

Amendment No. 218

Senate Amendment to Senate Bill No. 240 (BDR 14-955)

Proposed by: Senator Spearman

Amendment Box: Consistent with Amendment No. 209.

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION		Initial and Date		SENATE ACTION		Initial and Date			
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of **green bold underlining** is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) **orange double underlining** is deleted language in the original bill proposed to be retained in this amendment.



SENATE BILL NO. 240—SENATORS ROBERSON, HARDY, BROWER, LIPPARELLI, FARLEY; GUSTAVSON, HAMMOND, HARRIS, KIECKHEFER AND SETTELMAYER

MARCH 10, 2015

JOINT SPONSORS: ASSEMBLYMEN WHEELER,
DICKMAN AND PAUL ANDERSON

Referred to Committee on Judiciary

SUMMARY—Makes certain changes relating to public safety. (BDR 14-955)

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 public safety; requiring a court to transmit within 5 business days certain records of adjudication concerning a person's mental health to the Central Repository for Nevada Records of Criminal History for certain purposes relating to the purchase or possession of a firearm; authorizing the inclusion, correction and removal of the information in such records in each appropriate database of the National Crime Information Center; requiring each agency of criminal justice to submit information relating to records of criminal history within 60 days after the date of the conviction; requiring the Central Repository, upon request, to conduct a background check without charge on a person who wishes to acquire a firearm; prohibiting certain persons from having possession, custody or control of a firearm; prohibiting certain persons from selling a firearm under certain circumstances; revising the functions of the Department of Health and Human Services; requiring a mental health professional to notify certain persons when a patient makes certain explicit threats of imminent serious physical harm or death; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires a court to transmit to the Central Repository for Nevada Records of
2 Criminal History a record of any court order, judgment, plea or verdict concerning the
3 involuntary admission of a person to a mental health facility, the appointment of a guardian
4 for a person with a mental defect, a finding that a person is incompetent to stand trial, a
5 verdict acquitting a defendant by reason of insanity or a plea or finding of guilty but mentally
6 ill, along with a statement that the record is being transmitted for inclusion in all appropriate

7 databases of the National Instant Criminal Background Check System. (NRS 159.0593,
8 174.035, 175.533, 175.539, 178.425, 433A.310) **Sections 1-4, 13 and 17** of this bill require
9 such records to be transmitted to the Central Repository within 5 business days.

10 Existing law requires the inclusion, correction and removal of information in records of
11 criminal history in each appropriate database of the National Instant Criminal Background
12 Check System. (NRS 179A.163, 179A.165, 179A.167, 433A.310) **Sections 8-10 and 17** of
13 this bill also authorize or require, as appropriate, the inclusion, correction and removal of
14 such information in each appropriate database of the National Crime Information Center. **Section 5**
15 of this bill defines "National Crime Information Center" to mean the computerized
16 information system created and maintained by the Federal Bureau of Investigation pursuant to
17 28 U.S.C. § 534.

18 Existing law requires each agency of criminal justice to submit information relating to
19 records of criminal history within the period described by the Director of the Department of
20 Public Safety. (NRS 179A.075) **Section 7** of this bill requires the submission of such
21 information within 60 days after the date of the conviction.

22 Existing law authorizes a private person who wishes to transfer a firearm to another
23 person to request the Central Repository to perform a background check on the person who
24 wishes to acquire the firearm. (NRS 202.254) **Section 14** of this bill prohibits the Central
25 Repository from charging a fee to perform a background check for such a transfer. **Section 14**
26 further provides immunity from civil and criminal liability to a person who does not request a
27 background check or who requests a background check for any act or omission that was taken
28 in good faith and without malicious intent. Finally, **section 14** allows the Director of the
29 Department of Public Safety to request an allocation from the Contingency Account in the
30 State General Fund if necessary to cover the cost of providing background checks without the
31 imposition of a fee.

32 Existing law prohibits a person who has been adjudicated as mentally ill, has been
33 committed to any mental health facility or is illegally or unlawfully in the United States from
34 possessing or having custody or control of a firearm. (NRS 202.360) **Section 15** of this bill
35 also prohibits a person who has entered a plea of guilty but mentally ill, has been found guilty
36 but mentally ill, ~~has~~ been acquitted by reason of insanity or has been convicted of
37 stalking pursuant to Nevada law or a substantially similar law of any other state from
38 possessing or having custody or control of a firearm.

39 Existing law prohibits a person from selling or otherwise disposing of any firearm or
40 ammunition to another person if he or she has actual knowledge that the other person: (1) is
41 under indictment for, or has been convicted of, a felony; (2) is a fugitive from justice; (3) has
42 been adjudicated as mentally ill or has been committed to a mental health facility; or (4) is
43 illegally or unlawfully in the United States. (NRS 202.362) **Section 16** of this bill prohibits a
44 person from selling, transferring or otherwise disposing of any firearm or ammunition to
45 another person or purchasing a firearm on behalf of or for another person with the intent to
46 transfer the firearm to that person if he or she has reasonable cause to believe that the other
47 person meets any of those listed conditions, if the other person is otherwise prohibited from
48 possessing a firearm or if the other person is a member of a criminal gang.

49 Existing law provides that a patient has a privilege to refuse to disclose and to prevent
50 any other person from disclosing confidential communications between the patient and the
51 patient's psychologist or doctor. (NRS 49.209, 49.225) **Sections 11 and 12** of this bill provide
52 exceptions to the privilege for certain determinations which are now required pursuant to this
53 bill.

54 Existing law: (1) designates the Department of Health and Human Services as the official
55 state agency for developing and administering outpatient mental health services; and (2)
56 requires the Department to perform certain functions relating to mental health. (NRS
57 433C.130) **Section 18** of this bill requires the Department to also assist and consult with local
58 governments and all local law enforcement agencies in this State in providing community
59 mental health services.

