NRS176.159, 176.335) Section 1 of this bill revises this requirement and specifies that such a report must be delivered not later than when the judgment of imprisonment is delivered. Section 1 further specifies that, at the court's discretion, the report may also be delivered by electronic transmission or by affording the Department the required electronic access to retrieve the report. Existing law also provides that when a judgment of imprisonment to be served in the state prison has been pronounced, triplicate certified copies of the judgment of conviction, attested by the clerk under the seal of the court, must be furnished to the officers whose duty it is to execute the judgment. (NRS 176.325) Section 2 of this bill specifies that such certified copies of the judgment of conviction may be in paper or electronic form.

Prisoners- portable communications

AB212 - https://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB212_EN.pdf

SUMMARY - AN ACT relating to correctional institutions; prohibiting the possession of portable telecommunications devices by certain prisoners; authorizing persons convicted of possessing portable telecommunications devices to request a modification of sentence under certain circumstances; providing penalties; and providing other matters properly relating thereto.

EFFECTIVE DATE – October 1, 2013

SPECIFICS - Existing law prohibits the possession of portable telecommunications devices by prisoners in state institutions and facilities. (NRS 212.165) This bill extends that prohibition to include any prisoner in a jail, branch county jail or other local detention facility and provides that a prisoner who violates the prohibition is guilty of: (1) a category D felony if he or she was confined as a result of a felony; (2) a gross misdemeanor if he or she was confined as a result of a gross misdemeanor; or (3) a misdemeanor if he or she was confined as a result of a misdemeanor. This bill also authorizes a person who was convicted of possessing a portable telecommunications device in a jail, branch county jail or other local detention facility to request a modification of his or her sentence if the underlying charge for which the person was in lawful custody or confinement has been reduced, declined for prosecution or dismissed.

Property Damage- leasehold interest

AB194 - https://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB194_EN.pdf

SUMMARY - AN ACT relating to crimes; clarifying that a person who holds a leasehold interest in the real property of another person may be criminally liable for the destruction or injury of that real property; and providing other matters properly relating thereto.

EFFECTIVE DATE- October 1, 2013

SPECIFICS - Existing law prohibits a person from willfully or maliciously destroying or injuring the real or personal property of another person. (NRS 206.310) Existing law also provides that a person who is guilty of such an offense shall be punished: (1) where the value of the loss is \$5,000 or more, for a category C felony; (2) where the value of the loss is \$250 or more but less than \$5,000, for a gross misdemeanor; (3) where the value of the loss is \$25 or more but less than \$250, for a misdemeanor; and (4) where the value is less than \$25, by a fine of not more than \$500. (NRS 193.155) This bill clarifies that a person who holds a leasehold interest in the real property of another person may be criminally liable for the willful or malicious destruction or injury of that real property.

Public Health

AB28 - https://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB28_EN.pdf

SUMMARY - AN ACT relating to public health; revising the definition of “sentinel event” for purposes of provisions relating to the health and safety of patients at certain medical facilities; and providing other matters properly relating thereto.

EFFECTIVE DATE – October 1, 2013

SPECIFICS - Under existing law, any unexpected occurrence involving facility-acquired infection, death or serious physical or psychological injury, known as a "sentinel event," is required to be reported to the Health Division of the Department of Health and Human Services. (NRS 439.830, 439.835) This bill revises the definition of "sentinel event" to incorporate the most current list of serious reportable events in health care published by the National Quality Forum.

AB29 - https://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB29_EN.pdf

SUMMARY - AN ACT relating to public health; creating the Committee to Review Suicide Fatalities; providing for the membership of the Committee; setting forth the powers and duties of the Committee; requiring certain data or information to be made available to the Committee; and providing other matters properly relating thereto.

EFFECTIVE DATE - October 1, 2013

SPECIFICS - Existing law creates the Statewide Program for Suicide Prevention within the office of the Director of the Department of Health and Human Services. The purpose of the Statewide Program is to: (1) create public awareness for issues relating to suicide prevention; (2) build community networks; and (3) carry out training programs for suicide prevention for law enforcement personnel, providers of health care, school employees and other persons who have contact with persons at risk of suicide. Existing law also requires the employment of a Coordinator of the Statewide Program and a person to serve as a trainer for suicide prevention to provide educational activities to the general public relating to suicide prevention and to provide other assistance in carrying out the Statewide Program. (NRS 439.511, 439.513) Sections 2-5 of this bill create the Committee to Review Suicide Fatalities within the Department. Section 7 of this bill similarly moves the Statewide Program from the office of the Director to the Department. Section 3 requires the Director to appoint the members of the Committee from among certain persons and groups of persons and provides that each member serves at the pleasure of the Director. Section 4 requires the Committee to adopt a written protocol setting forth the suicide fatalities which must be reported to the Committee and screened for review by the Committee. Section 4 also requires the Committee to obtain and use any data or other information to review suicide fatalities in this State to determine trends, risk factors and strategies for the prevention of suicide fatalities and to take certain other actions concerning those fatalities. Section 5 authorizes the Committee to: (1) conduct investigations and hold hearings; (2) share information with certain persons or teams; (3) petition a district court for the issuance of a subpoena; (4) propose recommended legislation; (5) issue special reports; and (6) engage in any other activity required by the Director concerning suicide fatalities in this State. Section 5 also requires the Committee to submit an annual report to the Director concerning the activities of the Committee. Section 8 of this bill requires the Coordinator to employ at least one person to act as a trainer for suicide prevention and requires at least one trainer for suicide prevention to be based in a county whose population is 700,000 or more (currently Clark County). Sections 9 and 10 of this bill make several changes concerning the requirement to allow the Committee to review a certificate of death and to provide other information to the Committee.

