

SENATE BILL NO. 243--SENATOR SMITH

MARCH 12, 2013

JOINT SPONSOR: ASSEMBLYMAN HICKEY

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to genetic marker analysis. (BDR 14-137)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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

AN ACT relating to 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.

Legislative Counsel’s Digest:

1 Existing law requires the board of county commissioners of each county to
2 designate a forensic laboratory to conduct and oversee any genetic marker analysis
3 that is required by law. (NRS 176.0917) **Section 11** of this bill establishes the State
4 DNA Database, which is to be overseen, managed and administered by the Forensic
5 Science Division of the Washoe County Sheriff’s Office. **Section 12** of this bill
6 specifies the duties and responsibilities of forensic laboratories with respect to
7 DNA records.

8 Under existing law, if a defendant is convicted of a felony or certain other
9 specified offenses, the court, as part of the defendant’s sentence, must order that a
10 biological specimen be obtained from the defendant and that the specimen be used
11 for analysis to determine the genetic markers of the specimen. (NRS 176.0911-
12 176.0917) **Section 13** of this bill requires that a biological specimen be obtained if
13 a person is arrested for a felony. **Section 13** provides that if the person is convicted
14 of the felony, the biological specimen must be kept, but if the person is not



15 convicted, the biological specimen must be destroyed and all records relating
16 thereto must be purged from all databases.

17 Existing law prohibits a person from sharing or disclosing certain information
18 relating to another person's biological specimen or genetic marker analysis and
19 makes such conduct punishable as a misdemeanor. (NRS 176.0913, 176.0916)
20 **Sections 13, 21 and 23** of this bill increase the penalty for such conduct from a
21 misdemeanor to a category C felony.

22 **Section 15** of this bill imposes an additional administrative assessment of \$3 on
23 a person convicted of a misdemeanor, gross misdemeanor or felony. **Section 15**
24 also provides that the money collected from the assessments must be used to defray
25 the costs associated with obtaining biological specimens and conducting genetic
26 marker analysis.

27 Existing law: (1) establishes the Advisory Commission on the Administration
28 of Justice and the Subcommittees on Juvenile Justice and Victims of Crime; and (2)
29 directs the Commission and Subcommittees, among other duties, to identify and
30 study the elements of this State's system of criminal justice. (NRS 176.0123-
31 176.0125) **Section 16.3** of this bill establishes the Subcommittee to Review
32 Arrestee DNA of the Commission. **Section 16.3** also: (1) requires the Chair of the
33 Commission to appoint the members of the Subcommittee, including certain
34 specified representatives; and (2) requires the Subcommittee to study issues related
35 to arrestee DNA and report to the Commission with recommendations to address
36 such issues.

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

1 **Section 1.** Chapter 176 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 16.3, inclusive, of
3 this act.

4 **Sec. 2.** *“Agency of criminal justice” has the meaning*
5 *ascribed to it in NRS 179A.030.*

6 **Sec. 3.** *“Biological specimen” means a biological sample,*
7 *tissue, fluid or other bodily sample suitable for genetic marker*
8 *analysis, obtained from a person or from physical evidence.*

9 **Sec. 4.** *“CODIS” means the Federal Bureau of*
10 *Investigation’s Combined DNA Index System that allows for the*
11 *storage and exchange of DNA records submitted by federal, state*
12 *and local forensic DNA laboratories. The term includes the*
13 *National DNA Index System administered and operated by the*
14 *Federal Bureau of Investigation.*

15 **Sec. 5.** *“DNA” means deoxyribonucleic acid which is located*
16 *in the cells of a person and which provides the genetic blueprint of*
17 *a person.*

18 **Sec. 6.** *“DNA profile” means the genetic constitution of a*
19 *person at defined locations in the DNA of the person.*

20 **Sec. 7.** *“DNA record” means a database record, stored in the*
21 *State DNA Database or CODIS, that includes the DNA profile of a*
22 *person and data required to manage the record, including, without*



1 *limitation, the identity of the agency submitting the database*
2 *record, the identification number of the biological specimen and*
3 *the names of personnel who conducted the genetic marker*
4 *analysis.*

5 **Sec. 8.** *“Forensic laboratory” means any laboratory*
6 *designated pursuant to NRS 176.0917.*

7 **Sec. 9.** *“Genetic marker analysis” means the analytical*
8 *testing process of a biological specimen that results in a DNA*
9 *profile.*

10 **Sec. 10.** *“State DNA Database” means the database*
11 *established pursuant to section 11 of this act.*

12 **Sec. 11. 1.** *The State DNA Database is hereby established*
13 *to serve as this State’s repository for DNA records and to provide*
14 *DNA records to the Federal Bureau of Investigation.*

15 **2.** *The Forensic Science Division of the Washoe County*
16 *Sheriff’s Office shall oversee, manage and administer the State*
17 *DNA Database and shall:*

18 *(a) Implement policies for the management and administration*
19 *of the State DNA Database, including, without limitation, any*
20 *system for the identification of DNA profiles and DNA records*
21 *that is necessary to support agencies of criminal justice.*

22 *(b) Adopt policies and protocols and enter into any necessary*
23 *agreements to implement the provisions of NRS 176.0911 to*
24 *176.0917, inclusive, and sections 2 to 16, inclusive, of this act.*

25 *(c) Ensure that all searches of the State DNA Database are*
26 *performed in accordance with state and federal law.*

27 *(d) Act as a liaison between the Federal Bureau of*
28 *Investigation and other state agencies of criminal justice relating*
29 *to this State’s participation in CODIS.*

30 **Sec. 12. 1.** *A forensic laboratory shall:*

31 *(a) Prescribe protocols and procedures for the collection,*
32 *submission, identification, genetic marker analysis, storage,*
33 *maintenance, uploading and disposition of biological specimens,*
34 *DNA profiles and DNA records.*

35 *(b) Securely upload DNA records to the State DNA Database.*

36 *(c) Acquire and maintain computer hardware and software*
37 *necessary to store, maintain and upload DNA profiles and DNA*
38 *records relating to:*

39 *(1) Crime scene evidence and forensic casework;*

40 *(2) Persons arrested for a felony and persons convicted of*
41 *an offense listed in subsection 4 of NRS 176.0913 who are*
42 *required to provide a biological specimen;*

43 *(3) Persons required to register as sex offenders pursuant*
44 *to NRS 179D.445, 179D.460 or 179D.480;*

45 *(4) Unidentified persons or body parts;*



- 1 (5) *Missing persons;*
- 2 (6) *Relatives of missing persons;*
- 3 (7) *Anonymous DNA profiles used for forensic validation,*
- 4 *forensic protocol development, quality control purposes or*
- 5 *establishment of a population statistics database for use by*
- 6 *criminal justice agencies; and*
- 7 (8) *Voluntarily submitted DNA profiles.*

8 2. *A forensic laboratory may:*

9 (a) *Use all or part of the remainder of any biological specimen*

10 *stored in the forensic laboratory for:*

11 (1) *Retesting to confirm or update the original genetic*

12 *marker analysis; or*

13 (2) *Quality control testing of new forensic methods for*

14 *genetic marker analysis, provided that no personal identifying*

15 *information is included.*

16 (b) *Contract with providers of services to perform a genetic*

17 *marker analysis or to carry out functions on behalf of the forensic*

18 *laboratory. Any provider of services who contracts with a forensic*

19 *laboratory to perform a genetic marker analysis or to carry out*

20 *functions on behalf of the forensic laboratory is subject to the*

21 *same restrictions and requirements as the forensic laboratory.*

22 3. *A forensic laboratory shall not use any biological*

23 *specimen, DNA profile or DNA record for the purpose of*

24 *identification of any medical or genetic disorder.*

25 **Sec. 13. 1. If a person is arrested for a felony pursuant to a**

26 **warrant, the law enforcement agency making the arrest shall:**

27 (a) *Submit the name, date of birth, fingerprints and any other*

28 *information identifying the person to the Central Repository for*

29 *Nevada Records of Criminal History;*

30 (b) *Upon booking the person into a city or county jail or*

31 *detention facility, and before the person is released from custody,*

32 *obtain a biological specimen from the person, through a cheek*

33 *swab, pursuant to the provisions of this section; and*

34 (c) *Submit the biological specimen to the appropriate forensic*

35 *laboratory for genetic marker analysis in accordance with the*

36 *provisions of this section.*

37 2. *If a person is arrested for a felony without a warrant, the*

38 *law enforcement agency making the arrest shall:*

39 (a) *Submit the name, date of birth, fingerprints and any other*

40 *information identifying the person to the Central Repository for*

41 *Nevada Records of Criminal History;*

42 (b) *Upon booking the person into a city or county jail or*

43 *detention facility, and before the person is released from custody,*

44 *obtain a biological specimen from the person, through a cheek*

45 *swab, pursuant to the provisions of this section;*



1 (c) *Submit the biological specimen to the appropriate forensic*
2 *laboratory for genetic marker analysis in accordance with the*
3 *provisions of this section after receiving notice that a court or*
4 *magistrate has determined that probable cause existed for the*
5 *person's arrest; and*

6 (d) *If a court or magistrate determines that probable cause did*
7 *not exist for the person's arrest, destroy the biological specimen*
8 *within 5 business days after receiving notice of the determination*
9 *by the court or magistrate.*

10 3. *A law enforcement agency shall not knowingly obtain a*
11 *biological specimen from a person who has previously submitted*
12 *such a specimen for an arrest or conviction of a prior offense*
13 *unless the law enforcement agency or a court or magistrate*
14 *determines that an additional specimen is necessary.*