60 Existing law imposes various requirements and duties on certain health care
61 professionals. (Chapter 629 of NRS) **Section 19** of this bill provides that if a patient of a
62 mental health professional makes an explicit threat of imminent serious physical harm or
63 death to a person, and the mental health professional believes the patient has the intent and
64 ability to carry out the threat, the mental health professional must notify the threatened person
65 and the appropriate law enforcement agency. A mental health professional who exercises

66 reasonable care in determining whether or not to provide notice of such a threat is not subject
67 to civil or criminal liability or disciplinary action by a professional licensing board for
68 disclosing confidential or privileged information or for any damages caused by the actions of
69 a patient.

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

1 **Section 1.** NRS 174.035 is hereby amended to read as follows:

2 174.035 1. A defendant may plead not guilty, guilty, guilty but mentally ill
3 or, with the consent of the court, nolo contendere. The court may refuse to accept a
4 plea of guilty or guilty but mentally ill.

5 2. If a plea of guilty or guilty but mentally ill is made in a written plea
6 agreement, the agreement must be in substantially the form prescribed in NRS
7 174.063. If a plea of guilty or guilty but mentally ill is made orally, the court shall
8 not accept such a plea or a plea of nolo contendere without first addressing the
9 defendant personally and determining that the plea is made voluntarily with
10 understanding of the nature of the charge and consequences of the plea.

11 3. With the consent of the court and the district attorney, a defendant may
12 enter a conditional plea of guilty, guilty but mentally ill or nolo contendere,
13 reserving in writing the right, on appeal from the judgment, to a review of the
14 adverse determination of any specified pretrial motion. A defendant who prevails
15 on appeal must be allowed to withdraw the plea.

16 4. A plea of guilty but mentally ill must be entered not less than 21 days
17 before the date set for trial. A defendant who has entered a plea of guilty but
18 mentally ill has the burden of establishing the defendant's mental illness by a
19 preponderance of the evidence. Except as otherwise provided by specific statute, a
20 defendant who enters such a plea is subject to the same criminal, civil and
21 administrative penalties and procedures as a defendant who pleads guilty.

22 5. The defendant may, in the alternative or in addition to any one of the pleas
23 permitted by subsection 1, plead not guilty by reason of insanity. A plea of not
24 guilty by reason of insanity must be entered not less than 21 days before the date set
25 for trial. A defendant who has not so pleaded may offer the defense of insanity
26 during trial upon good cause shown. Under such a plea or defense, the burden of
27 proof is upon the defendant to establish by a preponderance of the evidence that:

28 (a) Due to a disease or defect of the mind, the defendant was in a delusional
29 state at the time of the alleged offense; and

30 (b) Due to the delusional state, the defendant either did not:

31 (1) Know or understand the nature and capacity of his or her act; or

32 (2) Appreciate that his or her conduct was wrong, meaning not authorized
33 by law.

34 6. If a defendant refuses to plead or if the court refuses to accept a plea of
35 guilty or guilty but mentally ill or if a defendant corporation fails to appear, the
36 court shall enter a plea of not guilty.

37 7. A defendant may not enter a plea of guilty or guilty but mentally ill
38 pursuant to a plea bargain for an offense punishable as a felony for which:

39 (a) Probation is not allowed; or

40 (b) The maximum prison sentence is more than 10 years,

41 ↳ unless the plea bargain is set forth in writing and signed by the defendant, the
42 defendant's attorney, if the defendant is represented by counsel, and the prosecuting
43 attorney.

1 8. If the court accepts a plea of guilty but mentally ill pursuant to this section,
2 the court shall cause, *within 5 business days after acceptance of the plea*, on a
3 form prescribed by the Department of Public Safety, a record of that plea to be
4 transmitted to the Central Repository for Nevada Records of Criminal History
5 along with a statement indicating that the record is being transmitted for inclusion
6 in each appropriate database of the National Instant Criminal Background Check
7 System.

8 9. As used in this section:

9 (a) "Disease or defect of the mind" does not include a disease or defect which
10 is caused solely by voluntary intoxication.

11 (b) "National Instant Criminal Background Check System" has the meaning
12 ascribed to it in NRS 179A.062.

13 **Sec. 2.** NRS 175.533 is hereby amended to read as follows:

14 175.533 1. During a trial, upon a plea of not guilty by reason of insanity, the
15 trier of fact may find the defendant guilty but mentally ill if the trier of fact finds all
16 of the following:

17 (a) The defendant is guilty beyond a reasonable doubt of an offense;

18 (b) The defendant has established by a preponderance of the evidence that due
19 to a disease or defect of the mind, the defendant was mentally ill at the time of the
20 commission of the offense; and

21 (c) The defendant has not established by a preponderance of the evidence that
22 the defendant is not guilty by reason of insanity pursuant to subsection 5 of NRS
23 174.035.

24 2. Except as otherwise provided by specific statute, a defendant who is found
25 guilty but mentally ill is subject to the same criminal, civil and administrative
26 penalties and procedures as a defendant who is found guilty.

27 3. If the trier of fact finds a defendant guilty but mentally ill pursuant to
28 subsection 1, the court shall cause, *within 5 business days after the finding*, on a
29 form prescribed by the Department of Public Safety, a record of the finding to be
30 transmitted to the Central Repository for Nevada Records of Criminal History,
31 along with a statement indicating that the record is being transmitted for inclusion
32 in each appropriate database of the National Instant Criminal Background Check
33 System.

34 4. As used in this section:

35 (a) "Disease or defect of the mind" does not include a disease or defect which
36 is caused solely by voluntary intoxication.

37 (b) "National Instant Criminal Background Check System" has the meaning
38 ascribed to it in NRS 179A.062.

39 **Sec. 3.** NRS 175.539 is hereby amended to read as follows:

40 175.539 1. Where on a trial a defense of insanity is interposed by the
41 defendant and the defendant is acquitted by reason of that defense, the finding of
42 the jury pending the judicial determination pursuant to subsection 2 has the same
43 effect as if the defendant were regularly adjudged insane, and the judge must:

44 (a) Order a peace officer to take the person into protective custody and
45 transport the person to a forensic facility for detention pending a hearing to
46 determine the person's mental health;

47 (b) Order the examination of the person by two psychiatrists, two
48 psychologists, or one psychiatrist and one psychologist who are employed by a
49 division facility; and

50 (c) At a hearing in open court, receive the report of the examining advisers and
51 allow counsel for the State and for the person to examine the advisers, introduce
52 other evidence and cross-examine witnesses.