Public Records

AB31- https://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB31_EN.pdf

SUMMARY - AN ACT relating to public records; revising provisions governing requests for books and records of certain agencies of the Executive Department of the State Government; and providing other matters properly relating thereto.

EFFECTIVE DATE - Sections 1, 2, 3, and 5 of this act effective October 1, 2013. Section 3 of this act expires by limitation on the date that the provisions of The Hage Convention on the International Recovery of Child Support and Other Forms of Family Maintenance are ratified by the President and the United States deposits its instrument of ratification. Section 3.5 of this act effective on the date that the provisions of The Hage Convention on the International Recovery of Child Support and Other Forms of Family Maintenance are ratified by the President and the United States deposits its instrument of ratification.

SPECIFICS - Under existing law, all public books and records of a governmental entity, the contents of which are not otherwise declared by law to be confidential, are required to be open at all times during office hours for inspection and copying by the public. (NRS 239.010) The Nevada Supreme Court has established a balancing test for a governmental entity to apply to determine whether to disclose a book or record when the law is silent with respect to the confidentiality of the book or record. Under this balancing test, the governmental entity is required to determine whether the private or governmental interest served by withholding the book or record clearly outweighs the right of the public to inspect or copy the book or record. (Donrey v. Bradshaw, 106 Nev. 630 (1990); DR Partners v. Board of County Comm'rs, 116 Nev. 616 (2000); Reno Newspapers, Inc. v. Haley, 126 Nev. Adv. Op. 23, 234 P.3d 922 (2010); Reno Newspapers, Inc. v. Gibbons, 127 Nev. Adv. Op. 79, 266 P.3d 623 (2011)) The legislative declaration for the Nevada Public Records Act (chapter 239 of NRS) requires that the Act be construed liberally to foster democratic principles by providing the public with access to inspect and copy public books and records and that any restriction on the disclosure of public books and records be construed narrowly. (NRS 239.001) Existing law imposes the burden of proof on a governmental entity that withholds a record to prove, by a preponderance of the evidence, that the record, or a part thereof, is confidential.(NRS 239.0113)Section 1 of this bill requires the head of each agency, bureau, board, commission, department, division or any other unit of the Executive Department of State Government except the Nevada System of Higher Education to designate one or more employees to act as records official for the agency, whose duties relate to handling requests for public books or records of the agency. Section 1 requires the State Library and Archives Administrator, in cooperation with the Attorney General, to prescribe: (1) the form for requesting to inspect a copy of a public book or record of such an agency; (2) the form to be used by such an agency to respond to such a request; and (3) the procedures with which a records official is required to comply in carrying out his or her duties. Section 1 also requires each such agency to make those forms and procedures available on any website maintained by the agency on the Internet. Sections 3 and 3.5 of this bill compile all the statutory provisions that prohibit the disclosure of or specifically declare public books and records confidential.

SB74 - https://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB74_EN.pdf

SUMMARY - AN ACT relating to public records; requiring the person who has legal custody or control of a public record, under certain circumstances, to prepare a copy of the public record rather than requiring the person who has requested the copy to prepare the copy; requiring copies of public books and records to be made available upon request in certain circumstances; limiting the fee which may be charged for a copy of a public record in the custody of a law library operated by a governmental entity; requiring a copy of minutes or audio recordings of public meetings to be made available to a member of the public upon request at no charge; reducing the fee a county clerk charges for copying records, proceedings or papers or for searching records or files in the office of the county clerk; and providing other matters properly relating thereto.

EFFECTIVE DATE – October 1, 2013

SPECIFICS - Under existing law, all public books and records that are not otherwise declared by law to be confidential must be made available to the public for inspection or copying by any person. (NRS 239.010) Section 1

of this bill prohibits the officer, employee or agent of a governmental entity who has legal custody or control of a public record from requiring a person who has requested a copy of the public record to prepare the copy himself or herself. Rather, upon request, the officer, employee or agent of the governmental entity must prepare the copy of the public record, unless the copy needs to be a certified copy. Existing law requires requests for inspection or copying of public books or records to be addressed not later than the fifth business day after the person who has legal custody or control of a public book or record of a governmental entity receives a request. (NRS 239.0107) Section 2 of this bill requires the public book or record to be made available upon request if the public book or record is readily available. Section 4 of this bill limits the fee for a copy of a public book or record in the custody of a law library operated by a governmental entity to 50 cents per page. Section 5 of this bill requires a copy of minutes or audio recordings of public meetings to be made available to a member of the public upon request at no charge. Section 7 of this bill reduces the fee a county clerk charges for preparing a copy of any record, proceeding or paper and the fee that the county clerk charges for searching the records or files in the office of the county clerk and authorizes the county clerk to waive those fees.

Purchasing Contracts

AB85 - https://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB85_EN.pdf

SUMMARY - AN ACT relating to contracts; prohibiting a local government, the Administrator of the Purchasing Division of the Department of Administration and a board of trustees of a school district from joining, using or entering into certain contracts or agreements; and providing other matters properly relating thereto.