15 4. *If a law enforcement agency has not already obtained a*
16 *biological specimen from a person arrested for an offense for*
17 *which a biological specimen must be obtained pursuant to this*
18 *section at the time a court or magistrate sets bail or considers*
19 *releasing a person on his or her own recognizance, the court or*
20 *magistrate shall:*

21 (a) *Require the person to provide a biological specimen as a*
22 *condition of being admitted to bail or released on his or her own*
23 *recognizance; and*

24 (b) *Require the biological specimen to be provided to the*
25 *appropriate forensic laboratory.*

26 5. *The Attorney General or a district attorney may petition a*
27 *district court for an order requiring a person arrested for an*
28 *offense for which a biological specimen must be obtained*
29 *pursuant to this section to provide a biological specimen:*

30 (a) *Through a cheek swab; or*

31 (b) *By alternative means, if the person will not cooperate.*

32 ↪ *Nothing in this subsection shall be construed to prevent the*
33 *collection of a biological specimen by order of a court of*
34 *competent jurisdiction or the collection of a biological specimen*
35 *from a person who is required to provide such a specimen*
36 *pursuant to this section.*

37 6. *Upon receipt of a biological specimen, the forensic*
38 *laboratory shall proceed with a genetic marker analysis. If the*
39 *forensic laboratory determines that the biological specimen is*
40 *inadequate or otherwise unusable, the law enforcement agency*
41 *may obtain an additional biological specimen from the person*
42 *arrested unless the person arrested is eligible to request*
43 *destruction of the biological specimen and purging of his or her*
44 *DNA profile or DNA record pursuant to this section.*



1 7. Upon completion of a genetic marker analysis of a person
2 pursuant this section, the forensic laboratory shall inform the
3 Central Repository for Nevada Records of Criminal History that
4 the forensic laboratory has created a DNA profile of the person
5 and will be submitting the DNA profile of the person for inclusion
6 in the State DNA Database and CODIS. The Central Repository
7 for Nevada Records of Criminal History shall include an
8 indication on the criminal history record of the person regarding
9 the collection of a biological specimen and the creation of a DNA
10 profile, but may not include, in its records, any other information
11 relating to the biological specimen, DNA profile or DNA record of
12 the person.

13 8. A person whose record of criminal history indicates the
14 collection of a biological specimen and whose DNA profile and
15 DNA record have been included in the State DNA Database and
16 CODIS pursuant to this section may make a written request to the
17 Central Repository for Nevada Records of Criminal History, using
18 the form created pursuant to section 14 of this act, that the
19 biological specimen be destroyed and the DNA profile and DNA
20 record be purged from the forensic laboratory, the State DNA
21 Database and CODIS on the grounds that:

22 (a) The conviction on which the authority for keeping the
23 biological specimen or the DNA profile or DNA record has been
24 reversed and the case dismissed; or

25 (b) The arrest which led to the inclusion of the biological
26 specimen or the DNA profile or DNA record:

27 (1) Has resulted in a felony charge that has been resolved
28 by a dismissal, the successful completion of a preprosecution
29 diversion program, a conditional discharge or an acquittal; or

30 (2) Has not resulted in any additional criminal charge for a
31 felony within 5 years after the date of the arrest.

32 9. Within 6 weeks after receiving a written request pursuant
33 to subsection 8, the Central Repository for Nevada Records of
34 Criminal History shall forward the request and all supporting
35 documentation to the forensic laboratory holding the biological
36 specimen. Except as otherwise provided in subsection 10, upon
37 receipt of the written request, the forensic laboratory shall destroy
38 any biological specimen from the person and purge the DNA
39 profile of the person if the written request is accompanied by:

40 (a) A certified copy of the court order reversing and dismissing
41 the conviction; or

42 (b) For any biological specimen obtained pursuant to an arrest
43 for which a biological specimen must be provided pursuant to this
44 section:



1 (1) *A certified copy of the dismissal, the successful*
2 *completion of a preprosecution diversion program, a conditional*
3 *discharge or an acquittal; or*

4 (2) *A sworn affidavit from the law enforcement agency*
5 *which submitted the biological specimen that no felony charges*
6 *arising from the arrest have been filed within 5 years after the date*
7 *of the arrest.*

8 10. *The forensic laboratory shall not destroy a biological*
9 *specimen or purge the DNA profile of a person if the forensic*
10 *laboratory is notified by a law enforcement agency that the person*
11 *has a prior felony, a new felony arrest or a pending felony charge*
12 *for which collection of a biological specimen is authorized*
13 *pursuant to this section.*

14 11. *If a forensic laboratory:*

15 (a) *Determines that the requirements to destroy a biological*
16 *specimen or purge a DNA profile or DNA record of a person have*
17 *not been met, the forensic laboratory shall notify the Central*
18 *Repository of Nevada Records of Criminal History of that fact.*
19 *The Central Repository shall, as soon as reasonably practicable,*
20 *notify the person that his or her request has been denied.*

21 (b) *Destroys a biological specimen and purges a DNA profile*
22 *pursuant to this section, the forensic laboratory shall take the*
23 *following actions:*

24 (1) *Notify the State DNA Database that the DNA profile*
25 *and DNA record of the person must be purged from the State DNA*
26 *Database and from CODIS. Upon receipt of such notification, the*
27 *DNA profile and DNA record of the person must be purged from*
28 *the State DNA Database and CODIS.*

29 (2) *Notify the Central Repository for Nevada Records of*
30 *Criminal History that the forensic laboratory has destroyed the*
31 *biological specimen and purged the DNA profile of the person and*
32 *has notified the State DNA Database that the DNA profile and*
33 *DNA record of the person must be purged from the State DNA*
34 *Database and CODIS. Upon receipt of such notification, the*
35 *Central Repository shall, as soon as reasonably practicable, notify*
36 *the person that his or her request has been granted, his or her*
37 *biological specimen has been destroyed by the forensic laboratory*
38 *and his or her DNA profile and DNA record have been purged*
39 *from the forensic laboratory, the State DNA Database and*
40 *CODIS.*

41 12. *Any cost that is incurred to obtain a biological specimen*
42 *from a person, to destroy a biological specimen or to purge a DNA*
43 *profile or DNA record from a forensic laboratory, the State DNA*
44 *Database or CODIS pursuant to this section:*



* S B 2 4 3 R 1 *

1 (a) Is a charge against the county in which the person was
2 arrested; and

3 (b) Must be paid as provided in NRS 176.0915.

4 13. The biological specimen, DNA profile, DNA record and
5 any other information identifying or matching a biological
6 specimen with a person must, at all times, be stored and
7 maintained in the forensic laboratory, State DNA Database or
8 CODIS, as applicable, and may only be made available in
9 accordance with the provisions of this section. The biological
10 specimen, DNA profile, DNA record, other information identifying
11 or matching a biological specimen with a person and all computer
12 software used by the forensic laboratory and the State DNA
13 Database for the State DNA Database and for CODIS are
14 confidential and are not public books or records within the
15 meaning of NRS 239.010.

16 14. If any information related to a biological specimen, DNA
17 profile or DNA record contained in CODIS is requested, the
18 forensic laboratory shall comply with all applicable provisions of
19 federal law and all applicable statutes and regulations governing
20 the release of such information. All requests for any such
21 information must be directed through the casework CODIS
22 administrator of the forensic laboratory. To minimize duplication
23 in the collection of a biological specimen and the conducting of a
24 genetic marker analysis, a forensic laboratory may make
25 information available to any agency of criminal justice to verify
26 whether a biological specimen has been collected from a person
27 and a genetic marker analysis has been conducted.

28 15. Except as otherwise authorized by this section, by federal
29 law or by another specific statute, a biological specimen obtained
30 pursuant to this section, a DNA profile, a DNA record and any
31 other information identifying or matching a biological specimen
32 with a person must not be shared with or disclosed to any person
33 other than the authorized personnel who have possession and
34 control of the biological specimen, DNA profile, DNA record or
35 other information identifying or matching a biological specimen
36 with a person, except pursuant to:

37 (a) A court order; or

38 (b) A request from a law enforcement agency during the
39 course of an investigation.

40 ↪ A person who violates any provision of this subsection is guilty
41 of a category C felony and shall be punished as provided in
42 NRS 193.130.

43 **Sec. 14. 1.** The Department of Public Safety shall establish
44 a standard form for use by every law enforcement agency in this
45 State that:



1 (a) Sets forth the authorized use of a biological specimen
2 pursuant to NRS 176.0911 to 176.0917, inclusive, and sections 2 to
3 16, inclusive, of this act.

4 (b) Identifies the circumstances and process under which a
5 person may have his or her biological specimen destroyed and his
6 or her DNA profile or DNA record purged from the forensic
7 laboratory, the State DNA Database and CODIS.

8 (c) May be completed and submitted to the Central Repository
9 for Nevada Records of Criminal History by a person to request
10 that his or her biological specimen be destroyed and his or her
11 DNA profile or DNA record be purged from the forensic
12 laboratory, the State DNA Database and CODIS.

13 2. A law enforcement agency shall provide the form to a
14 person:

15 (a) Before obtaining a biological specimen;

16 (b) Upon release from custody if the person has submitted a
17 biological specimen; or

18 (c) At the request of the person, if the person believes that he
19 or she is eligible to have his or her biological specimen destroyed
20 and his or her DNA profile or DNA record purged from the
21 forensic laboratory, the State DNA Database and CODIS.