53 2. If the court finds, after the hearing:

1 (a) That there is not clear and convincing evidence that the person is a person
2 with mental illness, the court must order the person's discharge; or

3 (b) That there is clear and convincing evidence that the person is a person with
4 mental illness, the court must order that the person be committed to the custody of
5 the Administrator of the Division of Public and Behavioral Health of the
6 Department of Health and Human Services until the person is discharged or
7 conditionally released therefrom in accordance with NRS 178.467 to 178.471,
8 inclusive.

9 ☞ The court shall issue its finding within 90 days after the defendant is acquitted.

10 3. The Administrator shall make the reports and the court shall proceed in the
11 manner provided in NRS 178.467 to 178.471, inclusive.

12 4. If the court accepts a verdict acquitting a defendant by reason of insanity
13 pursuant to this section, the court shall cause, *within 5 business days after*
14 *accepting the verdict*, on a form prescribed by the Department of Public Safety, a
15 record of that verdict to be transmitted to the Central Repository for Nevada
16 Records of Criminal History, along with a statement indicating that the record is
17 being transmitted for inclusion in each appropriate database of the National Instant
18 Criminal Background Check System.

19 5. As used in this section, unless the context otherwise requires:

20 (a) "Division facility" has the meaning ascribed to it in NRS 433.094.

21 (b) "Forensic facility" means a secure facility of the Division of Public and
22 Behavioral Health of the Department of Health and Human Services for offenders
23 and defendants with mental disorders. The term includes, without limitation, Lakes
24 Crossing Center.

25 (c) "National Instant Criminal Background Check System" has the meaning
26 ascribed to it in NRS 179A.062.

27 (d) "Person with mental illness" has the meaning ascribed to it in NRS
28 178.3986.

29 **Sec. 4.** NRS 178.425 is hereby amended to read as follows:

30 178.425 1. If the court finds the defendant incompetent, and dangerous to
31 himself or herself or to society and that commitment is required for a determination
32 of the defendant's ability to receive treatment to competency and to attain
33 competence, the judge shall order the sheriff to convey the defendant forthwith,
34 together with a copy of the complaint, the commitment and the physicians'
35 certificate, if any, into the custody of the Administrator or the Administrator's
36 designee for detention and treatment at a division facility that is secure. The order
37 may include the involuntary administration of medication if appropriate for
38 treatment to competency.

39 2. The defendant must be held in such custody until a court orders the
40 defendant's release or until the defendant is returned for trial or judgment as
41 provided in NRS 178.450, 178.455 and 178.460.

42 3. If the court finds the defendant incompetent but not dangerous to himself or
43 himself or to society, and finds that commitment is not required for a determination
44 of the defendant's ability to receive treatment to competency and to attain
45 competence, the judge shall order the defendant to report to the Administrator or
46 the Administrator's designee as an outpatient for treatment, if it might be beneficial,
47 and for a determination of the defendant's ability to receive treatment to
48 competency and to attain competence. The court may require the defendant to give
49 bail for any periodic appearances before the Administrator or the Administrator's
50 designee.

51 4. Except as otherwise provided in subsection 5, proceedings against the
52 defendant must be suspended until the Administrator or the Administrator's
53 designee or, if the defendant is charged with a misdemeanor, the judge finds the

1 defendant capable of standing trial or opposing pronouncement of judgment as
2 provided in NRS 178.400.

3 5. Whenever the defendant has been found incompetent, with no substantial
4 probability of attaining competency in the foreseeable future, and released from
5 custody or from obligations as an outpatient pursuant to paragraph (d) of subsection
6 4 of NRS 178.460, the proceedings against the defendant which were suspended
7 must be dismissed. No new charge arising out of the same circumstances may be
8 brought after a period, equal to the maximum time allowed by law for commencing
9 a criminal action for the crime with which the defendant was charged, has lapsed
10 since the date of the alleged offense.

11 6. If a defendant is found incompetent pursuant to this section, the court shall
12 cause, *within 5 business days after the finding*, on a form prescribed by the
13 Department of Public Safety, a record of that finding to be transmitted to the
14 Central Repository for Nevada Records of Criminal History, along with a statement
15 indicating that the record is being transmitted for inclusion in each appropriate
16 database of the National Instant Criminal Background Check System.

17 7. As used in this section, "National Instant Criminal Background Check
18 System" has the meaning ascribed to it in NRS 179A.062.

19 **Sec. 5.** Chapter 179A of NRS is hereby amended by adding thereto a new
20 section to read as follows:

21 *"National Crime Information Center" means the computerized information*
22 *system created and maintained by the Federal Bureau of Investigation pursuant*
23 *to 28 U.S.C. § 534.*

24 **Sec. 6.** NRS 179A.010 is hereby amended to read as follows:

25 179A.010 As used in this chapter, unless the context otherwise requires, the
26 words and terms defined in NRS 179A.020 to 179A.073, inclusive, *and section 5*
27 *of this act* have the meanings ascribed to them in those sections.

28 **Sec. 7.** NRS 179A.075 is hereby amended to read as follows:

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

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

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

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

37 3. Each agency of criminal justice shall submit the information relating to
38 records of criminal history that it creates, ~~it~~ issues ~~it~~ or collects, and any
39 information in its possession relating to the DNA profile of a person from whom a
40 biological specimen is obtained pursuant to NRS 176.09123 or 176.0913, to the
41 Division. The information must be submitted to the Division:

42 (a) Through an electronic network;

43 (b) On a medium of magnetic storage; or

44 (c) In the manner prescribed by the Director of the Department,

45 ~~within the period prescribed by the Director of the Department.~~ *60 days after*
46 *the date of the disposition of the case.* If an agency has submitted a record
47 regarding the arrest of a person who is later determined by the agency not to be
48 the person who committed the particular crime, the agency shall, immediately upon
49 making that determination, so notify the Division. The Division shall delete all
50 references in the Central Repository relating to that particular arrest.