EFFECTIVE DATE – July 1, 2013

SPECIFICS - Existing law authorizes: (1) a local government and the State of Nevada to join or use contracts of local governments located within this State or another state if authorized by the contracting vendor; and (2) a local government to join or use the contracts of the State of Nevada or another state if authorized by the contracting vendor. (NRS 332.195) Existing law also authorizes the Administrator of the Purchasing Division of the Department of Administration to enter into an agreement for supplies, materials or equipment with a vendor who has entered into an agreement with the federal General Services Administration or certain other governmental agencies under certain circumstances. (NRS 333.480) Existing law further provides that, if a board of trustees of a school district enters into an agreement with another school district for the consolidation or sharing of services, functions or personnel, the board of trustees may join in any applicable contracts of the other school district. (NRS 386.353) This bill prohibits a local government, the Administrator and the board of trustees of a school district from joining, using or entering into a contract or agreement pursuant to those provisions if a license issued pursuant to chapter 624 of NRS governing contractors is required for any portion of the contract or agreement. Existing law provides that any contract for the purchase of any supplies, materials or equipment by any state officer, department, institution, board, commission or agency is void if it is contrary to the statutory and regulatory provisions governing state purchasing. Existing law further provides that the head of the using agency and the employee who entered into such a contract are personally liable for the costs of the supplies, materials or equipment. (NRS333.810) Section 2 of this bill makes this provision applicable to an agreement entered into by the Administrator which is contrary to the amendatory provisions of that section.

Records- inspections

AB45 - https://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB45_EN.pdf

SUMMARY - AN ACT relating to the Department of Administration; revising provisions governing the duties of the Division of State Library and Archives of the Department of Administration; eliminating the Repository for Records Concerning Programs, Activities and Events Related to the Participation of Citizens in the Development of Public Policy and the Improvement of the Operation of Government; and providing other matters properly relating thereto.

EFFECTIVE DATE – May 20, 2013

SPECIFICS - Existing law sets forth a list of specific items that the State Library and Archives Administrator is required to keep custody of and preserve. (NRS 378.245) Section 1 of this bill eliminates the description of the State Seal and other such seals and expired official bonds approved by the Governor from the list. Existing law allows the Administrator to inspect the physical nature of governmental records in the custody of a state or local governmental agency that are not confidential or privileged. (NRS 378.255) Section 2 of this bill expands the authority of the Administrator to inspect information in records in the custody of state or local governmental agencies and to inspect the physical nature of and information contained in such records that are confidential or privileged under certain circumstances. Section 2 also requires an inspection of confidential or privileged records to be logged and prohibits the Administrator from disclosing any such confidential or privileged information. Under existing law, the Division of State Library and Archives of the Department of Administration is required to provide microfilming services to state agencies and local governments. (NRS 239.070, 378.280) Sections 3 and 7 of this bill require the Division to also provide digital imaging services to those governmental entities. Section 2 of this bill authorizes the Division to provide microfilming and digital imaging services for the records of the Legislative and Judicial Branches of State Government, upon request. Section 10 of this bill eliminates the authority of the Administrator to enter into an agreement with the Secretary of State to keep and preserve material for the Secretary of State. (NRS 378.260) Section 10 also eliminates certain fees that are duplicative of fees that a governmental entity is generally authorized to charge. (NRS 239.052, 239.055) Finally, section 10 eliminates the Repository for Records Concerning Programs, Activities and Events Related to the Participation of Citizens in the Development of Public Policy and the Improvement of the Operation of Government, which was created to store and maintain information submitted concerning ways to increase citizen participation in government. (NRS 378.400) Sections 4-6, 8 and 9 of this bill make conforming changes relating to the elimination of the Repository, including requiring that documents and information currently submitted to the Repository be sent to the Division of State Library and Archives.

Red Traffic Signal- disobey under certain conditions

AB117 - https://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB117_EN.pdf

SUMMARY - AN ACT relating to rules of the road; allowing a person driving a motorcycle, moped or trimobile or riding a bicycle or an electric bicycle to proceed through an intersection against a red traffic signal in certain circumstances; specifying that a violation resulting in an injury to another person creates a rebuttable presumption of all facts necessary to impose civil liability for the injury under certain circumstances; and providing other matters properly relating thereto.

EFFECTIVE DATE - October 1, 2013

SPECIFICS - Under existing law, a person driving a motorcycle or moped upon a highway or riding a bicycle or an electric bicycle upon a roadway is subject to all the duties applicable to the driver of a motor vehicle, with certain exceptions. (NRS 484B.763, 486.331) Existing law makes it unlawful for any driver, including the driver of a trimobile, to disobey the instructions of any official traffic-control device under certain conditions. (NRS 484A.080,

484B.300) Existing law also prohibits vehicular traffic from proceeding into or through an intersection that is controlled by an official traffic-control device exhibiting different colored lights when the signal is red. (NRS 484B.307) Section 2 of this bill allows a person driving a motorcycle, moped or trimobile or riding a bicycle or an electric bicycle to proceed into an intersection against a red signal if: (1) the person stops as required by the signal and waits for a reasonable time; (2) the signal does not change because of a malfunction or the failure of the signal to detect the presence of the motorcycle, moped, trimobile, bicycle or electric bicycle; and (3) the person yields the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection. Section 2 also provides that, if the person commits certain violations while driving the motorcycle, moped or trimobile or riding the bicycle or electric bicycle which result in an injury to another person, the violations create a rebuttable presumption of all facts necessary to impose civil liability for the injury.

Scrap Metal

SB37 - https://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB37_EN.pdf

SUMMARY - AN ACT relating to crimes; requiring a person who unlawfully removes, damages or destroys certain property to obtain scrap metal to make restitution and to perform community service; requiring a person who intentionally steals, takes and carries away scrap metal or utility property to perform community service; and providing other matters properly relating thereto.