22 **Sec. 15. 1.** In addition to any other administrative
23 assessment imposed, when a defendant pleads guilty, is found
24 guilty or enters a plea of nolo contendere to a misdemeanor, gross
25 misdemeanor or felony, including the violation of any municipal
26 ordinance, on or after July 1, 2013, the justice or judge of the
27 justice, municipal or district court, as applicable, shall include in
28 the sentence the sum of \$3 as an administrative assessment for
29 obtaining a biological specimen and conducting a genetic marker
30 analysis and shall render a judgment against the defendant for the
31 assessment. If a defendant is sentenced to perform community
32 service in lieu of a fine, the sentence must include the
33 administrative assessment required pursuant to this subsection.

34 2. The money collected for an administrative assessment for
35 obtaining a biological specimen and conducting a genetic marker
36 analysis must not be deducted from the fine imposed by the justice
37 or judge but must be taxed against the defendant in addition to the
38 fine. The money collected for such an administrative assessment
39 must be stated separately on the court's docket and must be
40 included in the amount posted for bail. If bail is forfeited, the
41 administrative assessment included in the bail pursuant to this
42 subsection must be disbursed pursuant to subsection 3. If the
43 defendant is found not guilty or the charges are dismissed, the
44 money deposited with the court must be returned to the defendant.
45 If the justice or judge cancels a fine because the fine has been



1 *determined to be uncollectible, any balance of the fine and the*
2 *administrative assessment remaining unpaid shall be deemed to be*
3 *uncollectible, and the defendant is not required to pay it. If a fine*
4 *is determined to be uncollectible, the defendant is not entitled to a*
5 *refund of the fine or administrative assessment he or she has paid,*
6 *and the justice or judge shall not recalculate the administrative*
7 *assessment.*

8 *3. If the justice or judge permits the fine and administrative*
9 *assessment for the provision of genetic marker analysis to be paid*
10 *in installments, the payments must be applied in the following*
11 *order:*

12 *(a) To pay the unpaid balance of an administrative assessment*
13 *imposed pursuant to NRS 176.059;*

14 *(b) To pay the unpaid balance of an administrative assessment*
15 *for the provision of court facilities pursuant to NRS 176.0611;*

16 *(c) To pay the unpaid balance of an administrative assessment*
17 *for the provision of specialty court programs pursuant to*
18 *NRS 176.0613;*

19 *(d) To pay the unpaid balance of an administrative assessment*
20 *for obtaining a biological specimen and conducting a genetic*
21 *marker analysis pursuant to this section; and*

22 *(e) To pay the fine.*

23 *4. The money collected for an administrative assessment for*
24 *the provision of genetic marker analysis must be paid by the clerk*
25 *of the court to the county treasurer on or before the fifth day of*
26 *each month for the preceding month for credit to the fund for*
27 *genetic marker analysis pursuant to NRS 176.0915.*

28 **Sec. 16.** *Any person authorized to collect a biological*
29 *specimen pursuant to NRS 176.0911 to 176.0917, and sections 2 to*
30 *16, inclusive, of this act, may not be held civilly or criminally*
31 *liable for any act relating to the collection of a biological specimen*
32 *if the person performed that act in good faith and in a reasonable*
33 *manner.*

34 **Sec. 16.3.** *1. There is hereby created the Subcommittee to*
35 *Review Arrestee DNA of the Commission.*

36 *2. The Chair of the Commission shall appoint the members of*
37 *the Subcommittee which must include, without limitation:*

38 *(a) A member experienced in defending criminal actions.*

39 *(b) A member of a minority community organization whose*
40 *mission includes the protection of civil rights for minorities.*

41 *3. The Chair of the Commission shall designate one of the*
42 *members of the Subcommittee as Chair of the Subcommittee. The*
43 *Chair of the Subcommittee must be a member of the Commission.*

44 *4. The Subcommittee shall meet at the times and places*
45 *specified by a call of the Chair. A majority of the members of the*



1 *Subcommittee constitutes a quorum, and a quorum may exercise*
2 *any power or authority conferred on the Subcommittee.*

3 *5. The Subcommittee shall consider issues relating to DNA of*
4 *arrested persons and shall evaluate, review and submit a report to*
5 *the Commission with recommendations concerning such issues.*

6 *6. Any Legislators who are members of the Subcommittee*
7 *are entitled to receive the salary provided for a majority of*
8 *the members of the Legislature during the first 60 days of the*
9 *preceding session for each day's attendance at a meeting of the*
10 *Subcommittee.*

11 *7. While engaged in the business of the Subcommittee, to the*
12 *extent of legislative appropriation, each member of the*
13 *Subcommittee is entitled to receive the per diem allowance and*
14 *travel expenses as provided for state officers and employees*
15 *generally.*

16 **Sec. 16.7.** NRS 176.0121 is hereby amended to read as
17 follows:

18 176.0121 As used in NRS 176.0121 to 176.0129, inclusive,
19 *and section 16.3 of this act*, "Commission" means the Advisory
20 Commission on the Administration of Justice.

21 **Sec. 17.** NRS 176.0611 is hereby amended to read as follows:

22 176.0611 1. A county or a city, upon recommendation of the
23 appropriate court, may, by ordinance, authorize the justices or
24 judges of the justice or municipal courts within its jurisdiction to
25 impose for not longer than 50 years, in addition to the administrative
26 assessments imposed pursuant to NRS 176.059 and 176.0613, *and*
27 *section 15 of this act*, an administrative assessment for the provision
28 of court facilities.

29 2. Except as otherwise provided in subsection 3, in any
30 jurisdiction in which an administrative assessment for the provision
31 of court facilities has been authorized, when a defendant pleads
32 guilty or guilty but mentally ill or is found guilty or guilty but
33 mentally ill of a misdemeanor, including the violation of any
34 municipal ordinance, the justice or judge shall include in the
35 sentence the sum of \$10 as an administrative assessment for
36 the provision of court facilities and render a judgment against the
37 defendant for the assessment. If the justice or judge sentences the
38 defendant to perform community service in lieu of a fine, the justice
39 or judge shall include in the sentence the administrative assessment
40 required pursuant to this subsection.

41 3. The provisions of subsection 2 do not apply to:

42 (a) An ordinance regulating metered parking; or

43 (b) An ordinance that is specifically designated as imposing a
44 civil penalty or liability pursuant to NRS 244.3575 or 268.019.



1 4. The money collected for an administrative assessment for
2 the provision of court facilities must not be deducted from the fine
3 imposed by the justice or judge but must be taxed against the
4 defendant in addition to the fine. The money collected for such an
5 administrative assessment must be stated separately on the court's
6 docket and must be included in the amount posted for bail. If bail is
7 forfeited, the administrative assessment included in the amount
8 posted for bail pursuant to this subsection must be disbursed in the
9 manner set forth in subsection 6 or 7. If the defendant is found not
10 guilty or the charges are dismissed, the money deposited with the
11 court must be returned to the defendant. If the justice or judge
12 cancels a fine because the fine has been determined to be
13 uncollectible, any balance of the fine and the administrative
14 assessment remaining unpaid shall be deemed to be uncollectible
15 and the defendant is not required to pay it. If a fine is determined
16 to be uncollectible, the defendant is not entitled to a refund of the fine
17 or administrative assessment the defendant has paid and the justice
18 or judge shall not recalculate the administrative assessment.

19 5. If the justice or judge permits the fine and administrative
20 assessment for the provision of court facilities to be paid in
21 installments, the payments must be applied in the following order:

22 (a) To pay the unpaid balance of an administrative assessment
23 imposed pursuant to NRS 176.059;

24 (b) To pay the unpaid balance of an administrative assessment
25 for the provision of court facilities pursuant to this section;

26 (c) To pay the unpaid balance of an administrative assessment
27 for the provision of specialty court programs pursuant to NRS
28 176.0613; ~~land~~

29 (d) *To pay the unpaid balance of an administrative assessment*
30 *for obtaining a biological specimen and conducting a genetic*
31 *marker analysis pursuant to section 15 of this act; and*

32 (e) To pay the fine.

33 6. The money collected for administrative assessments for the
34 provision of court facilities in municipal courts must be paid by the
35 clerk of the court to the city treasurer on or before the fifth day of
36 each month for the preceding month. The city treasurer shall deposit
37 the money received in a special revenue fund. The city may use the
38 money in the special revenue fund only to:

39 (a) Acquire land on which to construct additional facilities for
40 the municipal courts or a regional justice center that includes the
41 municipal courts.

42 (b) Construct or acquire additional facilities for the municipal
43 courts or a regional justice center that includes the municipal courts.

44 (c) Renovate or remodel existing facilities for the municipal
45 courts.



1 (d) Acquire furniture, fixtures and equipment necessitated by the
2 construction or acquisition of additional facilities or the renovation
3 of an existing facility for the municipal courts or a regional justice
4 center that includes the municipal courts. This paragraph does not
5 authorize the expenditure of money from the fund for furniture,
6 fixtures or equipment for judicial chambers.

7 (e) Acquire advanced technology for use in the additional or
8 renovated facilities.

9 (f) Pay debt service on any bonds issued pursuant to subsection
10 3 of NRS 350.020 for the acquisition of land or facilities or the
11 construction or renovation of facilities for the municipal courts or a
12 regional justice center that includes the municipal courts.

13 ↪ Any money remaining in the special revenue fund after 5 fiscal
14 years must be deposited in the municipal general fund for the
15 continued maintenance of court facilities if it has not been
16 committed for expenditure pursuant to a plan for the construction or
17 acquisition of court facilities or improvements to court facilities.
18 The city treasurer shall provide, upon request by a municipal court,
19 monthly reports of the revenue credited to and expenditures made
20 from the special revenue fund.

21 7. The money collected for administrative assessments for the
22 provision of court facilities in justice courts must be paid by the
23 clerk of the court to the county treasurer on or before the fifth day of
24 each month for the preceding month. The county treasurer shall
25 deposit the money received to a special revenue fund. The county
26 may use the money in the special revenue fund only to:

27 (a) Acquire land on which to construct additional facilities for
28 the justice courts or a regional justice center that includes the justice
29 courts.

