

CHAPTER.....

AN ACT relating to criminal records; providing for the establishment within the Central Repository for Nevada Records of Criminal History of a service to conduct a name-based search of records of criminal history of an employee, prospective employee, volunteer or prospective volunteer; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing state law, an agency of criminal justice or the Central Repository for Nevada Records of Criminal History is required to disseminate to a current or prospective employer, upon request, certain information about the criminal history of a current or prospective employee or volunteer. (NRS 179A.100) This bill provides for the establishment within the Central Repository of a service to conduct a name-based search of records of criminal history of an employee, prospective employee, volunteer or prospective volunteer. This bill sets forth certain requirements relating to the operation of that service, including, without limitation, provisions regarding: (1) eligibility to participate in the service; (2) fees for participation in the service; (3) the type of information that the Central Repository may release; (4) the requirements for obtaining the consent of the subject of a search for records of criminal history; (5) the authority of the Central Repository to conduct audits concerning the service; and (6) the ability of the Central Repository to terminate participation in the service under certain circumstances.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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

Sections 1-3. (Deleted by amendment.)

Sec. 4. Chapter 179A of NRS is hereby amended by adding thereto a new section to read as follows:

- 1. There is hereby established within the Central Repository a service to conduct a name-based search of records of criminal history of an employee, prospective employee, volunteer or prospective volunteer.*
- 2. An eligible person that wishes to participate in the service must enter into a contract with the Central Repository.*
- 3. The Central Repository may charge a reasonable fee for participation in the service.*
- 4. A participant of the service may inquire about the records of criminal history of an employee, prospective employee, volunteer or prospective volunteer to determine the suitability of the employee or prospective employee for employment or the*



suitability of the volunteer or prospective volunteer for volunteering.

5. The Central Repository shall disseminate to a participant of the service information which:

(a) Reflects convictions only; or

(b) Pertains to an incident for which an employee, prospective employee, volunteer or prospective volunteer is currently within the system of criminal justice, including parole or probation.

6. An employee, prospective employee, volunteer or prospective volunteer who is proposed to be the subject of a name-based search must provide his or her written consent for the Central Repository to perform the search and to release the information to a participant. The written consent form may be:

(a) A form designated by the Central Repository; or

(b) If the participant is an employment screening service, a form that complies with the provisions of 15 U.S.C. § 1681b(b)2 for the procurement of a consumer report.

7. An employment screening service that is designated to receive records of criminal history on behalf of an employer or volunteer organization may provide such records of criminal history to the employer or volunteer organization upon request of the employer or volunteer organization.

8. The Central Repository may audit a participant, at such times as the Central Repository deems necessary, to ensure that records of criminal history are securely maintained.

9. The Central Repository may terminate participation in the service if a participant fails:

(a) To pay the fees required to participate in the service; or

(b) To address, within a reasonable period, deficiencies identified in an audit conducted pursuant to subsection 8.

10. As used in this section:

(a) "Consumer report" has the meaning ascribed to it in 15 U.S.C. § 1681a(d).

(b) "Eligible person" includes:

(1) An employer.

(2) A volunteer organization.

(3) An employment screening service.

(c) "Employer" means a person in this State that:

(1) Employs an employee; or

(2) Enters into a contract with an independent contractor.

(d) "Employment" includes performing services for an employer as an independent contractor.



(e) "Employment screening service" means a person or entity designated by an employer or volunteer organization to provide employment or volunteer screening services to the employer or volunteer organization.

Sec. 5. This act becomes effective upon passage and approval.