EFFECTIVE DATE – May 23, 2013

SPECIFICS - Existing law provides that a person who willfully or maliciously removes, damages or destroys any utility property, agricultural infrastructure, lights maintained by a State or local government, construction site or certain other property to obtain scrap metal is guilty of a crime. (NRS 202.582) Section 1 of this bill: (1) provides that a person who removes, damages or destroys any property maintained by the State or a local government to obtain scrap metal is guilty of a crime; and (2) requires a person convicted of such a crime, in addition to any other penalty, to pay restitution and to perform 100 hours of community service for a first offense, 200 hours of community service for a second offense and up to 300 hours of community service for any third or subsequent offense. Section 1 also revises the definition of “utility property” to include any facility, equipment or other property owned, maintained or used by a company or a city, county or other political subdivision of this State to furnish sewer service or storm water collection or disposal service. Existing law also provides that a person who intentionally steals, takes and carries away scrap metal: (1) with a value of less than \$650 within a period of 90 days is guilty of a misdemeanor; or (2) with a value of \$650 or more within a period of 90 days is guilty of a category C or B felony with varying terms of imprisonment and fines, depending on the value of the scrap metal. (NRS 205.267) Section 2 of this bill: (1) similarly makes it a crime to intentionally steal, take or carry away utility property; and (2) requires a person convicted of intentionally stealing, taking or carrying away scrap metal or utility property to perform 100 hours of community service for a first offense, 200 hours of community service for a second offense and up to 300 hours of community service for any third or subsequent offense.

SB235 – https://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB235_EN.pdf

SUMMARY - AN ACT relating to scrap metal; authorizing a local law enforcement agency to establish or utilize an electronic reporting system to receive information relating to purchases of scrap metal; requiring, under certain circumstances, a scrap metal processor to submit electronically to a local law enforcement agency or certain third parties certain information relating to certain purchases of scrap metal; requiring the Division of Industrial Relations of the Department of Business and Industry to adopt regulations relating to the confidentiality of

reported information; revising provisions relating to certain records maintained by scrap metal processors; providing a penalty; and providing other matters properly relating thereto.

EFFECTIVE DATE – October 1, 2013

SPECIFICS - Existing law provides certain restrictions on the sale and purchase of scrap metal in this State and requires scrap metal processors to maintain certain records of purchases of scrap metal. (NRS 647.092-647.098) Section 1.3 of this bill authorizes a local law enforcement agency to establish an electronic reporting system or utilize an existing electronic reporting system to receive certain information relating to scrap metal purchases within the jurisdiction of the law enforcement agency. Section 1.3 requires that the system be electronically secure and accessible only to: (1) a scrap metal processor for the purpose of submitting certain information; (2) an officer of the local law enforcement agency; and (3) an authorized employee of any third party that the local law enforcement agency contracts with for the purpose of receiving and storing the information submitted by a scrap metal processor. If a local law enforcement agency establishes an electronic reporting system or utilizes an existing electronic reporting system, section 1.3 requires a scrap metal processor to submit electronically to the local law enforcement agency or, if applicable, any third party that the local law enforcement agency has contracted with, certain information relating to each purchase of scrap metal from certain persons. Section 1.3 further requires the Division of Industrial Relations of the Department of Business and Industry to adopt certain regulations providing for the confidential maintenance of reported information and the oversight of designated third parties that may contract with a law enforcement agency to receive and maintain such information. Section 2 of this bill revises provisions relating to the acceptable forms of personal identification which a scrap metal processor may accept for the purpose of maintaining certain records relating to purchases of scrap metal. Section 1.5 of this bill provides that a person is immune from any civil liability for any action taken with respect to carrying out the provisions of this bill, so long as such actions are taken in good faith and without malicious intent.

Sex Offender- notification

AB30 - https://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB30_EN.pdf

SUMMARY - AN ACT relating to crimes; revising provisions governing the community notification website which provides certain information to the public concerning sex offenders and offenders convicted of a crime against a child; amending provisions concerning the confidentiality of the content of the record of registration of a sex offender or offender convicted of a crime against a child; and providing other matters properly relating thereto.

EFFECTIVE DATE – May 24, 2013

SPECIFICS - Existing law requires the Department of Public Safety to establish and maintain a community notification website to provide the public with certain information concerning certain sex offenders and offenders convicted of a crime against a child.(NRS 179B.250) Section 1 of this bill establishes the community notification website as the source of record for information concerning sex offenders and offenders convicted of a crime against a child. Section 1 also removes the requirement that the Central Repository for Nevada Records of Criminal History maintain a log of each inquiry to the community notification website. Existing law authorizes, except as otherwise provided by specific statute, only a law enforcement officer or the offender named in the record to inspect the record of registration of a sex offender or offender convicted of a crime against a child. (NRS179D.160) Section 2 of this bill provides that, except as otherwise provided by specific statute, the contents of a record of registration are confidential and not subject to public inspection.

Sexual Assault

AB307 - https://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB307_EN.pdf

SUMMARY - AN ACT relating to victims of crime; repealing and replacing certain provisions relating to the treatment of victims of sexual assault; revising various provisions relating to the medical and psychological treatment of victims of sexual assault and certain other persons; and providing other matters properly relating thereto.

EFFECTIVE DATE – October 1, 2013

SPECIFICS - Existing law requires a county to pay any costs incurred for the medical care for any physical injuries resulting from a sexual assault that occurs within the county. (NRS 217.300) Existing law also requires any costs incurred by a hospital for: (1) the examination of the victim of a sexual offense; or (2) the initial medical care of the victim, to be charged to the county in whose jurisdiction the offense was committed. (NRS 449.244) Section 14 of this bill repeals NRS 449.244 and replaces the provisions in sections 9 and 10 of this bill. Existing law: (1) authorizes a victim of a sexual assault, or the spouse of the victim who suffers emotional distress, to submit an affidavit and apply to the board of county commissioners in the county where the sexual assault occurred for certain treatment at county expense; and (2) authorizes a victim of a sexual assault who has suffered emotional trauma to select a relative or close friend to receive counseling with the victim under certain circumstances. (NRS 217.310) Section 10 of this bill provides that a victim of a sexual assault must file a report with the appropriate law enforcement agency or submit to a forensic medical examination before the victim, spouse, relative or close friend may receive such treatment.