30 (b) Construct or acquire additional facilities for the justice
31 courts or a regional justice center that includes the justice courts.

32 (c) Renovate or remodel existing facilities for the justice courts.

33 (d) Acquire furniture, fixtures and equipment necessitated by the
34 construction or acquisition of additional facilities or the renovation
35 of an existing facility for the justice courts or a regional justice
36 center that includes the justice courts. This paragraph does not
37 authorize the expenditure of money from the fund for furniture,
38 fixtures or equipment for judicial chambers.

39 (e) Acquire advanced technology for use in the additional or
40 renovated facilities.

41 (f) Pay debt service on any bonds issued pursuant to subsection
42 3 of NRS 350.020 for the acquisition of land or facilities or the
43 construction or renovation of facilities for the justice courts or a
44 regional justice center that includes the justice courts.



1 ↪ Any money remaining in the special revenue fund after 5 fiscal
2 years must be deposited in the county general fund for the continued
3 maintenance of court facilities if it has not been committed for
4 expenditure pursuant to a plan for the construction or acquisition of
5 court facilities or improvements to court facilities. The county
6 treasurer shall provide, upon request by a justice court, monthly
7 reports of the revenue credited to and expenditures made from the
8 special revenue fund.

9 8. If money collected pursuant to this section is to be used to
10 acquire land on which to construct a regional justice center, to
11 construct a regional justice center or to pay debt service on bonds
12 issued for these purposes, the county and the participating cities
13 shall, by interlocal agreement, determine such issues as the size of
14 the regional justice center, the manner in which the center will be
15 used and the apportionment of fiscal responsibility for the center.

16 **Sec. 18.** NRS 176.0613 is hereby amended to read as follows:

17 176.0613 1. The justices or judges of the justice or municipal
18 courts shall impose, in addition to an administrative assessment
19 imposed pursuant to NRS 176.059 and 176.0611, *and section 15 of*
20 *this act*, an administrative assessment for the provision of specialty
21 court programs.

22 2. Except as otherwise provided in subsection 3, when a
23 defendant pleads guilty or guilty but mentally ill or is found guilty
24 or guilty but mentally ill of a misdemeanor, including the violation
25 of any municipal ordinance, the justice or judge shall include in the
26 sentence the sum of \$7 as an administrative assessment for the
27 provision of specialty court programs and render a judgment against
28 the defendant for the assessment. If a defendant is sentenced to
29 perform community service in lieu of a fine, the sentence must
30 include the administrative assessment required pursuant to this
31 subsection.

32 3. The provisions of subsection 2 do not apply to:

33 (a) An ordinance regulating metered parking; or

34 (b) An ordinance which is specifically designated as imposing a
35 civil penalty or liability pursuant to NRS 244.3575 or 268.019.

36 4. The money collected for an administrative assessment
37 for the provision of specialty court programs must not be deducted
38 from the fine imposed by the justice or judge but must be taxed
39 against the defendant in addition to the fine. The money collected
40 for such an administrative assessment must be stated separately on
41 the court's docket and must be included in the amount posted for
42 bail. If bail is forfeited, the administrative assessment included in
43 the bail pursuant to this subsection must be disbursed pursuant to
44 subsection 6 or 7. If the defendant is found not guilty or the charges
45 are dismissed, the money deposited with the court must be returned



1 to the defendant. If the justice or judge cancels a fine because the
2 fine has been determined to be uncollectible, any balance of the fine
3 and the administrative assessment remaining unpaid shall be
4 deemed to be uncollectible and the defendant is not required to pay
5 it. If a fine is determined to be uncollectible, the defendant is not
6 entitled to a refund of the fine or administrative assessment the
7 defendant has paid and the justice or judge shall not recalculate the
8 administrative assessment.

9 5. If the justice or judge permits the fine and administrative
10 assessment for the provision of specialty court programs to be paid
11 in installments, the payments must be applied in the following
12 order:

13 (a) To pay the unpaid balance of an administrative assessment
14 imposed pursuant to NRS 176.059;

15 (b) To pay the unpaid balance of an administrative assessment
16 for the provision of court facilities pursuant to NRS 176.0611;

17 (c) To pay the unpaid balance of an administrative assessment
18 for the provision of specialty court programs; ~~and~~

19 (d) *To pay the unpaid balance of an administrative assessment*
20 *for obtaining a biological specimen and conducting a genetic*
21 *marker analysis pursuant to section 15 of this act; and*

22 (e) To pay the fine.

23 6. The money collected for an administrative assessment for
24 the provision of specialty court programs in municipal court must be
25 paid by the clerk of the court to the city treasurer on or before the
26 fifth day of each month for the preceding month. On or before the
27 15th day of that month, the city treasurer shall deposit the money
28 received for each administrative assessment with the State
29 Controller for credit to a special account in the State General Fund
30 administered by the Office of Court Administrator.

31 7. The money collected for an administrative assessment for
32 the provision of specialty court programs in justice courts must be
33 paid by the clerk of the court to the county treasurer on or before the
34 fifth day of each month for the preceding month. On or before the
35 15th day of that month, the county treasurer shall deposit the money
36 received for each administrative assessment with the State
37 Controller for credit to a special account in the State General Fund
38 administered by the Office of Court Administrator.

39 8. The Office of Court Administrator shall allocate the money
40 credited to the State General Fund pursuant to subsections 6 and 7 to
41 courts to assist with the funding or establishment of specialty court
42 programs.

43 9. Money that is apportioned to a court from administrative
44 assessments for the provision of specialty court programs must be
45 used by the court to:



1 (a) Pay for the treatment and testing of persons who participate
2 in the program; and

3 (b) Improve the operations of the specialty court program by any
4 combination of:

5 (1) Acquiring necessary capital goods;

6 (2) Providing for personnel to staff and oversee the specialty
7 court program;

8 (3) Providing training and education to personnel;

9 (4) Studying the management and operation of the program;

10 (5) Conducting audits of the program;

11 (6) Supplementing the funds used to pay for judges to
12 oversee a specialty court program; or

13 (7) Acquiring or using appropriate technology.

14 10. As used in this section:

15 (a) "Office of Court Administrator" means the Office of Court
16 Administrator created pursuant to NRS 1.320; and

17 (b) "Specialty court program" means a program established by a
18 court to facilitate testing, treatment and oversight of certain persons
19 over whom the court has jurisdiction and who the court has
20 determined suffer from a mental illness or abuses alcohol or drugs.
21 Such a program includes, without limitation, a program established
22 pursuant to NRS 176A.250, 176A.280 or 453.580.

23 **Sec. 19.** NRS 176.0911 is hereby amended to read as follows:

24 176.0911 As used in NRS 176.0911 to 176.0917, inclusive,
25 *and sections 2 to 16, inclusive, of this act*, unless the context
26 otherwise requires, ~~"CODIS" means the Combined DNA Indexing~~
27 ~~System operated by the Federal Bureau of Investigation.~~ *the words*
28 *and terms defined in sections 2 to 10, inclusive, of this act have the*
29 *meanings ascribed to them in those sections.*

30 **Sec. 20.** NRS 176.0912 is hereby amended to read as follows:

31 176.0912 1. Except as otherwise provided in this section,
32 upon the conviction of a defendant for a category A or B felony, an
33 agency of criminal justice that has in its possession or custody any
34 biological evidence secured in connection with the investigation or
35 prosecution of the defendant shall preserve such evidence until the
36 expiration of any sentence imposed on the defendant.

37 2. Biological evidence subject to the requirements of this
38 section may be consumed for testing upon notice to the defendant.

39 3. An agency of criminal justice may establish procedures for:

40 (a) Retaining probative samples of biological evidence subject
41 to the requirements of this section; and

42 (b) Disposing of bulk evidence that does not affect the
43 suitability of such probative samples for testing.

44 4. The provisions of this section must not be construed to
45 restrict or limit an agency of criminal justice from establishing



1 procedures for the retention, preservation and disposal of biological
2 evidence secured in connection with other criminal cases.

3 5. As used in this section ~~†~~:

4 ~~—(a) “Agency of criminal justice” has the meaning ascribed to it~~
5 ~~in NRS 179A.030.~~

6 ~~—(b) “Biological† , “biological~~ evidence” means any semen,
7 blood, saliva, hair, skin tissue or other identified biological material
8 removed from physical evidence.

9 ~~†(c) “Sexual offense” has the meaning ascribed to it in~~
10 ~~NRS 179D.097.†~~

11 **Sec. 21.** NRS 176.0913 is hereby amended to read as follows:

12 176.0913 1. If a defendant is convicted of an offense listed in
13 subsection 4:

14 (a) The name, social security number, date of birth , *fingerprints*
15 and any other information identifying the defendant must be
16 submitted to the Central Repository for Nevada Records of Criminal
17 History; and

18 (b) ~~†A†~~ *Unless a biological specimen was previously obtained*
19 *upon arrest pursuant to section 13 of this act, a biological*
20 *specimen must be obtained from the defendant pursuant to the*
21 *provisions of this section and the specimen must be used for †an*
22 *analysis to determine the† a genetic †markers of the specimen.†*
23 *marker analysis. If a biological specimen was previously obtained*
24 *upon arrest pursuant to section 13 of this act, the court shall*
25 *notify the Central Repository for Nevada Records of Criminal*
26 *History, who in turn shall notify the appropriate forensic*
27 *laboratory.*

28 2. If the defendant is committed to the custody of the
29 Department of Corrections, the Department of Corrections shall
30 arrange for the biological specimen to be obtained from the
31 defendant. The Department of Corrections shall provide the
32 specimen to the forensic laboratory that has been designated by
33 the county in which the defendant was convicted to conduct or
34 oversee genetic marker ~~†testing†~~ *analysis* for the county pursuant to
35 NRS 176.0917.

