

ASSEMBLY BILL NO. 307—ASSEMBLYMEN FLORES, FUMO, TORRES,
NGUYEN; ASSEFA, BENITEZ-THOMPSON, DURAN, JAUREGUI
AND PETERS

MARCH 18, 2019

Referred to Committee on Judiciary

SUMMARY—Creates the Nevada Database of Gangs.
(BDR 14-897)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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

AN ACT relating to criminal gangs; creating the Nevada Database of Gangs; establishing provisions regarding the contents, use and operation of the Nevada Database of Gangs; requiring the Director of the Department of Public Safety to adopt regulations relating to the Nevada Database of Gangs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill creates the Nevada Database of Gangs, a statewide database containing information submitted by law enforcement agencies about the members of criminal gangs in Nevada.

Section 8 of this bill sets forth a statement of legislative findings and declarations about the establishment of a statewide database regarding criminal gangs. **Section 9** of this bill: (1) creates the Nevada Database of Gangs within the Central Repository for Nevada Records for Criminal History, which may be known and cited as NDOG; (2) requires the Central Repository to establish and maintain NDOG for the purpose of assisting law enforcement agencies and prosecutors in investigating and prosecuting crimes committed by members of a criminal gang; and (3) requires the Director of the Department of Public Safety to adopt regulations relating to NDOG.

Section 10 of this bill provides that information contained in NDOG is: (1) confidential; (2) not a public record and not available to the general public; and (3) available only to federal, state and local law enforcement agencies and prosecutors carrying out official duties. **Section 11** of this bill requires each law enforcement agency or prosecutor using NDOG to: (1) identify a system administrator who is responsible for auditing the use of NDOG; and (2) ensure that any user of NDOG receives training on its use before being granted access to NDOG. **Section 12** of



this bill provides that the Director, the Central Repository and its officers and employees, a law enforcement agency and its officer and employees, and an office of a prosecutor and its officers and employees are immune from civil liability for an act or omission relating to information submitted, obtained, maintained or disclosed pursuant to this bill.

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

Section 1. Title 14 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Central Repository” means the Central Repository for Nevada Records of Criminal History.*

Sec. 4. *“Criminal gang” means any combination of persons, organized formally or informally, so constructed that the organization will continue its operation even if individual members enter or leave the organization, which:*

1. Has a common name or identifying symbol;

2. Has particular conduct, status and customs indicative of it; and

3. Has as one of its common activities engaging in criminal activity punishable as a felony.

Sec. 5. *“Director” means the Director of the Department of Public Safety.*

Sec. 6. *“NDOG” means the Nevada Database of Gangs created pursuant to section 9 of this act.*

Sec. 7. *“Prosecutor” has the meaning ascribed to it in NRS 241A.030.*

Sec. 8. *The Legislature hereby finds and declares that:*

1. The proliferation of criminal gangs and crimes committed by criminal gangs is a matter of statewide concern that affects both urban and rural areas of this State.

2. Local law enforcement agencies bear primary responsibility for combatting crimes committed by criminal gangs, and this responsibility has placed a burden on the existing resources of local law enforcement agencies throughout this State. Therefore, the State of Nevada has an obligation to make additional support available to local law enforcement agencies and prosecutors by increasing assistance in the investigation and prosecution of crimes committed by criminal gangs and enhancing



1 *the ability to collect, analyze and disseminate information on the*
2 *activities and membership of criminal gangs.*

3 3. *To help in containing the spread of crimes committed by*
4 *criminal gangs, the development of a computerized statewide*
5 *database will improve the amount, quality and consistency of data*
6 *available to law enforcement agencies about the activities and*
7 *membership of criminal gangs.*

8 **Sec. 9.** 1. *There is hereby created within the Central*
9 *Repository the Nevada Database of Gangs, which may be known*
10 *and cited as NDOG.*

11 2. *The Central Repository shall establish and maintain*
12 *NDOG for the purpose of assisting law enforcement agencies and*
13 *prosecutors in this State in investigating and prosecuting criminal*
14 *activity by members of a criminal gang.*

15 3. *The Director shall adopt regulations that:*

16 (a) *Set forth policies, procedures and criteria for a law*
17 *enforcement agency to follow for submitting names of persons*
18 *believed to be members of a criminal gang and information*
19 *regarding those persons for inclusion in NDOG.*