AB377 - https://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB377_EN.pdf

SUMMARY - AN ACT relating to crimes; revising the provisions governing the crime of sexual conduct between certain school employees or volunteers at a school and a pupil; and providing other matters properly relating thereto.

EFFECTIVE DATE - July 1, 2013

SPECIFICS - Existing law prohibits a person who is employed in a position of authority or who volunteers in a position of authority at a public or private school from engaging in sexual conduct with a pupil who is enrolled in or attending the public school or private school at which the person is employed or volunteering. (NRS 201.540) This bill expands this provision by prohibiting a person who is or was employed in a position of authority or who volunteers or volunteered in a position of authority at a public school or private school from engaging in sexual conduct with a pupil: (1) who is or was enrolled in or attending the public school or private school at which the person is or was employed or volunteering; or (2) with whom the person has had contact in the course of performing his or her duties as an employee or volunteer.

SB103 - https://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB103_EN.pdf

SUMMARY - AN ACT relating to crimes; revising the period of limitation for crimes relating to the sexual abuse of a child; and providing other matters properly relating thereto.

EFFECTIVE DATE – October 1, 2013

SPECIFICS - Existing law establishes certain periods of limitation for crimes relating to the sexual abuse of a child which require that an indictment be found or an information or complaint be filed before the victim of the sexual abuse of a child is: (1) 21 years old if the victim discovers or reasonably should have discovered that he or she was a victim of the sexual abuse by the date on which the victim reaches 21 years of age; or (2) 28 years old if the victim does not discover and reasonably should not have discovered that he or she was a victim of the sexual abuse by the date on which the victim reaches 21 years of age. (NRS 171.095) This bill provides that an indictment must be found or an information or complaint must be filed before the victim of the sexual abuse of a child is: (1) 36 years old if the victim discovers or reasonably should have discovered that he or she was a victim of the sexual abuse by the date on which the victim reaches 36 years of age; or (2) 43 years old if the victim does not discover and reasonably should not have discovered that he or she was a victim of the sexual abuse by the date on which the victim reaches 36 years of age.

Solicitation of Minor- revisions

SB388 - https://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB388_EN.pdf

SUMMARY - AN ACT relating to crimes; repealing the crime of solicitation of a minor to engage in acts constituting the infamous crime against nature; providing that the crime of luring a child includes the solicitation of certain persons to engage in sexual conduct; revising certain definitions and references to sex acts; and providing other matters properly relating thereto.

EFFECTIVE DATE – October 1, 2013

SPECIFICS - Existing law provides that a person who incites, entices or solicits a minor to engage in acts which constitute the infamous crime against nature is guilty of a crime. Existing law further defines the “infamous crime against nature” as anal intercourse, cunnilingus or fellatio between natural persons of the same sex. (NRS201.195) Section 20 of this bill repeals the crime of solicitation of a minor to engage in acts constituting the infamous crime against nature. Existing law defines the term “sexual conduct” for the crimes of: (1) the unlawful exhibition and sale of obscene material to minors; and (2) the unlawful voluntary sexual conduct between a prisoner and another person. (NRS 201.263, 212.187) Sections 1 and 15 of this bill remove the term “homosexuality,” and replace the term “sexual intercourse” with the term “sexual penetration,” for the purposes of defining “sexual conduct.” Existing law provides that a person commits the crime of luring a child when he or she knowingly contacts or communicates with or attempts to contact or communicate with another person whom he or she believes to be a child who is less than 16 years of age and at least 5 years younger than he or she is, with the intent to persuade or lure that person to engage in sexual conduct. (NRS 201.560) Section 1.5 of this bill provides that the crime of luring a child includes contacting or communicating with the person believed to be a child with the intent to solicit that person to engage in sexual conduct. Existing law also requires the segregation of certain offenders committed to the custody of the Department of Corrections, if the offender tests positive for human immunodeficiency virus and engages in certain behavior, including the infamous crime against nature that increases the risk of transmitting the virus. (NRS 209.385) Section 14 of this bill removes the reference to the “infamous crime against nature,” and replaces it with a reference to “sexual activity.” Existing law provides that a member of the Nevada National Guard is generally subject to disciplinary proceedings through a court-martial. However, for certain crimes, including the infamous crime against nature, a member are subject to the jurisdiction of the civil courts. (NRS 412.562) Section 19 of this bill removes the reference to the infamous crime against nature, thereby deleting that particular offense from the jurisdiction of the civil courts.

Solitary Confinement

SB107 - https://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB107_EN.pdf

SUMMARY - AN ACT relating to the administration of justice; restricting the use of corrective room restriction on children who are in confinement in a state, local or regional facility for the detention of children; requiring the Advisory Commission on the Administration of Justice to conduct a study concerning detention and incarceration; and providing other matters properly relating thereto.

EFFECTIVE DATE – October 1, 2013

SPECIFICS - Sections 1 and 2 of this bill authorize the use of corrective room restriction on a child who is detained in a state, local or regional facility for the detention of children only if all other less-restrictive options have been exhausted and only to: (1) modify the negative behavior of the child; (2) hold the child accountable for a violation of a rule of the facility; or (3) ensure the safety of the child, the staff or others or to ensure the security of the facility. Sections 1 and 2 also: (1) specify certain actions that must be taken with respect to a child subjected to corrective room restriction; (2) provide that if a child is subjected to corrective room restriction, the period of corrective room restriction must be the minimum time required to address the negative behavior, rule violation or threat; and (3) provide that a child must not be subjected to corrective room restriction for more than 72 consecutive hours. Existing law establishes the Advisory Commission on the Administration of Justice and directs the Commission, among other duties, to identify and study the elements of this State's system of criminal justice. (NRS 176.0123, 176.0125) Section 7 of this bill requires the Commission to conduct a study concerning certain aspects of detention and incarceration in this State.