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

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

1 (1) Records of criminal history; and
2 (2) The DNA profile of a person from whom a biological specimen is
3 obtained pursuant to NRS 176.09123 or 176.0913.

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

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

9 (d) Upon request, provide, in paper or electronic form, the information that is
10 contained in the Central Repository to a multidisciplinary team to review the death
11 of the victim of a crime that constitutes domestic violence organized or sponsored
12 by the Attorney General pursuant to NRS 228.495.

13 5. The Division may:

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

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

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

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

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

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

31 (4) For whom such information is required to be obtained pursuant to NRS
32 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.123
33 and 449.4329; or

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

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

42 6. The Central Repository shall:

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

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

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

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

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

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

1 (3) Is employed by a county school district, charter school or private
2 school,
3 and notify the superintendent of each county school district, the governing body
4 of each charter school and the Superintendent of Public Instruction, or the
5 administrator of each private school, as appropriate, if the investigation of the
6 Central Repository indicates that the person has been convicted of a violation of
7 NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or
8 any offense involving moral turpitude.

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

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

14 (2) Employed by a county school district, charter school or private school
15 whose fingerprints were sent previously to the Central Repository for investigation,
16 and who the Central Repository's records indicate have been convicted of a violation
17 of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony
18 or any offense involving moral turpitude since the Central Repository's initial
19 investigation. The superintendent of each county school district, the governing body
20 of a charter school or the administrator of each private school, as applicable, shall
21 determine whether further investigation or action by the district, charter school or
22 private school, as applicable, is appropriate.

23 (f) Investigate the criminal history of each person who submits fingerprints or
24 has fingerprints submitted pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031,
25 432A.170, 432B.198, 433B.183, 449.122, 449.123 or 449.4329.

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

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

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

39 7. The Central Repository may:

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

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

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

53 8. As used in this section:

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

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

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

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

8 **Sec. 8.** NRS 179A.163 is hereby amended to read as follows:

9 179A.163 1. Upon receiving a record transmitted pursuant to NRS
10 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310, the Central Repository
11 ~~shall~~:

12 (a) *Shall* take reasonable steps to ensure that the information reported in the
13 record is included in each appropriate database of the National Instant Criminal
14 Background Check System ~~H~~; and

15 (b) *May take reasonable steps to ensure that the information reported in the*
16 *record is included in each appropriate database of the National Crime*
17 *Information Center.*

18 2. Except as otherwise provided in subsection 3, if the Central Repository
19 receives a record described in subsection 1, the person who is the subject of the
20 record may petition the court for an order declaring that:

21 (a) The basis for the adjudication reported in the record no longer exists;

22 (b) The adjudication reported in the record is deemed not to have occurred for
23 purposes of 18 U.S.C. § 922(d)(4) and (g)(4) and NRS 202.360; and

24 (c) The information reported in the record must be removed from the National
25 Instant Criminal Background Check System ~~H~~ and the *National Crime*
26 *Information Center.*

27 3. To the extent authorized by federal law, if the record concerning the
28 petitioner was transmitted to the Central Repository pursuant to NRS 159.0593,
29 174.035, 175.533, 175.539, 178.425 or 433A.310, the petitioner may not file a
30 petition pursuant to subsection 2 until 3 years after the date of the order transmitting
31 the record to the Central Repository.

32 4. A petition filed pursuant to subsection 2 must be:

33 (a) Filed in the court which made the adjudication or finding pursuant to NRS
34 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310; and

35 (b) Served upon the district attorney for the county in which the court
36 described in paragraph (a) is located.

37 5. The Nevada Rules of Civil Procedure govern all proceedings concerning a
38 petition filed pursuant to subsection 2.

39 6. The court shall grant the petition and issue the order described in
40 subsection 2 if the court finds that the petitioner has established that:

41 (a) The basis for the adjudication or finding made pursuant to NRS 159.0593,
42 174.035, 175.533, 175.539, 178.425 or 433A.310 concerning the petitioner no
43 longer exists;

44 (b) The petitioner's record and reputation indicate that the petitioner is not
45 likely to act in a manner dangerous to public safety; and

46 (c) Granting the relief requested by the petitioner pursuant to subsection 2 is
47 not contrary to the public interest.

48 7. Except as otherwise provided in this subsection, the petitioner must
49 establish the provisions of subsection 6 by a preponderance of the evidence. If the
50 adjudication or finding concerning the petitioner was made pursuant to NRS
51 159.0593 or 433A.310, the petitioner must establish the provisions of subsection 6
52 by clear and convincing evidence.

1 8. The court, upon entering an order pursuant to this section, shall cause, on a
2 form prescribed by the Department of Public Safety, a record of the order to be
3 transmitted to the Central Repository.

4 9. Within 5 business days after receiving a record of an order transmitted
5 pursuant to subsection 8, the Central Repository shall take reasonable steps to
6 ensure that information concerning the adjudication or finding made pursuant to
7 NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310 is removed from
8 the National Instant Criminal Background Check System **† and the National**
9 ***Crime Information Center, if applicable.***

10 10. If the Central Repository fails to remove a record as provided in
11 subsection 9, the petitioner may bring an action to compel the removal of the
12 record. If the petitioner prevails in the action, the court may award the petitioner
13 reasonable attorney's fees and costs incurred in bringing the action.

14 11. If a petition brought pursuant to subsection 2 is denied, the person who is
15 the subject of the record may petition for a rehearing not sooner than 2 years after
16 the date of the denial of the petition.