20 (b) *Establish a process for a person whose name and*
21 *information are submitted for inclusion in NDOG to receive:*

22 (1) *Notice of the submission of his or her name and*
23 *information for inclusion in NDOG; and*

24 (2) *If the person wishes to challenge the inclusion of his or*
25 *her name and information in NDOG, an opportunity to be heard*
26 *and to dispute the inclusion of his or her name and information in*
27 *NDOG.*

28 (c) *Ensure that NDOG is operated in accordance with all*
29 *applicable federal regulations governing state law enforcement*
30 *databases that are shared with other law enforcement agencies,*
31 *including, without limitation, provisions relating to auditing and*
32 *access to the data.*

33 **Sec. 10.** *All information contained in NDOG is:*

34 1. *Confidential;*

35 2. *Not a public record and not available to the general public;*
36 *and*

37 3. *Available only to federal, state and local law enforcement*
38 *agencies and prosecutors for carrying out official duties.*

39 **Sec. 11.** *Each law enforcement agency or prosecutor using*
40 *NDOG shall:*

41 1. *Identify a system administrator who is responsible for*
42 *annually auditing the use of NDOG within his or her respective*
43 *agency or office to ensure compliance with policies established for*
44 *the use of the database; and*



2. *Ensure that any user of NDOG receives training on the use of NDOG before being granted access to NDOG.*

Sec. 12. *The Director, the Central Repository and its officers and employees, a law enforcement agency and its officers and employees, and an office of a prosecutor and its officers and employees are immune from criminal or civil liability for an act or omission relating to information submitted, obtained, maintained or disclosed pursuant to the provisions of this chapter, including, without limitation, an act or omission relating to:*

1. *The inclusion of or failure to include in NDOG the name or other information pertaining to a specific person;*

2. *The accuracy of information in NDOG; or*

3. *The disclosure of or the failure to disclose information in NDOG.*

Sec. 13. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247,



1 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180,
2 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495,
3 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259,
4 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035,
5 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315,
6 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698,
7 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535,
8 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484,
9 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350,
10 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175,
11 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902,
12 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170,
13 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735,
14 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140,
15 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050,
16 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,
17 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940,
18 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363,
19 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452,
20 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964,
21 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710,
22 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341,
23 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327,
24 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047,
25 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368,
26 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055,
27 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087,
28 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730,
29 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190,
30 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170,
31 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870,
32 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092,
33 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375,
34 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033,
35 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115,
36 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450,
37 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122,
38 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270,
39 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077,
40 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010,
41 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190,
42 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420,
43 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320,
44 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 10*
45 *of this act*, sections 35, 38 and 41 of chapter 478, Statutes of



1 Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013
2 and unless otherwise declared by law to be confidential, all public
3 books and public records of a governmental entity must be open at
4 all times during office hours to inspection by any person, and may
5 be fully copied or an abstract or memorandum may be prepared
6 from those public books and public records. Any such copies,
7 abstracts or memoranda may be used to supply the general public
8 with copies, abstracts or memoranda of the records or may be used
9 in any other way to the advantage of the governmental entity or of
10 the general public. This section does not supersede or in any manner
11 affect the federal laws governing copyrights or enlarge, diminish or
12 affect in any other manner the rights of a person in any written book
13 or record which is copyrighted pursuant to federal law.

14 2. A governmental entity may not reject a book or record
15 which is copyrighted solely because it is copyrighted.

16 3. A governmental entity that has legal custody or control of a
17 public book or record shall not deny a request made pursuant to
18 subsection 1 to inspect or copy or receive a copy of a public book or
19 record on the basis that the requested public book or record contains
20 information that is confidential if the governmental entity can
21 redact, delete, conceal or separate the confidential information from
22 the information included in the public book or record that is not
23 otherwise confidential.

24 4. A person may request a copy of a public record in any
25 medium in which the public record is readily available. An officer,
26 employee or agent of a governmental entity who has legal custody
27 or control of a public record:

28 (a) Shall not refuse to provide a copy of that public record in a
29 readily available medium because the officer, employee or agent has
30 already prepared or would prefer to provide the copy in a different
31 medium.

32 (b) Except as otherwise provided in NRS 239.030, shall, upon
33 request, prepare the copy of the public record and shall not require
34 the person who has requested the copy to prepare the copy himself
35 or herself.

36 **Sec. 14.** This act becomes effective on July 1, 2019.