Stolen Valor

SB365 - https://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB365_EN.pdf

SUMMARY - AN ACT relating to crimes; establishing the crime of stolen valor; providing a penalty; and providing other matters properly relating thereto.

EFFECTIVE DATE – October 1, 2013

SPECIFICS - This bill provides that a person commits the crime of stolen valor and is guilty of a gross misdemeanor if the person knowingly, with the intent to obtain money, property or another tangible benefit: (1) fraudulently represents himself or herself to be a recipient of certain military decorations or medals; and (2) obtains money, property or another tangible benefit through such fraudulent representation.

Tanning Establishments

SB267 - https://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB267_EN.pdf

SUMMARY - AN ACT relating to tanning establishments; prohibiting an owner or operator of a tanning establishment from allowing a person who is less than 18 years of age to use the tanning equipment of the establishment; requiring an owner or operator of a tanning establishment to post certain warning signs concerning the use of tanning equipment; authorizing certain persons to bring an action against an owner or operator of a tanning establishment under certain circumstances; and providing other matters properly relating thereto.

EFFECTIVE DATE – July 1, 2013

SPECIFICS- Section 8 of this bill prohibits an owner or operator of a tanning establishment from allowing a person who is less than 18 years of age to use the tanning equipment of the establishment. Section 9 of this bill requires an owner or operator of a tanning establishment to post a notice in a conspicuous place informing customers: (1) that a person who is less than 18 years of age is prohibited from using the tanning equipment; (2) that the owner or operator of the tanning establishment may be subject to civil action for certain violations; (3) that any person may report violations to any law enforcement agency; and (4) of certain health risks associated with the use of tanning equipment. Section 10 of this bill requires an owner or operator of a tanning establishment to post in a conspicuous place in each area where tanning equipment is used a warning sign informing users of certain safety procedures that must be followed while using the tanning equipment. Section 10 also establishes certain civil penalties for failure to post such warning signs. Section 11 of this bill requires an owner or operator of a tanning establishment to ensure that a qualified person be present at the tanning establishment during operating hours and that each user be aware of and use certain safety equipment. Section 11 prohibits a person from using the tanning equipment of a tanning establishment unless he or she signs a statement of acknowledgment and uses protective eyewear while using the tanning equipment. Section 13 of this bill exempts from the provisions of this bill any physician who prescribes the use of a phototherapy device, as well as any person prescribed the use of such a device by a physician. Section 12 of this bill authorizes a parent or guardian to bring an action against an owner or operator of a tanning establishment who allows a child of the parent or guardian to use the tanning equipment of the establishment.

Telecommunications- provide call location

SB268 - https://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB268_EN.pdf

SUMMARY - AN ACT relating to telecommunications; requiring a provider of wireless telecommunications to provide call location information concerning the telecommunications device of a user to a law enforcement agency in certain circumstances; requiring a provider of wireless telecommunications to submit its emergency contact information to the Department of Public Safety; requiring the Department to maintain a database of such emergency contact information; authorizing the Department to adopt regulations; and providing other matters properly relating thereto.

EFFECTIVE DATE - May 23, 2013 for the purpose of adopting regulations; and October 1, 2013, for all other purposes.

SPECIFICS - Federal law authorizes, but does not require, telecommunications carriers to provide call location information concerning the user of a commercial mobile service in certain emergency situations. (47 U.S.C. § 222(d)(4)) Section 5 of this bill requires a provider of wireless telecommunications to provide, upon the request of a law enforcement agency, the most accurate call location information readily available concerning the telecommunications device of a user to assist the law enforcement agency in certain emergency situations. Section 6 of this bill requires a provider of wireless telecommunications to submit its emergency contact information to the Department of Public Safety to facilitate such requests from law enforcement agencies. Section 6 also requires the Department to maintain a database of such emergency contact information and to make the information available to a law enforcement agency immediately upon request. Section 7 of this bill authorizes the Department to adopt any necessary regulations to carry out the provisions of this bill.

Tobacco- minor in possession

SB177 - https://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB177_EN.pdf

SUMMARY - AN ACT relating to tobacco; authorizing a board of county commissioners to adopt an ordinance prohibiting a minor from committing certain acts relating to the possession and use of tobacco products; revising various provisions relating to tobacco products; and providing other matters properly relating thereto.

EFFECTIVE DATE – October 1, 2013

SPECIFICS - Section 17 of this bill authorizes a board of county commissioners to adopt an ordinance which prohibits a minor from purchasing or attempting to purchase tobacco products, possessing or attempting to possess tobacco products, using tobacco products or falsely representing his or her age to purchase, possess or obtain tobacco products. Section 4 of this bill provides that a child may be issued a citation for violating the ordinance. Under section 4, a citation for a violation of the ordinance may be issued to a child who is the occupant of a vehicle only if the vehicle is halted or its driver arrested for another offense. Section 3 of this bill provides that a probation officer may act as a master of the juvenile court if the proceeding involves such a citation. Under sections 3.3, 3.7 and 17 of this bill, a child who violates the ordinance is a child in need of supervision for the purposes of juvenile court proceedings rather than a delinquent child. Section 5 of this bill sets forth the possible penalties if a child is adjudicated to be in need of supervision because the child has committed a violation of the ordinance. Under section 5, the juvenile court may order a child to pay a \$25 fine for a first adjudication, a \$50 fine for a second adjudication and a \$75 fine for a third or any subsequent adjudication. If the juvenile court orders a child to pay such a fine, section 5 requires the juvenile court to order the child to pay a \$10 administrative assessment in addition to the fine. Section 5 further provides that: (1) for any adjudication that a child is in need of supervision because the child committed a violation of the ordinance, the juvenile court may order a child to attend a tobacco awareness and cessation program; and (2) for a third or any subsequent adjudication or for a willful failure by the child to pay a fine or administrative assessment, the juvenile court may order a suspension or delay in the issuance of the child's driver's license for at least 30 days but not more than 90 days. Under section 5, if the juvenile court orders the suspension or delay in the issuance of a child's driver's license, the juvenile court may order the Department of Motor Vehicles to issue to the child a restricted driver's license that authorizes the child to drive to and from school or work or to acquire medicine or food for himself or herself or for an immediate family member. Existing law prohibits various acts related to tobacco or products made from tobacco. (NRS 202.2485-202.2497) Sections 11-16 of this bill revise these prohibitions to include tobacco or products made or derived from tobacco, and define the term "products made or derived from tobacco."