17 **Sec. 9.** NRS 179A.165 is hereby amended to read as follows:

18 179A.165 1. Any record described in NRS 179A.163 is confidential and is
19 not a public book or record within the meaning of NRS 239.010. A person may not
20 use the record for any purpose other than for ***a purpose related to criminal justice,***
21 ***including, without limitation,*** inclusion in the appropriate database of the National
22 Instant Criminal Background Check System **† and the National Crime**
23 ***Information Center, if applicable. The Central Repository may disclose the record***
24 ***to any agency of criminal justice.***

25 2. If a person or governmental entity is required to transmit, report or take any
26 other action concerning a record pursuant to NRS 159.0593, 174.035, 175.533,
27 175.539, 178.425, 179A.163 or 433A.310, no action for damages may be brought
28 against the person or governmental entity for:

29 (a) Transmitting or reporting the record or taking any other required action
30 concerning the record;

31 (b) Failing to transmit or report the record or failing to take any other required
32 action concerning the record;

33 (c) Delaying the transmission or reporting of the record or delaying in taking
34 any other required action concerning the record; or

35 (d) Transmitting or reporting an inaccurate or incomplete version of the record
36 or taking any other required action concerning an inaccurate or incomplete version
37 of the record.

38 **Sec. 10.** NRS 179A.167 is hereby amended to read as follows:

39 179A.167 1. The Central Repository shall permit a person who is or
40 believes he or she may be the subject of information relating to records of mental
41 health held by the Central Repository to inspect and correct any information
42 contained in such records.

43 2. The Central Repository shall adopt regulations and make available
44 necessary forms to permit inspection, review and correction of information relating
45 to records of mental health by those persons who are the subjects thereof. The
46 regulations must specify:

47 (a) The requirements for proper identification of the persons seeking access to
48 the records; and

49 (b) The reasonable charges or fees, if any, for inspecting records.

50 3. The Director of the Department shall adopt regulations governing:

51 (a) All challenges to the accuracy or sufficiency of information or records of
52 mental health by the person who is the subject of the allegedly inaccurate or
53 insufficient record;

1 (b) The correction of any information relating to records of mental health
2 found by the Director to be inaccurate, insufficient or incomplete in any material
3 respect;

4 (c) The dissemination of corrected information to those persons or agencies
5 which have previously received inaccurate or incomplete information; and

6 (d) A reasonable time limit within which inaccurate or insufficient information
7 relating to records of mental health must be corrected and the corrected information
8 disseminated.

9 4. As used in this section, "information relating to records of mental health"
10 means information contained in a record:

11 (a) Transmitted to the Central Repository pursuant to NRS 159.0593, 174.035,
12 175.533, 175.539, 178.425 or 433A.310; or

13 (b) Transmitted to the National Instant Criminal Background Check System *or*
14 *the National Crime Information Center* pursuant to NRS 179A.163.

15 **Sec. 11.** NRS 49.213 is hereby amended to read as follows:

16 49.213 There is no privilege pursuant to NRS 49.209 or 49.211:

17 1. For communications relevant to an issue in a proceeding to hospitalize the
18 patient for mental illness, if the psychologist in the course of diagnosis or treatment
19 has determined that the patient requires hospitalization.

20 2. For communications relevant to *any determination made pursuant to NRS*
21 *202.360.*

22 3. *For communications relevant to* an issue of the treatment of the patient in
23 any proceeding in which the treatment is an element of a claim or defense.

24 ~~3+~~ 4. If disclosure is otherwise required by state or federal law.

25 ~~4+~~ 5. For communications relevant to an issue in a proceeding to determine
26 the validity of a will of the patient.

27 ~~5+~~ 6. If there is an immediate threat that the patient will harm himself or
28 himself or other persons.

29 ~~6+~~ 7. For communications made in the course of a court-ordered
30 examination of the condition of a patient with respect to the specific purpose of the
31 examination unless the court orders otherwise.

32 ~~7+~~ 8. For communications relevant to an issue in an investigation or hearing
33 conducted by the Board of Psychological Examiners if the treatment of the patient
34 is an element of that investigation or hearing.

35 ~~8+~~ 9. For communications relevant to an issue in a proceeding relating to the
36 abuse or neglect of a person with a disability or a person who is legally
37 incompetent.

38 **Sec. 12.** NRS 49.245 is hereby amended to read as follows:

39 49.245 There is no privilege under NRS 49.225 or 49.235:

40 1. For communications relevant to an issue in proceedings to hospitalize the
41 patient for mental illness, if the doctor in the course of diagnosis or treatment has
42 determined that the patient is in need of hospitalization.

43 2. *For communications relevant to any determination made pursuant to*
44 *NRS 202.360.*

45 3. As to communications made in the course of a court-ordered examination
46 of the condition of a patient with respect to the particular purpose of the
47 examination unless the court orders otherwise.

48 ~~3+~~ 4. As to written medical or hospital records relevant to an issue of the
49 condition of the patient in any proceeding in which the condition is an element of a
50 claim or defense.

51 ~~4+~~ 5. In a prosecution or mandamus proceeding under chapter 441A of
52 NRS.

1 ~~5+~~ 6. As to any information communicated to a physician in an effort
2 unlawfully to procure a dangerous drug or controlled substance, or unlawfully to
3 procure the administration of any such drug or substance.

4 ~~6+~~ 7. As to any written medical or hospital records which are furnished in
5 accordance with the provisions of NRS 629.061.

6 ~~7+~~ 8. As to records that are required by chapter 453 of NRS to be
7 maintained.

8 ~~8+~~ 9. If the services of the physician are sought or obtained to enable or aid
9 a person to commit or plan to commit fraud or any other unlawful act in violation of
10 any provision of chapter 616A, 616B, 616C, 616D or 617 of NRS which the person
11 knows or reasonably should know is fraudulent or otherwise unlawful.

12 **Sec. 13.** NRS 159.0593 is hereby amended to read as follows:

13 159.0593 1. If the court orders a general guardian appointed for a proposed
14 ward, the court shall determine, by clear and convincing evidence, whether the
15 proposed ward is a person with a mental defect who is prohibited from possessing a
16 firearm pursuant to 18 U.S.C. § 922(d)(4) or (g)(4). If a court makes a finding
17 pursuant to this section that the proposed ward is a person with a mental defect, the
18 court shall include the finding in the order appointing the guardian and cause ,
19 *within 5 business days after issuing the order,* a record of the order to be
20 transmitted to the Central Repository for Nevada Records of Criminal History,
21 along with a statement indicating that the record is being transmitted for inclusion
22 in each appropriate database of the National Instant Criminal Background Check
23 System.