36 3. If the defendant is not committed to the custody of the
37 Department of Corrections, the Division shall arrange for the
38 biological specimen to be obtained from the defendant. The
39 Division shall provide the specimen to the forensic laboratory that
40 has been designated by the county in which the defendant was
41 convicted to conduct or oversee genetic marker ~~†testing†~~ *analysis*
42 for the county pursuant to NRS 176.0917. Any cost that is incurred
43 obtain a biological specimen from a defendant pursuant to this
44 subsection is a charge against the county in which the defendant was
45 convicted and must be paid as provided in NRS 176.0915.



1 4. Except as otherwise provided in subsection 5, the provisions
2 of subsection 1 apply to a defendant who is convicted of:

3 (a) A felony;

4 (b) A crime against a child as defined in NRS 179D.0357;

5 (c) A sexual offense as defined in NRS 179D.097;

6 (d) Abuse or neglect of an older person or a vulnerable person
7 pursuant to NRS 200.5099;

8 (e) A second or subsequent offense for stalking pursuant to
9 NRS 200.575;

10 (f) An attempt or conspiracy to commit an offense listed in
11 paragraphs (a) to (e), inclusive;

12 (g) Failing to register with a local law enforcement agency as a
13 convicted person as required pursuant to NRS 179C.100, if the
14 defendant previously was:

15 (1) Convicted in this State of committing an offense listed in
16 paragraph (a), (d), (e) or (f); or

17 (2) Convicted in another jurisdiction of committing an
18 offense that would constitute an offense listed in paragraph (a), (d),
19 (e) or (f) if committed in this State;

20 (h) Failing to register with a local law enforcement agency after
21 being convicted of a crime against a child as required pursuant to
22 NRS 179D.450; or

23 (i) Failing to register with a local law enforcement agency after
24 being convicted of a sexual offense as required pursuant to
25 NRS 179D.450.

26 5. If it is determined that a defendant's biological specimen has
27 previously been submitted for conviction of a prior offense, an
28 additional sample is not required.

29 6. Except as otherwise authorized by federal law or by specific
30 statute, a biological specimen obtained pursuant to this section, the
31 ~~results of a genetic marker analysis~~ **DNA profile, the DNA record**
32 and any *other* information identifying or matching a biological
33 specimen with a person must not be shared with or disclosed to any
34 person other than the authorized personnel who have possession and
35 control of the biological specimen, ~~results of a genetic marker~~
36 ~~analysis~~ **the DNA profile, the DNA record** or *other* information
37 identifying or matching a biological specimen with a person, except
38 pursuant to:

39 (a) A court order; or

40 (b) A request from a law enforcement agency during the course
41 of an investigation.

42 7. A person who violates any provision of subsection 6 is
43 guilty of a ~~misdemeanor~~ **category C felony and shall be punished**
44 **as provided in NRS 193.130.**



1 **Sec. 22.** NRS 176.0915 is hereby amended to read as follows:

2 176.0915 1. If a biological specimen is obtained from a
3 ~~{defendant}~~ *person* pursuant to NRS 176.0913, *or section 13 of this*
4 *act, and the person is convicted of the offense for which the*
5 *biological specimen was obtained,* the court, in addition to any
6 other penalty, shall order the ~~{defendant,}~~ *person,* to the extent of
7 the ~~{defendant's}~~ *person's* financial ability, to pay the sum of \$150
8 as a fee for obtaining the specimen and for conducting the ~~{analysis~~
9 ~~to determine the}~~ genetic ~~{markers of the specimen.}~~ *marker*
10 *analysis.* The fee:

11 (a) Must be stated separately in the judgment of the court or on
12 the docket of the court;

13 (b) Must be collected from the ~~{defendant}~~ *person* before or at
14 the same time that any fine imposed by the court is collected from
15 the ~~{defendant,}~~ *person;* and

16 (c) Must not be deducted from any fine imposed by the court.

17 2. All money that is collected pursuant to subsection 1 must be
18 paid by the clerk of the court to the county treasurer on or before the
19 fifth day of each month for the preceding month.

20 3. The board of county commissioners of each county shall by
21 ordinance create in the county treasury a fund to be designated as
22 the fund for genetic marker ~~{testing-}~~ *analysis.* The county treasurer
23 shall deposit money that is collected pursuant to subsection 2 in the
24 fund for genetic marker ~~{testing-}~~ *analysis.* The money must be
25 accounted for separately within the fund.

26 4. Each month, the county treasurer shall use the money
27 deposited in the fund for genetic marker ~~{testing}~~ *analysis* to pay for
28 the actual amount charged to the county for obtaining a biological
29 specimen from a ~~{defendant}~~ *person* pursuant to NRS 176.0913 ~~{-}~~
30 *or section 13 of this act.*

31 5. The board of county commissioners of each county may
32 apply for and accept grants, gifts, donations, bequests or devises
33 which the board of county commissioners shall deposit with the
34 county treasurer for credit to the fund for genetic marker ~~{testing-}~~
35 *analysis.*

36 6. If money remains in the fund after the county treasurer
37 makes the payments required by subsection 4, the county treasurer
38 shall pay the remaining money each month to the forensic
39 laboratory that is designated by the county pursuant to NRS
40 176.0917 to conduct or oversee genetic marker ~~{testing}~~ *analysis* for
41 the county. A forensic laboratory that receives money pursuant to
42 this subsection shall use the money to cover any expense related to
43 genetic marker ~~{testing-}~~ *analysis.*



1 **Sec. 23.** NRS 176.0916 is hereby amended to read as follows:

2 176.0916 1. If the Division is supervising a probationer or
3 parolee pursuant to an interstate compact and the probationer or
4 parolee is or has been convicted in another jurisdiction of violating a
5 law that prohibits the same or similar conduct as an offense listed in
6 subsection 4 of NRS 176.0913, *unless a biological specimen was*
7 *previously obtained upon arrest pursuant to section 13 of this act,*
8 the Division shall arrange for a biological specimen to be obtained
9 from the probationer or parolee.

10 2. After a biological specimen is obtained from a probationer
11 or parolee pursuant to this section, the Division shall:

12 (a) Provide the biological specimen to the forensic laboratory
13 that has been designated by the county in which the probationer or
14 parolee is residing to conduct or oversee genetic marker ~~testing~~
15 *analysis* for the county pursuant to NRS 176.0917; and

16 (b) Submit the name, social security number, date of birth ,
17 *fingerprints* and any other information identifying the probationer
18 or parolee to the Central Repository.

19 3. Except as otherwise authorized by federal law or by specific
20 statute, a biological specimen obtained pursuant to this section, the
21 ~~results of a genetic marker analysis~~ *DNA profile, the DNA record*
22 and any *other* information identifying or matching a biological
23 specimen with a person must not be shared with or disclosed to any
24 person other than the authorized personnel who have possession and
25 control of the biological specimen, ~~results of a genetic marker~~
26 ~~analysis~~ *the DNA profile, the DNA record* or *other* information
27 identifying or matching a biological specimen with a person, except
28 pursuant to:

29 (a) A court order; or

30 (b) A request from a law enforcement agency during the course
31 of an investigation.

32 4. A person who violates any provision of subsection 3 is
33 guilty of a ~~misdemeanor~~ *category C felony and shall be punished*
34 *as provided in NRS 193.130.*

35 5. A probationer or parolee, to the extent of his or her financial
36 ability, shall pay the sum of \$150 to the Division as a fee for
37 obtaining the biological specimen and for conducting the *genetic*
38 *marker analysis* . ~~to determine the genetic markers of the biological~~
39 ~~specimen~~ Except as otherwise provided in subsection 6, the fee
40 required pursuant to this subsection must be collected from a
41 probationer or parolee at the time the biological specimen is
42 obtained from the probationer or parolee.

43 6. A probationer or parolee may arrange to make monthly
44 payments of the fee required pursuant to subsection 5. If such
45 arrangements are made, the Division shall provide a probationer or



1 parolee with a monthly statement that specifies the date on which
2 the next payment is due.

3 7. Any unpaid balance for a fee required pursuant to subsection
4 5 is a charge against the Division.

5 8. The Division shall deposit money that is collected pursuant
6 to this section in the Fund for Genetic Marker ~~{Testing}~~ *Analysis*,
7 which is hereby created in the State General Fund. The money
8 deposited in the Fund for Genetic Marker ~~{Testing}~~ *Analysis* must
9 be used to pay for the actual amount charged to the Division for
10 obtaining biological specimens from probationers and parolees, and
11 for conducting ~~{an analysis to determine the genetic markers}~~
12 *genetic marker analysis* of the *biological* specimens.

13 **Sec. 24.** NRS 176.0917 is hereby amended to read as follows:

14 176.0917 1. The board of county commissioners of each
15 county shall designate a forensic laboratory to conduct or oversee
16 for the county any genetic marker ~~{testing}~~ *analysis* that is ~~{ordered~~
17 ~~or arranged}~~ *required* pursuant to NRS 176.0913 or 176.0916 ~~{}~~ *or*
18 *section 13 of this act.*

19 2. The forensic laboratory designated by the board of county
20 commissioners pursuant to subsection 1:

21 (a) Must be operated by this State or one of its political
22 subdivisions; and

23 (b) Must satisfy or exceed the standards for quality assurance
24 that are established by the Federal Bureau of Investigation for
25 participation in CODIS.