Towing

SB456 - https://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB456_EN.pdf

SUMMARY - AN ACT relating to tow cars; authorizing certain insurance companies to designate vehicle storage lots; requiring operators of tow cars to tow certain vehicles to designated vehicle storage lots under certain circumstances; revising certain provisions relating to operators of tow cars; and providing other matters properly relating thereto.

EFFECTIVE DATE – June 2, 2013

SPECIFICS - Section 3 of this bill authorizes an insurance company to designate certain vehicle storage lots to which certain vehicles insured by the insurance company must be towed under certain circumstances. Section 3 requires a law enforcement officer to make a good faith effort to determine the identity of the insurance company that provides coverage for the owner of such a vehicle and to make a good faith effort to communicate that information to the operator of the tow car before the

vehicle is towed. Section 3 further provides that the amendatory provisions of this bill apply only to a county whose population is 700,000 or more (currently Clark County). Section 2 of this bill expresses the sense of the Legislature that the provisions of section 3 constitute an exercise of the safety regulatory authority of this State with respect to motor vehicles.

Vagrancy- revising provisions

AB415 - https://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB415_EN.pdf

SUMMARY - AN ACT relating to criminal justice; revising provisions governing the crime of burglary; revising provisions governing the crime of vagrancy; authorizing the Advisory Commission on the Administration of Justice to apply for and accept certain money; requiring the Commission to study and report on certain issues; authorizing each county to establish a community court pilot project to provide an alternative to sentencing a person who is charged with certain misdemeanors; and providing other matters properly relating thereto.

EFFECTIVE DATE – October 1, 2013

SPECIFICS - Existing law provides that a person who enters certain structures with the intent to commit grand or petit larceny, assault or battery, any felony or to obtain money by false pretenses is guilty of the crime of burglary. (NRS 205.060) Existing law also provides that a person commits the crime of petit larceny if the person intentionally steals, takes and carries, leads or drives away certain goods or property. (NRS 205.240) Section 1 of this bill removes the crime of petit larceny from the underlying offenses which constitute burglary if the petit larceny was intended to be committed in a commercial establishment during business hours and the person has not: (1) twice previously been convicted of petit larceny within the previous 7 years; or (2) previously been convicted of a felony. Existing law prohibits a person from lodging in any building, structure or place without certain permission. (NRS 207.030) Section 1.5 of this bill further prohibits a person from lodging in such a place if the property is the subject of a notice of default and election to sell or is placed on a registry of vacant, abandoned or foreclosed property, unless the person is the owner, tenant or otherwise entitled to possession of the property. Existing law establishes the Advisory Commission on the Administration of Justice and directs the Commission, among other duties, to identify and study the elements of this State's system of criminal justice. (NRS 176.0123, 176.0125) Section 3 of this bill authorizes the Chair of the Commission to apply for grants and accept grants, bequests, devises, donations and gifts. Section 8 of this bill requires the Commission to include certain items relating to criminal justice on an agenda for discussion and to issue a report. Existing law provides that a misdemeanor is punishable by a fine of not more than \$1,000 or imprisonment in the county jail for not more than 6 months, or by both a fine and imprisonment. (NRS 193.150) Section 10 of this bill authorizes each county to establish a community court pilot project within any of its justice courts located in the county to provide an alternative to sentencing a person who is charged with certain misdemeanors. Section 11 of this bill requires the community court to evaluate each defendant to determine whether services or treatment is likely to assist the defendant to modify behavior or obtain skills that may prevent the defendant from engaging in further criminal activity. The services or treatment that the community court may order the defendant to receive may include, without limitation, treatment for alcohol or substance abuse, health education, treatment for mental health, family counseling, literacy assistance, job training, housing assistance or any other services or treatment that the community court deems appropriate. Section 11 provides that if the defendant successfully completes all conditions imposed by the community court, the sentence to which the defendant agreed upon with the justice court must not be executed or recorded. If the defendant does not successfully complete the conditions imposed, the case will be transferred back to the justice court, and the sentence must be carried out.

Vehicle Accidents

SB284 - https://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB284_EN.pdf

SUMMARY - AN ACT relating to law enforcement; requiring a law enforcement agency in certain counties to adopt policies and procedures to govern the investigation of motor vehicle accidents in which peace officers employed by the law enforcement agency are involved; and providing other matters properly relating thereto.

EFFECTIVE DATE – July 1, 2013

SPECIFICS - This bill requires a law enforcement agency in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to adopt policies and procedures to govern the investigation of motor vehicle accidents in which peace officers employed by the law enforcement agency are involved. The policies and procedures must include a requirement that if such a motor vehicle accident results in fatal injuries, the investigation must be conducted, except under certain circumstances, by a law enforcement agency other than the agency that employs the peace officer involved in the accident. The policies and procedures may include entering into agreements for cooperation between the law enforcement agency and agencies in other jurisdictions for the investigation of such accidents.

