

Amendment No. 58

Assembly Amendment to Assembly Bill No. 21	(BDR 20-304)
Proposed by: Assembly Committee on Government Affairs	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No	

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.

NAS/HAC



Date: 4/5/2021

A.B. No. 21—Revises provisions governing the confidentiality of personal information of certain persons. (BDR 20-304)



ASSEMBLY BILL NO. 21—COMMITTEE
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE DIVISION OF CHILD AND
FAMILY SERVICES OF THE DEPARTMENT
OF HEALTH AND HUMAN SERVICES)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing the confidentiality of personal information of certain persons. (BDR 20-304)

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 confidential information; authorizing a person for whom a fictitious address is issued by the Division of Child and Family Services of the Department of Health and Human Services to request a county recorder or county assessor to maintain certain personal information in a confidential manner; revising the personal information that must be maintained in a confidential manner when such a person is a registered voter; authorizing such a person to request the Department of Motor Vehicles display an alternate address on the person’s driver’s license, commercial driver’s license or identification card; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law authorizes certain persons to obtain a court order to require a county
2 assessor or county recorder to maintain the personal information of the person contained in
3 their records in a confidential manner. Personal information includes the person’s home
4 address, telephone number and electronic mail address. (NRS 247.520, 247.530, 247.540,
5 250.120, 250.130, 250.140) Existing law also: (1) authorizes the Division of Child and Family
6 Services of the Department of Health and Human Services to issue a fictitious address to a
7 victim, or the parent or guardian of a victim, of domestic violence, human trafficking, sexual
8 assault or stalking who applies for the issuance of a fictitious address; and (2) prohibits a
9 governmental entity from making available for inspection or copying any records that contain
10 the name, telephone number, confidential address, fictitious address or image of any such
11 person for whom a fictitious address has been issued unless the governmental entity is
12 otherwise required by law to do so. (NRS 217.462, 217.464) **Sections 1-4** of this bill authorize
13 a person for whom a fictitious address has been issued by the Division to request a county
14 assessor or county recorder to maintain the personal information of the person contained in
15 their records in a confidential manner without having to obtain a court order.

16 Existing law: (1) authorizes a person for whom a fictitious address has been issued by the
 17 Division to register to vote and update his or her voter registration; and (2) prohibits, with
 18 limited exception, the county clerk from making such a person’s name, confidential address or
 19 fictitious address available for inspection or copying or inclusion in any list that is made
 20 available for public inspection. (NRS 293.5002) **Section 5** of this bill: (1) prohibits the
 21 Secretary of State or a city clerk from making such information available; and (2) prohibits
 22 the Secretary of State or a county or city clerk from making available the person’s telephone
 23 number and electronic mail address.

24 Existing law authorizes certain persons to request that the Department of Motor Vehicles
 25 display an alternate address on the person’s driver’s license, commercial driver’s license or
 26 identification card. (NRS 481.091) **Section 6** of this bill authorizes any person for whom a
 27 fictitious address has been issued by the Division to also make such a request.

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

Section 1. NRS 247.530 is hereby amended to read as follows:

274.530 1. ~~Any~~ *Except as otherwise provided in subsection 2, any* person
 or entity listed in NRS 247.540 who wishes to have the personal information of the
 person or entity that is contained in the records of a county recorder be kept
 confidential must obtain an order of a court that requires the county recorder to
 maintain the personal information of the person or entity in a confidential manner.
 Such an order must be based on a sworn affidavit by the person or, if an entity, a
 person authorized to sign on behalf of the entity, which affidavit:

(a) States that the affiant qualifies as a person listed in NRS 247.540 or that the
 entity on behalf of whom the person is signing qualifies as an entity listed in NRS
 247.540;

(b) Sets forth sufficient justification for the request for confidentiality; and

(c) Sets forth the document numbers of all records of a county recorder that
 contain confidential information.

2. *A person for whom a fictitious address has been issued pursuant to NRS
 217.462 to 217.471, inclusive, may request the county recorder to maintain the
 personal information of the person in a confidential manner without obtaining a
 court order pursuant to subsection 1 by submitting to the county recorder ~~the~~:*

~~(a)~~ *A sworn affidavit which:*

~~(1)~~ *(1) States that the affiant has been issued a fictitious address pursuant
 to NRS 217.462 to 217.471, inclusive; and*

~~(2)~~ *(2) Sets forth the document numbers of all records of a county recorder
 that contain confidential information ~~the~~; and*

*(b) Proof that the person has been issued a fictitious address pursuant to
 NRS 217.462 to 217.471, inclusive, including, without limitation, a confirmation
 letter and a copy of the enrollment card if such documents are issued by the
 Division of Child and Family Services of the Department of Health and Human
 Services.*

*↳ Upon request of the county recorder, the Division shall verify whether a
 person who has submitted a request pursuant to this subsection has been issued a
 fictitious address pursuant to NRS 217.462 to 217.471, inclusive.*

3. Upon receipt of ~~such~~ an order ~~the~~ *obtained pursuant to subsection 1 or a
 request made pursuant to subsection 2,* a county recorder shall keep such
 information confidential and shall not:

(a) Disclose the confidential information to anyone, unless disclosure is
 specifically authorized in writing by that person or entity; or

1 (b) Post the confidential information on the Internet or its successor, if any, or
2 make the information available to others in any other way.