26 **Sec. 25.** NRS 179.225 is hereby amended to read as follows:

27 179.225 1. If the punishment of the crime is the confinement
28 of the criminal in prison, the expenses must be paid from money
29 appropriated to the Office of the Attorney General for that purpose,
30 upon approval by the State Board of Examiners. After the
31 appropriation is exhausted, the expenses must be paid from the
32 Reserve for Statutory Contingency Account upon approval by
33 the State Board of Examiners. In all other cases, they must be paid
34 out of the county treasury in the county wherein the crime is alleged
35 to have been committed. The expenses are:

36 (a) If the prisoner is returned to this State from another state, the
37 fees paid to the officers of the state on whose governor the
38 requisition is made;

39 (b) If the prisoner is returned to this State from a foreign country
40 or jurisdiction, the fees paid to the officers and agents of this State
41 or the United States; or

42 (c) If the prisoner is temporarily returned for prosecution to this
43 State from another state pursuant to this chapter or chapter 178 of
44 NRS and is then returned to the sending state upon completion of
45 the prosecution, the fees paid to the officers and agents of this State,



1 ↪ and the per diem allowance and travel expenses provided for state
2 officers and employees generally incurred in returning the prisoner.

3 2. If a person is returned to this State pursuant to this chapter or
4 chapter 178 of NRS and is convicted of, or pleads guilty, guilty but
5 mentally ill or nolo contendere to, the criminal charge for which the
6 person was returned or a lesser criminal charge, the court shall
7 conduct an investigation of the financial status of the person to
8 determine the ability to make restitution. In conducting the
9 investigation, the court shall determine if the person is able to pay
10 any existing obligations for:

11 (a) Child support;

12 (b) Restitution to victims of crimes; and

13 (c) Any administrative assessment required to be paid pursuant
14 to NRS 62E.270, 176.059, 176.0611, 176.0613 and 176.062 ~~H~~ **and**
15 **section 15 of this act.**

16 3. If the court determines that the person is financially able to
17 pay the obligations described in subsection 2, it shall, in addition to
18 any other sentence it may impose, order the person to make
19 restitution for the expenses incurred by the Attorney General or
20 other governmental entity in returning the person to this State. The
21 court shall not order the person to make restitution if payment of
22 restitution will prevent the person from paying any existing
23 obligations described in subsection 2. Any amount of restitution
24 remaining unpaid constitutes a civil liability arising upon the date of
25 the completion of the sentence.

26 4. The Attorney General may adopt regulations to carry out the
27 provisions of this section.

28 **Sec. 26.** NRS 179A.075 is hereby amended to read as follows:

29 179A.075 1. The Central Repository for Nevada Records of
30 Criminal History is hereby created within the Records and
31 Technology Division of the Department.

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

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

36 (b) Submit the information collected to the Central Repository
37 in the manner approved by the Director of the Department.

38 3. Each agency of criminal justice shall submit the information
39 relating to records of criminal history that it creates or issues, and
40 any information in its possession relating to the ~~genetic markers of~~
41 ~~a biological specimen~~ **DNA profile** of a person ~~who is convicted of~~
42 ~~an offense listed in subsection 4 of~~ **from whom a biological**
43 **specimen is obtained pursuant to** NRS 176.0913, **or section 13 of**
44 **this act**, to the Division. The information must be submitted to the
45 Division:



1 (a) Through an electronic network;
2 (b) On a medium of magnetic storage; or
3 (c) In the manner prescribed by the Director of the Department,
4 ↪ within the period prescribed by the Director of the Department. If
5 an agency has submitted a record regarding the arrest of a person
6 who is later determined by the agency not to be the person who
7 committed the particular crime, the agency shall, immediately upon
8 making that determination, so notify the Division. The Division
9 shall delete all references in the Central Repository relating to that
10 particular arrest.

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

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

15 (1) Records of criminal history; and

16 (2) The ~~genetic markers of a biological specimen~~ *DNA*
17 *profile* of a person ~~who is convicted of an offense listed in~~
18 ~~subsection 4 of~~ *from whom a biological specimen is obtained*
19 *pursuant to NRS 176.0913* ~~or section 13 of this act.~~

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

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

26 5. The Division may:

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

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

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

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

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

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



1 (4) For whom such information is required to be obtained
2 pursuant to NRS 62B.270, 424.031, 427A.735, 432A.170, 433B.183
3 and 449.123; or

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

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

13 6. The Central Repository shall:

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

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

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

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

22 (1) Has applied to the Superintendent of Public Instruction
23 for the issuance or renewal of a license;

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

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

28 ➔ and notify the superintendent of each county school district, the
29 governing body of each charter school and the Superintendent of
30 Public Instruction, or the administrator of each private school, as
31 appropriate, if the investigation of the Central Repository indicates
32 that the person has been convicted of a violation of NRS 200.508,
33 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or
34 any offense involving moral turpitude.

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

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

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

44 ➔ who the Central Repository's records indicate have been
45 convicted of a violation of NRS 200.508, 201.230, 453.3385,



1 453.339 or 453.3395, or convicted of a felony or any offense
2 involving moral turpitude since the Central Repository's initial
3 investigation. The superintendent of each county school district, the
4 governing body of a charter school or the administrator of each
5 private school, as applicable, shall determine whether further
6 investigation or action by the district, charter school or private
7 school, as applicable, is appropriate.

8 (f) Investigate the criminal history of each person who submits
9 fingerprints or has fingerprints submitted pursuant to NRS 62B.270,
10 424.031, 427A.735, 432A.170, 433B.183, 449.122 or 449.123.

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

17 (h) On or before July 1 of each year, prepare and submit to the
18 Director of the Legislative Counsel Bureau for submission to the
19 Legislature, or to the Legislative Commission when the Legislature
20 is not in regular session, a report containing statistical data about
21 domestic violence in this State.

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

27 7. The Central Repository may:

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

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

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

44 8. As used in this section:



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

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

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

10 (b) "Private school" has the meaning ascribed to it in
11 NRS 394.103.

12 **Sec. 27.** NRS 179D.151 is hereby amended to read as follows:

13 179D.151 *1.* A record of registration must include, if the
14 information is available:

15 ~~[(a)]~~ *(a)* Information identifying the offender or sex offender,
16 including, but not limited to:

17 ~~[(a)]~~ *(1)* The name of the offender or sex offender and all
18 aliases that the offender or sex offender has used or under which he
19 or she has been known;

20 ~~[(b)]~~ *(2)* A complete physical description of the offender or sex
21 offender, a current photograph of the offender or sex offender and
22 the fingerprints and palm prints of the offender or sex offender;

23 ~~[(e)]~~ *(3)* The date of birth and the social security number of the
24 offender or sex offender;

25 ~~[(d)]~~ *(4)* The identification number from a driver's license or an
26 identification card issued to the offender or sex offender by this
27 State or any other jurisdiction and a photocopy of such driver's
28 license or identification card;

29 ~~[(e)] A report of the analysis of the genetic markers of the
30 specimen obtained from the offender or sex offender pursuant to
31 NRS 176.0913;~~

32 *(5) Information indicating whether the DNA profile and
33 DNA record of the offender or sex offender has been entered in
34 CODIS;* and

35 ~~[(f)]~~ *(6)* Any other information that identifies the offender or
36 sex offender.

37 ~~[(2)]~~ *(b)* Except as otherwise provided in ~~[(subsection 3)]~~
38 *paragraph (c)*, information concerning the residence of the offender
39 or sex offender, including, but not limited to:

40 ~~[(a)]~~ *(1)* The address at which the offender or sex offender
41 resides;

42 ~~[(b)]~~ *(2)* The length of time the offender or sex offender has
43 resided at that address and the length of time the offender or sex
44 offender expects to reside at that address;



1 ~~(e)~~ (3) The address or location of any other place where the
2 offender or sex offender expects to reside in the future and the
3 length of time the offender or sex offender expects to reside there;
4 and

5 ~~(d)~~ (4) The length of time the offender or sex offender expects
6 to remain in the county where the offender or sex offender resides
7 and in this State.

8 ~~(c)~~ (c) If the offender or sex offender has no fixed residence,
9 the address of any dwelling that is providing the offender or sex
10 offender temporary shelter, or any other location where the offender
11 or sex offender habitually sleeps, including, but not limited to, the
12 cross streets, intersection, direction and identifiable landmarks of
13 the city, county, state and zip code of that location.

14 ~~(d)~~ (d) Information concerning the offender's or sex offender's
15 occupations, employment or work or expected occupations,
16 employment or work, including, but not limited to, the name,
17 address and type of business of all current and expected future
18 employers of the offender or sex offender.

19 ~~(e)~~ (e) Information concerning the offender's or sex offender's
20 volunteer service or expected volunteer service in connection with
21 any activity or organization within this State, including, but not
22 limited to, the name, address and type of each such activity or
23 organization.

24 ~~(f)~~ (f) Information concerning the offender's or sex offender's
25 enrollment or expected enrollment as a student in any public or
26 private educational institution or school within this State, including,
27 but not limited to, the name, address and type of each such
28 educational institution or school.

29 ~~(g)~~ (g) Information concerning whether:

30 ~~(1)~~ (1) The offender or sex offender is, expects to be or
31 becomes enrolled as a student at an institution of higher education
32 or changes the date of commencement or termination of the
33 offender's or sex offender's enrollment at an institution of higher
34 education; or

35 ~~(2)~~ (2) The offender or sex offender is, expects to be or
36 becomes a worker at an institution of higher education or changes
37 the date of commencement or termination of the offender's or sex
38 offender's work at an institution of higher education,

39 including, but not limited to, the name, address and type of each
40 such institution of higher education.