AB21- https://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB21_EN.pdf

SUMMARY - AN ACT relating to public safety; revising provisions prohibiting open containers of alcoholic beverages in motor vehicles; revising provisions governing the requirements and procedures for reporting motor vehicle accidents; transferring certain duties relating to the reporting of those accidents from the Department of Motor Vehicles to the Department of Public Safety; and providing other matters properly relating thereto.

EFFECTIVE DATE – October 1, 2013

SPECIFICS - Existing law prohibits a person from having an open container of an alcoholic beverage within the passenger area of a motor vehicle while the motor vehicle is on a highway. Existing law provides an exception to that prohibition for a motor vehicle which is designed, maintained or used primarily for the transportation of persons for compensation, or to the living quarters of a house coach or house trailer. (NRS 484B.150) Section 1 of this bill provides that the exception: (1) applies to the passenger area of such a motor vehicle; but (2) does not apply to a driver of such a motor vehicle who is in possession or control of an open container of an alcoholic beverage. Section 2 of this bill allows: (1) a driver of a vehicle which is involved in an accident with apparent damages of \$750 or more to submit electronically the accident report the driver is required to submit to the Department of Motor Vehicles; and (2) a driver who is required to submit a supplemental report to do so electronically. (NRS 484E.070) Section 2 further requires the Department of Motor Vehicles to approve the format of the forms for those accident reports and make the forms available to persons who are required to submit the reports to the Department. Section 4 of this bill allows a police officer who investigates a vehicle accident for which a report must be made by the officer, or who otherwise prepares a written or electronic report as a result of the investigation, to forward the report of the accident in writing or electronically. In addition, section 4 requires the report to be submitted to the Department of Public Safety rather than the Department of Motor Vehicles. Section 4 requires the data collected by the Department of Public Safety from those reports to be recorded in a central repository created by the Department of Public Safety to track data electronically concerning vehicle accidents on a statewide basis. Section 4 further requires a police officer to prepare a report of an investigation which is conducted of a vehicle accident which results in bodily injury to or the death of any person or which involves apparent damage of \$750 or more to a vehicle or other property. (NRS 484E.110) Section 5 of this bill

transfers from the Department of Motor Vehicles to the Department of Public Safety the duty to prepare certain forms for preparing written accident reports that are supplied to police departments, sheriffs and other appropriate agencies or persons. (NRS 484E.120) Section 5 further requires certain accident reports that are required to be prepared by a police officer to be made on the appropriate form approved by the Department of Public Safety rather than the Department of Motor Vehicles and requires any other accident reports to be made on forms approved by the Department of Motor Vehicles.

Vessels- seize without a warrant

SB434- https://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB434_EN.pdf

SUMMARY- AN ACT relating to vessels; authorizing a peace officer to seize a vessel without a warrant and to treat the vessel as abandoned under certain circumstances; revising the circumstance under which an operator of a vessel must file a description of a collision, accident or other casualty involving the vessel; and providing other matters properly relating thereto.

EFFECTIVE DATE- July 1, 2013

SPECIFICS- Existing law prohibits the operation of a motorboat on the waters of this State unless the motorboat is numbered and titled, with certain exceptions. (NRS488.065) Existing law also prohibits a person, under certain circumstances, from: (1) intentionally defacing, destroying, removing or altering any hull number required for a vessel without authorization from the Department of Wildlife; or (2) placing or stamping a serial number upon a vessel except a number assigned to the vessel by the Department. (NRS 488.171) If a peace officer has probable cause to believe that a vessel or its contents contain evidence tending to show that a criminal offense has been committed or that a particular person has committed an offense, the peace officer may take reasonable steps to ensure the preservation of the evidence, including the safe storage of the vessel or its contents. (NRS 488.910) Existing law also sets forth the actions that a peace officer may take to attempt to establish ownership of an abandoned vessel on private property, including the removal of the vessel to a secure location designated by the peace officer. (NRS 488.293) Section 1 of this bill authorizes a peace officer, without a warrant, to seize any vessel: (1) which is being operated with any improper number, certificate of number or certificate of ownership; (2) which the peace officer has probable cause to believe has been stolen; (3) on which any hull number or other identifying mark has been falsely attached, removed, defaced, altered or obliterated; or (4) which contains a part with a certain identification number or other distinguishing number or mark which has been falsely attached, removed, defaced, altered or obliterated. Section 1 also authorizes a law enforcement agency to treat the vessel as abandoned and to proceed in the manner set forth in existing law for the disposal of an abandoned vessel. Existing law requires the operator of a vessel involved in a collision, accident or other casualty to file with the Department a full description of the casualty if the collision, accident or casualty results in the death of or injury to a person or damage to property in excess of \$500. (NRS 488.550) Section 2 of this bill increases the threshold for filing a full description of the casualty from an amount in excess of \$500 to an amount in excess of \$2,000.

VINE

SB26 - https://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB26_EN.pdf

SUMMARY - AN ACT relating to the Office of the Attorney General; creating a statewide automated victim information and notification system within the Office; and providing other matters properly relating thereto.

EFFECTIVE DATE – July 1, 2013

SPECIFICS - This bill creates a statewide automated victim information and notification system known as the Victim Information Notification Everyday System. The System consists of a toll-free telephone number and an Internet website through which a victim of a crime or a member of the public may register to receive certain information concerning the transfer of the custody of an offender or the release or escape from custody of an offender sentenced to a term of imprisonment in a county jail or the state prison. Under this bill, the System is overseen by a subcommittee of the Nevada Council for the Prevention of Domestic Violence which is appointed by the Attorney General after considering nominations by the Council.