24 2. As used in this section:

25 (a) "National Instant Criminal Background Check System" has the meaning
26 ascribed to it in NRS 179A.062.

27 (b) "Person with a mental defect" means a person who, as a result of marked
28 subnormal intelligence, mental illness, incompetence, condition or disease, is:

29 (1) A danger to himself or herself or others; or

30 (2) Lacks the capacity to contract or manage his or her own affairs.

31 **Sec. 13.5.** NRS 200.575 is hereby amended to read as follows:

32 200.575 1. A person who, without lawful authority, willfully or maliciously
33 engages in a course of conduct that would cause a reasonable person to feel
34 terrorized, frightened, intimidated, harassed or fearful for the immediate safety of a
35 family or household member, and that actually causes the victim to feel terrorized,
36 frightened, intimidated, harassed or fearful for the immediate safety of a family or
37 household member, commits the crime of stalking. Except where the provisions of
38 subsection 2 or 3 are applicable, a person who commits the crime of stalking:

39 (a) For the first offense, is guilty of a misdemeanor.

40 (b) For any subsequent offense, is guilty of a gross misdemeanor.

41 2. A person who commits the crime of stalking and in conjunction therewith
42 threatens the person with the intent to cause the person to be placed in reasonable
43 fear of death or substantial bodily harm commits the crime of aggravated stalking.
44 A person who commits the crime of aggravated stalking shall be punished for a
45 category B felony by imprisonment in the state prison for a minimum term of not
46 less than 2 years and a maximum term of not more than 15 years, and may be
47 further punished by a fine of not more than \$5,000.

48 3. A person who commits the crime of stalking with the use of an Internet or
49 network site, electronic mail, text messaging or any other similar means of
50 communication to publish, display or distribute information in a manner that
51 substantially increases the risk of harm or violence to the victim shall be punished
52 for a category C felony as provided in NRS 193.130.

1 4. Except as otherwise provided in subsection 2 of NRS 200.571, a criminal
2 penalty provided for in this section may be imposed in addition to any penalty that
3 may be imposed for any other criminal offense arising from the same conduct or for
4 any contempt of court arising from the same conduct.

5 5. *In every judgment of conviction issued pursuant to this section, the court*
6 *shall inform the person convicted that he or she is prohibited from owning,*
7 *possessing or having under his or her control or custody any firearm pursuant to*
8 *NRS 202.360.*

9 6. The penalties provided in this section do not preclude the victim from
10 seeking any other legal remedy available.

11 ~~6.~~ 7. As used in this section:

12 (a) “Course of conduct” means a pattern of conduct which consists of a series
13 of acts over time that evidences a continuity of purpose directed at a specific
14 person.

15 (b) “Family or household member” means a spouse, a former spouse, a parent
16 or other person who is related by blood or marriage or is or was actually residing
17 with the person.

18 (c) “Internet or network site” has the meaning ascribed to it in NRS 205.4744.

19 (d) “Network” has the meaning ascribed to it in NRS 205.4745.

20 (e) “Provider of Internet service” has the meaning ascribed to it in NRS
21 205.4758.

22 (f) “Text messaging” means a communication in the form of electronic text or
23 one or more electronic images sent from a telephone or computer to another
24 person’s telephone or computer by addressing the communication to the recipient’s
25 telephone number.

26 (g) “Without lawful authority” includes acts which are initiated or continued
27 without the victim’s consent. The term does not include acts which are otherwise
28 protected or authorized by constitutional or statutory law, regulation or order of a
29 court of competent jurisdiction, including, but not limited to:

30 (1) Picketing which occurs during a strike, work stoppage or any other
31 labor dispute.

32 (2) The activities of a reporter, photographer, camera operator or other
33 person while gathering information for communication to the public if that person
34 is employed or engaged by or has contracted with a newspaper, periodical, press
35 association or radio or television station and is acting solely within that professional
36 capacity.

37 (3) The activities of a person that are carried out in the normal course of
38 his or her lawful employment.

39 (4) Any activities carried out in the exercise of the constitutionally
40 protected rights of freedom of speech and assembly.

41 **Sec. 14.** NRS 202.254 is hereby amended to read as follows:

42 202.254 1. A private person who wishes to transfer a firearm to another
43 person may, before transferring the firearm, request that the Central Repository for
44 Nevada Records of Criminal History perform a background check on the person
45 who wishes to acquire the firearm.

46 2. The person who requests the information pursuant to subsection 1 shall
47 provide the Central Repository with identifying information about the person who
48 wishes to acquire the firearm.

49 3. Upon receiving a request from a private person pursuant to subsection 1
50 and the identifying information required pursuant to subsection 2, the Central
51 Repository shall within 5 business days after receiving the request:

52 (a) Perform a background check on the person who wishes to acquire the
53 firearm; and

1 (b) Notify the person who requests the information whether the information
2 available to the Central Repository indicates that the receipt of a firearm by the
3 person who wishes to acquire the firearm would violate a state or federal law.

4 4. If the person who requests the information does not receive notification
5 from the Central Repository regarding the request within 5 business days after
6 making the request, the person may presume that the receipt of a firearm by the
7 person who wishes to acquire the firearm would not violate a state or federal law.

8 5. The Central Repository may *not* charge a ~~reasonable~~ fee for performing a
9 background check and notifying a person of the results of the background check
10 pursuant to this section.