41 ~~(h)~~ (h) The license plate number and a description of all motor
42 vehicles registered to or frequently driven by the offender or sex
43 offender.

44 ~~(i)~~ (i) The level of registration and community notification of
45 the offender or sex offender.



- 1 ~~10~~ (j) The criminal history of the offender or sex offender,
2 including, without limitation:
3 ~~(a)~~ (1) The dates of all arrests and convictions of the offender
4 or sex offender;
5 ~~(b)~~ (2) The status of parole, probation or supervised release of
6 the offender or sex offender;
7 ~~(c)~~ (3) The status of the registration of the offender or sex
8 offender; and
9 ~~(d)~~ (4) The existence of any outstanding arrest warrants for
10 the offender or sex offender.
11 ~~11~~ (k) The following information for each offense for which
12 the offender or sex offender has been convicted:
13 ~~(a)~~ (1) The court in which the offender or sex offender was
14 convicted;
15 ~~(b)~~ (2) The text of the provision of law defining each offense;
16 ~~(c)~~ (3) The name under which the offender or sex offender
17 was convicted;
18 ~~(d)~~ (4) The name and location of each penal institution,
19 school, hospital, mental facility or other institution to which the
20 offender or sex offender was committed;
21 ~~(e)~~ (5) The specific location where the offense was
22 committed;
23 ~~(f)~~ (6) The age, the gender, the race and a general physical
24 description of the victim; and
25 ~~(g)~~ (7) The method of operation that was used to commit the
26 offense, including, but not limited to:
27 ~~(1)~~ (I) Specific sexual acts committed against the victim;
28 ~~(2)~~ (II) The method of obtaining access to the victim, such
29 as the use of enticements, threats, forced entry or violence against
30 the victim;
31 ~~(3)~~ (III) The type of injuries inflicted on the victim;
32 ~~(4)~~ (IV) The types of instruments, weapons or objects
33 used;
34 ~~(5)~~ (V) The type of property taken; and
35 ~~(6)~~ (VI) Any other distinctive characteristic of the behavior
36 or personality of the offender or sex offender.
37 ~~12~~ (l) Any other information required by federal law.
38 2. *As used in this section:*
39 (a) *“CODIS” has the meaning ascribed to it in section 4 of this*
40 *act.*
41 (b) *“DNA profile” has the meaning ascribed to it in section 6*
42 *of this act.*
43 (c) *“DNA record” has the meaning ascribed to it in section 7*
44 *of this act.*



1 **Sec. 28.** NRS 179D.443 is hereby amended to read as follows:

2 179D.443 *1.* When an offender convicted of a crime against a
3 child or a sex offender registers with a local law enforcement
4 agency as required pursuant to NRS 179D.445, 179D.460 or
5 179D.480, or updates the registration as required pursuant to
6 NRS 179D.447:

7 ~~1-1~~ *(a)* The offender or sex offender shall provide the local law
8 enforcement agency with the following:

9 ~~1(a)~~ *(1)* The name of the offender or sex offender and all
10 aliases that the offender or sex offender has used or under which the
11 offender or sex offender has been known;

12 ~~1(b)~~ *(2)* The social security number of the offender or sex
13 offender;

14 ~~1(c)~~ *(3)* The address of any residence or location at which the
15 offender or sex offender resides or will reside;

16 ~~1(d)~~ *(4)* The name and address of any place where the offender
17 or sex offender is a worker or will be a worker;

18 ~~1(e)~~ *(5)* The name and address of any place where the offender
19 or sex offender is a student or will be a student;

20 ~~1(f)~~ *(6)* The license plate number and a description of all motor
21 vehicles registered to or frequently driven by the offender or sex
22 offender; and

23 ~~1(g)~~ *(7)* Any other information required by federal law.

24 ~~2-1~~ *(b)* If the offender or sex offender has not previously
25 provided a biological specimen pursuant to NRS 176.0913 or
26 176.0916, *or section 13 of this act*, the offender or sex offender
27 shall provide a biological specimen to the local law enforcement
28 agency. The local law enforcement agency shall provide the
29 specimen to the forensic laboratory that has been designated by the
30 county in which the offender or sex offender resides, is present or is
31 a worker or student to conduct or oversee genetic marker ~~testing~~
32 *analysis* for the county pursuant to NRS 176.0917.

33 ~~3-1~~ *(c)* The local law enforcement agency shall ensure that the
34 record of registration of the offender or sex offender includes,
35 without limitation:

36 ~~1(a)~~ *(1)* A complete physical description of the offender or sex
37 offender, a current photograph of the offender or sex offender and
38 the fingerprints and palm prints of the offender or sex offender;

39 ~~1(b)~~ *(2)* The text of the provision of law defining each offense
40 for which the offender or sex offender is required to register;

41 ~~1(c)~~ *(3)* The criminal history of the offender or sex offender,
42 including, without limitation:

43 ~~1(d)~~ *(1)* The dates of all arrests and convictions of the
44 offender or sex offender;



1 ~~(2)~~ (II) The status of parole, probation or supervised
2 release of the offender or sex offender;

3 ~~(3)~~ (III) The status of the registration of the offender or
4 sex offender; and

5 ~~(4)~~ (IV) The existence of any outstanding arrest warrants
6 for the offender or sex offender;

7 ~~(d) A report of the analysis of the genetic markers of the~~
8 ~~specimen obtained from the offender or sex offender;~~

9 ~~(e) (4) Information indicating whether the DNA profile and~~
10 ~~DNA record of the offender or sex offender has been entered in~~
11 ~~CODIS;~~

12 (5) The identification number from a driver's license or an
13 identification card issued to the offender or sex offender by this
14 State or any other jurisdiction and a photocopy of such driver's
15 license or identification card; and

16 ~~(f)~~ (6) Any other information required by federal law.

17 2. *As used in this section:*

18 (a) *"CODIS" has the meaning ascribed to it in section 4 of this*
19 *act.*

20 (b) *"DNA profile" has the meaning ascribed to it in section 6*
21 *of this act.*

22 (c) *"DNA record" has the meaning ascribed to it in section 7*
23 *of this act.*

24 **Sec. 29.** NRS 209.247 is hereby amended to read as follows:

25 209.247 Except as otherwise provided in NRS 209.2475, the
26 Director may make the following deductions, in the following order
27 of priority, from any money deposited in the individual account of
28 an offender from any source other than the offender's wages:

29 1. An amount the Director deems reasonable for deposit with
30 the State Treasurer for credit to the Fund for the Compensation of
31 Victims of Crime created pursuant to NRS 217.260.

32 2. An amount the Director considers reasonable to meet an
33 existing obligation of the offender for the support of the offender's
34 family.

35 3. An amount determined by the Director, with the approval of
36 the Board, to offset the cost of maintaining the offender in the
37 institution, as reflected in the budget of the Department. An amount
38 deducted pursuant to this subsection may include, but is not limited
39 to, an amount to offset the cost of participation by the offender
40 pursuant to NRS 209.4231 to 209.4244, inclusive, in a therapeutic
41 community or a program of aftercare, or both.

42 4. A deduction pursuant to NRS 209.246.

43 5. An amount determined by the Director for deposit in a
44 savings account for the offender, in which interest on the money
45 deposited does not accrue, to be used for the payment of the



1 expenses of the offender related to his or her release or, if the
2 offender dies before his or her release, to defray expenses related to
3 arrangements for the offender's funeral.

4 6. An amount the Director considers reasonable to meet an
5 existing obligation of the offender for restitution to a victim of his or
6 her crime.

7 7. An amount the Director considers reasonable to pay the
8 balance of an administrative assessment included in the judgment
9 entered against the offender for each crime for which the offender is
10 incarcerated and the balance of an unpaid administrative assessment
11 included in a judgment entered against the offender for a crime
12 committed in this state for which the offender was previously
13 convicted. An amount deducted from a source other than the wages
14 earned by the offender during his or her incarceration, pursuant to
15 this subsection, must be submitted:

16 (a) If the offender does not have an administrative assessment
17 owing from a judgment entered for a crime previously committed in
18 this state, to the court that entered the judgment against the offender
19 for which he or she is incarcerated.

20 (b) If the offender has an administrative assessment owing from
21 a judgment entered for a crime previously committed in this state, to
22 the court that first entered a judgment for which an administrative
23 assessment is owing, until the balance owing has been paid.

24 8. An amount the Director considers reasonable to pay the
25 balance of a fine included in the judgment entered against the
26 offender for each crime for which the offender is incarcerated and
27 the balance of an unpaid fine included in a judgment entered against
28 the offender for a crime committed in this state for which the
29 offender was previously convicted. An amount deducted from any
30 source other than the wages earned by the offender during his or her
31 incarceration, pursuant to this subsection, must be submitted:

32 (a) If the offender does not have a fine owing from a judgment
33 entered for a crime previously committed in this state, to the court
34 that entered the judgment against the offender for which he or she is
35 incarcerated.

36 (b) If the offender has a fine owing from a judgment entered for
37 a crime previously committed in this state, to the court that first
38 entered a judgment for which any fine or administrative assessment
39 is owing, until the balance owing has been paid.

40 9. An amount the Director considers reasonable to pay the
41 balance of any fee imposed upon the offender for genetic marker
42 ~~testing~~ *analysis* and included in the judgment entered against the
43 offender pursuant to NRS 176.0915.



1 ↳ The Director shall determine the priority of any other deduction
2 authorized by law from any source other than the wages earned by
3 the offender during his or her incarceration.

4 **Sec. 30.** NRS 209.463 is hereby amended to read as follows:

5 209.463 Except as otherwise provided in NRS 209.2475, the
6 Director may make the following deductions, in the following order
7 of priority, from the wages earned by an offender from any source
8 during the offender's incarceration:

9 1. If the hourly wage of the offender is equal to or greater than
10 the federal minimum wage:

11 (a) An amount the Director deems reasonable for deposit with
12 the State Treasurer for credit to the Fund for the Compensation of
13 Victims of Crime.

14 (b) An amount the Director considers reasonable to meet an
15 existing obligation of the offender for the support of his or her
16 family.

17 (c) An amount determined by the Director, with the approval of
18 the Board, for deposit in the State Treasury for credit to the Fund for
19 New Construction of Facilities for Prison Industries, but only if the
20 offender is employed through a program for prison industries.

21 (d) An amount determined by the Director for deposit in the
22 individual account of the offender in the Prisoners' Personal
23 Property Fund.

24 (e) An amount determined by the Director, with the approval of
25 the Board, to offset the cost of maintaining the offender in the
26 institution, as reflected in the budget of the Department. An amount
27 deducted pursuant to this paragraph may include, but is not limited to,
28 an amount to offset the cost of participation by the offender
29 pursuant to NRS 209.4231 to 209.4244, inclusive, in a therapeutic
30 community or a program of aftercare, or both.

31 (f) A deduction pursuant to NRS 209.246.

32 (g) An amount determined by the Director for deposit in a
33 savings account for the offender, in which interest on the money
34 deposited does not accrue, to be used for the payment of the
35 expenses of the offender related to his or her release, or if the
36 offender dies before his or her release, to defray expenses related to
37 arrangements for his or her funeral.

38 (h) An amount the Director considers reasonable to meet an
39 existing obligation of the offender for restitution to any victim of his
40 or her crime.

41 (i) An amount the Director considers reasonable to pay the
42 balance of any fee imposed upon the offender for genetic marker
43 ~~testing~~ analysis and included in the judgment entered against the
44 offender pursuant to NRS 176.0915.



1 (j) An amount the Director considers reasonable to pay the
2 balance of an administrative assessment included in the judgment
3 entered against the offender for each crime for which the offender is
4 incarcerated and the balance of an unpaid administrative assessment
5 included in a judgment entered against the offender for a crime
6 committed in this state for which the offender was previously
7 convicted. An amount deducted from the wages of the offender
8 pursuant to this paragraph must be submitted:

9 (1) If the offender does not have an administrative
10 assessment owing from a judgment entered for a crime previously
11 committed in this state, to the court that entered the judgment
12 against the offender for which the offender is incarcerated.

13 (2) If the offender has an administrative assessment owing
14 from a judgment entered for a crime previously committed in this
15 state, to the court that first entered a judgment for which an
16 administrative assessment is owing, until the balance owing has
17 been paid.

18 (k) An amount the Director considers reasonable to pay the
19 balance of a fine included in the judgment entered against the
20 offender for each crime for which the offender is incarcerated and
21 the balance of an unpaid fine included in a judgment entered against
22 the offender for a crime committed in this state for which the
23 offender was previously convicted. An amount deducted from the
24 wages of the offender pursuant to this paragraph must be submitted:

25 (1) If the offender does not have a fine owing from a
26 judgment entered for a crime previously committed in this state, to
27 the court that entered the judgment against the offender for which
28 the offender is incarcerated.

29 (2) If the offender has a fine owing from a judgment entered
30 for a crime previously committed in this state, to the court that first
31 entered a judgment for which a fine or administrative assessment is
32 owing, until the balance owing has been paid.

33 ➤ The Director shall determine the priority of any other deduction
34 authorized by law from the wages earned by the offender from any
35 source during the offender's incarceration.

36 2. If the hourly wage of the offender is less than the federal
37 minimum wage:

38 (a) An amount the Director deems reasonable for deposit with
39 the State Treasurer for credit to the Fund for the Compensation of
40 Victims of Crime.

41 (b) An amount determined by the Director, with the approval of
42 the Board, for deposit in the State Treasury for credit to the Fund for
43 New Construction of Facilities for Prison Industries, but only if the
44 offender is employed through a program for prison industries.



1 (c) An amount determined by the Director for deposit in the
2 individual account of the offender in the Prisoners' Personal
3 Property Fund.

4 (d) An amount determined by the Director, with the approval of
5 the Board, to offset the cost of maintaining the offender in the
6 institution, as reflected in the budget of the Department. An amount
7 deducted pursuant to this paragraph may include, but is not limited to,
8 an amount to offset the cost of participation by the offender
9 pursuant to NRS 209.4231 to 209.4244, inclusive, in a therapeutic
10 community or a program of aftercare, or both.

11 (e) A deduction pursuant to NRS 209.246.

12 (f) An amount the Director considers reasonable to pay the
13 balance of any fee imposed upon the offender for genetic marker
14 ~~testing~~ analysis and included in the judgment entered against the
15 offender pursuant to NRS 176.0915.

16 (g) An amount determined by the Director for deposit in a
17 savings account for the offender, in which interest on the money
18 deposited does not accrue, to be used for the payment of the
19 expenses of the offender related to the offender's release, or if the
20 offender dies before the offender's release, to defray expenses
21 related to arrangements for the offender's funeral.

22 ➤ The Director shall determine the priority of any other deduction
23 authorized by law from the wages earned by the offender from any
24 source during the offender's incarceration.

25 **Sec. 31.** NRS 211.245 is hereby amended to read as follows:

26 211.245 1. If a prisoner fails to make a payment within 10
27 days after it is due, the district attorney for a county or the city
28 attorney for an incorporated city may file a civil action in any court
29 of competent jurisdiction within this State seeking recovery of:

30 (a) The amount of reimbursement due;

31 (b) Costs incurred in conducting an investigation of the financial
32 status of the prisoner; and

33 (c) Attorney's fees and costs.

34 2. A civil action brought pursuant to this section must:

35 (a) Be instituted in the name of the county or city in which the
36 jail, detention facility or alternative program is located;

37 (b) Indicate the date and place of sentencing, including, without
38 limitation, the name of the court which imposed the sentence;

39 (c) Include the record of judgment of conviction, if available;

40 (d) Indicate the length of time served by the prisoner and, if the
41 prisoner has been released, the date of his or her release; and

42 (e) Indicate the amount of reimbursement that the prisoner owes
43 to the county or city.

44 3. The county or city treasurer of the county or incorporated
45 city in which a prisoner is or was confined shall determine the



1 amount of reimbursement that the prisoner owes to the city or
2 county. The county or city treasurer may render a sworn statement
3 indicating the amount of reimbursement that the prisoner owes and
4 submit the statement in support of a civil action brought pursuant to
5 this section. Such a statement is prima facie evidence of the amount
6 due.

7 4. A court in a civil action brought pursuant to this section may
8 award a money judgment in favor of the county or city in whose
9 name the action was brought.

10 5. If necessary to prevent the disposition of the prisoner's
11 property by the prisoner, or the prisoner's spouse or agent, a county
12 or city may file a motion for a temporary restraining order. The
13 court may, without a hearing, issue ex parte orders restraining any
14 person from transferring, encumbering, hypothecating, concealing
15 or in any way disposing of any property of the prisoner, real or
16 personal, whether community or separate, except for necessary
17 living expenses.

18 6. The payment, pursuant to a judicial order, of existing
19 obligations for:

20 (a) Child support or alimony;

21 (b) Restitution to victims of crimes; and

22 (c) Any administrative assessment required to be paid pursuant
23 to NRS 62E.270, 176.059, 176.0611, 176.0613 and 176.062, *and*
24 *section 15 of this act,*

25 ➔ has priority over the payment of a judgment entered pursuant to
26 this section.

27 **Sec. 32.** NRS 249.085 is hereby amended to read as follows:

28 249.085 On or before the 15th day of each month, the county
29 treasurer shall report to the State Controller the amount of the
30 administrative assessments paid by each justice court for the
31 preceding month pursuant to NRS 176.059 and 176.0613 *† and*
32 *section 15 of this act.*

33 **Sec. 33.** 1. If a person is convicted of an offense listed in
34 subsection 4 of NRS 176.0913, regardless of the date upon which
35 the conviction is entered, and the person has not previously
36 submitted a biological specimen:

37 (a) The Department of Corrections shall arrange for a biological
38 specimen to be obtained before the person is released from custody,
39 if the person is in the custody of the Department of Corrections.

40 (b) The Division of Parole and Probation of the Department of
41 Public Safety shall arrange for a biological specimen to be obtained
42 from the person, if the person is located in this State but is not in the
43 custody of the Department of Corrections.

44 2. For the purposes of NRS 176.0911 to 176.0917, inclusive, as
45 amended by this act, a biological specimen obtained pursuant to this



1 section shall be deemed to be a biological specimen obtained
2 pursuant to NRS 176.0913, must be treated as a biological specimen
3 obtained pursuant to NRS 176.0913 and is subject to the provisions
4 of NRS 176.0913 as if the biological specimen were obtained
5 pursuant to NRS 176.0913.

6 **Sec. 34.** 1. Except as otherwise provided in subsection 2, the
7 amendatory provisions of this act apply to a person who is arrested
8 on or after July 1, 2014.

9 2. The provisions of:

10 (a) Section 15 of this act apply to a person who pleads guilty, is
11 found guilty or enters a plea of nolo contendere to a misdemeanor,
12 gross misdemeanor or felony, including the violation of any
13 municipal ordinance, on or after July 1, 2013.

14 (b) Section 33 of this act apply to a person who is convicted of
15 an offense listed in subsection 4 of NRS 176.0913 before, on or
16 after July 1, 2014.

17 **Sec. 35.** This act becomes effective on July 1, 2013.