11 6. ~~¶The failure of a person to request the Central Repository to perform a~~
12 ~~background check pursuant to this section before transferring a firearm to another~~
13 ~~person does not give rise to any civil cause of action.~~ *A private person who*
14 *transfers a firearm to another person is immune from civil liability for failing to*
15 *request a background check pursuant to this section or for any act or omission*
16 *relating to a background check requested pursuant to this section if the act or*
17 *omission was taken in good faith and without malicious intent.*

18 7. *The Director of the Department of Public Safety may request an*
19 *allocation from the Contingency Account pursuant to NRS 353.266, 353.268 and*
20 *353.269 to cover the costs incurred by the Department to carry out the provisions*
21 *of subsection 5 of this section.*

22 **Sec. 15.** NRS 202.360 is hereby amended to read as follows:

23 202.360 1. A person shall not own or have in his or her possession or under
24 his or her custody or control any firearm if the person:

25 (a) Has been convicted of a felony in this or any other state, or in any political
26 subdivision thereof, or of a felony in violation of the laws of the United States of
27 America, unless the person has received a pardon and the pardon does not restrict
28 his or her right to bear arms;

29 (b) Is a fugitive from justice; ~~or~~

30 (c) Is an unlawful user of, or addicted to, any controlled substance ~~;~~ ~~or~~

31 *(d) Has been convicted of a violation of NRS 200.575 or a substantially*
32 *similar law of any other state; or*

33 *(e) Is otherwise prohibited by federal law from having a firearm in his or her*
34 *possession or under his or her custody or control.*

35 ↪ A person who violates the provisions of this subsection is guilty of a category B
36 felony and shall be punished by imprisonment in the state prison for a minimum
37 term of not less than 1 year and a maximum term of not more than 6 years, and may
38 be further punished by a fine of not more than \$5,000.

39 2. A person shall not own or have in his or her possession or under his or her
40 custody or control any firearm if the person:

41 (a) Has been adjudicated as mentally ill or has been committed to any mental
42 health facility ~~;~~ ~~or~~ *by a court of this State, any other state or the United States;*

43 (b) *Has entered a plea of guilty but mentally ill in a court of this State, any*
44 *other state or the United States;*

45 (c) *Has been found guilty but mentally ill in a court of this State, any other*
46 *state or the United States;*

47 (d) *Has been acquitted by reason of insanity in a court of this State, any*
48 *other state or the United States; or*

49 (e) Is illegally or unlawfully in the United States.

50 ↪ A person who violates the provisions of this subsection is guilty of a category D
51 felony and shall be punished as provided in NRS 193.130.

52 3. As used in this section:

1 (a) “Controlled substance” has the meaning ascribed to it in 21 U.S.C. §
2 802(6).

3 (b) “Firearm” includes any firearm that is loaded or unloaded and operable or
4 inoperable.

5 **Sec. 16.** NRS 202.362 is hereby amended to read as follows:

6 202.362 1. Except as otherwise provided in subsection 3, a person within
7 this State shall not sell, *transfer* or otherwise dispose of any firearm or ammunition
8 to another person *or purchase a firearm on behalf of or for another person with*
9 *the intent to transfer the firearm to that person* if he or she has ~~actual knowledge~~
10 *reasonable cause to believe* that the other person:

11 (a) Is under indictment for, or has been convicted of, a felony in this or any
12 other state, or in any political subdivision thereof, or of a felony in violation of the
13 laws of the United States of America, unless the other person has received a pardon
14 and the pardon does not restrict his or her right to bear arms;

15 (b) Is ~~a fugitive from justice;~~

16 ~~(c) Has been adjudicated as mentally ill or has been committed to any mental~~
17 ~~health facility; or~~

18 ~~(d) Is illegally or unlawfully in the United States.} prohibited from possessing~~
19 *a firearm pursuant to NRS 202.360; or*

20 *(c) Is a known member of a criminal gang as defined in NRS 193.168.*

21 2. A person who violates the provisions of subsection 1 is guilty of a category
22 B felony and shall be punished by imprisonment in the state prison for a minimum
23 term of not less than 1 year and a maximum term of not more than 10 years, and
24 may be further punished by a fine of not more than \$10,000.

25 3. This section does not apply to a person who sells or disposes of any firearm
26 or ammunition to:

27 (a) A licensed importer, licensed manufacturer, licensed dealer or licensed
28 collector who, pursuant to 18 U.S.C. § 925(b), is not precluded from dealing in
29 firearms or ammunition; or

30 (b) A person who has been granted relief from the disabilities imposed by
31 federal laws pursuant to 18 U.S.C. § 925(c) or NRS 179A.163.

32 *4. For purposes of this section, a person has “reasonable cause to believe”*
33 *if, in light of all the surrounding facts and circumstances which are known or*
34 *which reasonably should be known to the person at the time, a reasonable person*
35 *would believe, under those facts and circumstances, that an act, transaction,*
36 *event, situation or condition exists, is occurring or has occurred.*

37 **Sec. 17.** NRS 433A.310 is hereby amended to read as follows:

38 433A.310 1. Except as otherwise provided in NRS 432B.6076 and
39 432B.6077, if the district court finds, after proceedings for the involuntary court-
40 ordered admission of a person:

41 (a) That there is not clear and convincing evidence that the person with respect
42 to whom the hearing was held has a mental illness or exhibits observable behavior
43 such that the person is likely to harm himself or herself or others if allowed his or
44 her liberty or if not required to participate in a program of community-based or
45 outpatient services, the court shall enter its finding to that effect and the person
46 must not be involuntarily admitted to a public or private mental health facility or to
47 a program of community-based or outpatient services.

48 (b) That there is clear and convincing evidence that the person with respect to
49 whom the hearing was held has a mental illness and, because of that illness, is
50 likely to harm himself or herself or others if allowed his or her liberty or if not
51 required to participate in a program of community-based or outpatient services, the
52 court may order the involuntary admission of the person for the most appropriate
53 course of treatment, including, without limitation, admission to a public or private

1 mental health facility or participation in a program of community-based or
2 outpatient services. The order of the court must be interlocutory and must not
3 become final if, within 30 days after the involuntary admission, the person is
4 unconditionally released pursuant to NRS 433A.390.

5 2. A court shall not admit a person to a program of community-based or
6 outpatient services unless:

7 (a) A program of community-based or outpatient services is available in the
8 community in which the person resides or is otherwise made available to the
9 person;

10 (b) The person is 18 years of age or older;

11 (c) The person has a history of noncompliance with treatment for mental
12 illness;

13 (d) The person is capable of surviving safely in the community in which he or
14 she resides with available supervision;

15 (e) The court determines that, based on the person's history of treatment for
16 mental illness, the person needs to be admitted to a program of community-based or
17 outpatient services to prevent further disability or deterioration of the person which
18 is likely to result in harm to himself or herself or others;

19 (f) The current mental status of the person or the nature of the person's illness
20 limits or negates his or her ability to make an informed decision to seek treatment
21 for mental illness voluntarily or to comply with recommended treatment for mental
22 illness;

23 (g) The program of community-based or outpatient services is the least
24 restrictive treatment which is in the best interest of the person; and

25 (h) The court has approved a plan of treatment developed for the person
26 pursuant to NRS 433A.315.

27 3. Except as otherwise provided in NRS 432B.608, an involuntary admission
28 pursuant to paragraph (b) of subsection 1 automatically expires at the end of 6
29 months if not terminated previously by the medical director of the public or private
30 mental health facility as provided for in subsection 2 of NRS 433A.390 or by the
31 professional responsible for providing or coordinating the program of community-
32 based or outpatient services as provided for in subsection 3 of NRS 433A.390.
33 Except as otherwise provided in NRS 432B.608, at the end of the court-ordered
34 period of treatment, the Division, any mental health facility that is not operated by
35 the Division or a program of community-based or outpatient services may petition
36 to renew the involuntary admission of the person for additional periods not to
37 exceed 6 months each. For each renewal, the petition must include evidence which
38 meets the same standard set forth in subsection 1 that was required for the initial
39 period of admission of the person to a public or private mental health facility or to a
40 program of community-based or outpatient services.

41 4. Before issuing an order for involuntary admission or a renewal thereof, the
42 court shall explore other alternative courses of treatment within the least restrictive
43 appropriate environment, including involuntary admission to a program of
44 community-based or outpatient services, as suggested by the evaluation team who
45 evaluated the person, or other persons professionally qualified in the field of
46 psychiatric mental health, which the court believes may be in the best interests of
47 the person.

48 5. If the court issues an order involuntarily admitting a person to a public or
49 private mental health facility or to a program of community-based or outpatient
50 services pursuant to this section, the court shall, notwithstanding the provisions of
51 NRS 433A.715, cause, *within 5 business days after issuing the order*, on a form
52 prescribed by the Department of Public Safety, a record of ~~such~~ the order to be
53 transmitted to the Central Repository for Nevada Records of Criminal History,

1 along with a statement indicating that the record is being transmitted for inclusion
2 in each appropriate database of the National Instant Criminal Background Check
3 System.

4 6. As used in this section, “National Instant Criminal Background Check
5 System” has the meaning ascribed to it in NRS 179A.062.

6 **Sec. 18.** NRS 433C.130 is hereby amended to read as follows:

7 433C.130 The Department is designated as the official state agency
8 responsible for developing and administering preventive and outpatient mental
9 health services. The Department shall function in the following areas:

10 1. Assisting and consulting with local health authorities , *local governments*
11 *and all law enforcement agencies in this State* in providing community mental
12 health services, which services may include prevention, rehabilitation, case finding,
13 diagnosis and treatment of persons with mental illness, and consultation and
14 education for groups and individuals regarding mental health.

15 2. Coordinating mental health functions with other state agencies.

16 3. Participating in and promoting the development of facilities for training
17 personnel necessary for implementing such services.

18 4. Collecting and disseminating information pertaining to mental health.

19 5. Performing such other acts as are necessary to promote mental health in the
20 State.

21 **Sec. 19.** Chapter 629 of NRS is hereby amended by adding thereto a new
22 section to read as follows:

23 *1. If a patient communicates to a mental health professional an explicit*
24 *threat of imminent serious physical harm or death to a clearly identified or*
25 *identifiable person and, in the judgment of the mental health professional, the*
26 *patient has the intent and ability to carry out the threat, the mental health*
27 *professional shall make a reasonable effort to communicate the threat in a timely*
28 *manner to:*

29 *(a) The person who is the subject of the threat;*

30 *(b) The law enforcement agency with the closest physical location to the*
31 *residence of the person; and*

32 *(c) If the person is a minor, the parent or guardian of the person.*

33 *2. A mental health professional who exercises reasonable care in*
34 *determining that he or she:*

35 *(a) Has a duty to communicate a threat pursuant to subsection 1 is not*
36 *subject to civil or criminal liability or disciplinary action by a professional*
37 *licensing board for disclosing confidential or privileged information.*

38 *(b) Does not have a duty to communicate a threat pursuant to subsection 1 is*
39 *not subject to civil or criminal liability or disciplinary action by a professional*
40 *licensing board for any damages caused by the actions of a patient.*

41 *3. The provisions of this section do not:*

42 *(a) Limit or affect the duty of the mental health professional to report child*
43 *abuse or neglect pursuant to NRS 432B.220; or*

44 *(b) Modify any duty of a mental health professional to take precautions to*
45 *prevent harm by a patient:*

46 *(1) In the custody of a hospital or other facility where the mental health*
47 *professional is employed; or*

48 *(2) Who is being discharged from such a facility.*

49 *4. As used in this section, “mental health professional” includes:*

50 *(a) A psychiatrist licensed to practice medicine in this State pursuant to*
51 *chapter 630 or 633 of NRS;*

52 *(b) A psychologist who is licensed to practice psychology in this State*
53 *pursuant to chapter 641 of NRS;*

- 1 (c) *A social worker who:*
2 (1) *Holds a master's degree in social work or a related field;*
3 (2) *Is licensed as a clinical social worker pursuant to chapter 641B of*
4 *NRS; and*
5 (3) *Is employed by the Division of Public and Behavioral Health of the*
6 *Department of Health and Human Services;*
7 (d) *A registered nurse who:*
8 (1) *Is licensed to practice professional nursing in this State; and*
9 (2) *Holds a master's degree in psychiatric nursing or a related field;*
10 (e) *A marriage and family therapist licensed pursuant to chapter 641A of*
11 *NRS; and*
12 (f) *A clinical professional counselor licensed pursuant to chapter 641A of*
13 *NRS.*