3 **Sec. 2.** NRS 247.540 is hereby amended to read as follows:

4 247.540 1. The following persons may request that the personal information
5 described in subsection 1, 2 or 3 of NRS 247.520 that is contained in the records of
6 a county recorder be kept confidential:

7 (a) Any justice or judge in this State.

8 (b) Any senior justice or senior judge in this State.

9 (c) Any court-appointed master in this State.

10 (d) Any clerk of a court, court administrator or court executive officer in this
11 State.

12 (e) Any district attorney or attorney employed by the district attorney who as
13 part of his or her normal job responsibilities prosecutes persons for:

14 (1) Crimes that are punishable as category A felonies; or

15 (2) Domestic violence.

16 (f) Any state or county public defender who as part of his or her normal job
17 responsibilities defends persons for:

18 (1) Crimes that are punishable as category A felonies; or

19 (2) Domestic violence.

20 (g) Any person, including without limitation, a social worker, employed by this
21 State or a political subdivision of this State who as part of his or her normal job
22 responsibilities:

23 (1) Interacts with the public; and

24 (2) Performs tasks related to child welfare services or child protective
25 services or tasks that expose the person to comparable dangers.

26 (h) Any county manager in this State.

27 (i) Any inspector, officer or investigator employed by this State or a political
28 subdivision of this State designated by his or her employer:

29 (1) Who possesses specialized training in code enforcement;

30 (2) Who, as part of his or her normal job responsibilities, interacts with the
31 public; and

32 (3) Whose primary duties are the performance of tasks related to code
33 enforcement.

34 (j) The spouse, domestic partner or minor child of a person described in
35 paragraphs (a) to (i), inclusive.

36 (k) The surviving spouse, domestic partner or minor child of a person
37 described in paragraphs (a) to (i), inclusive, who was killed in the performance of
38 his or her duties.

39 *(l) Any person for whom a fictitious address has been issued pursuant to*
40 *NRS 217.462 to 217.471, inclusive.*

41 2. Any nonprofit entity in this State that maintains a confidential location for
42 the purpose of providing shelter to victims of domestic violence may request that
43 the personal information described in subsection 4 of NRS 247.520 that is
44 contained in the records of a county recorder be kept confidential.

45 3. As used in this section:

46 (a) "Child protective services" has the meaning ascribed to it in NRS
47 432B.042.

48 (b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

49 (c) "Code enforcement" means the enforcement of laws, ordinances or codes
50 regulating public nuisances or the public health, safety and welfare.

51 (d) "Social worker" means any person licensed under chapter 641B of NRS.

1 **Sec. 3.** NRS 250.130 is hereby amended to read as follows:

2 250.130 1. ~~[Any]~~ *Except as otherwise provided in subsection 2, any* person
3 or entity listed in NRS 250.140 who wishes to have the personal information of the
4 person or entity that is contained in the records of a county assessor be kept
5 confidential must obtain an order of a court that requires the county assessor to
6 maintain the personal information of the person or entity in a confidential manner.
7 Such an order must be based on a sworn affidavit by the person or, if an entity, a
8 person authorized to sign on behalf of the entity, which affidavit:

9 (a) States that the affiant qualifies as a person listed in NRS 250.140 or that the
10 entity on behalf of whom the person is signing qualifies as an entity listed in NRS
11 250.140; and

12 (b) Sets forth sufficient justification for the request for confidentiality.

13 2. *A person for whom a fictitious address has been issued pursuant to NRS*
14 *217.462 to 217.471, inclusive, may request a county assessor to maintain the*
15 *personal information of the person in a confidential manner without obtaining a*
16 *court order pursuant to subsection 1 by submitting to the county ~~recorder or~~*
17 *assessor:*

18 (a) A sworn affidavit which states that the affiant has been issued a fictitious
19 address pursuant to NRS 217.462 to 217.471, inclusive ~~or~~; and

20 (b) Proof that the person has been issued a fictitious address pursuant to
21 NRS 217.462 to 217.471, inclusive, including, without limitation, a confirmation
22 letter and a copy of the enrollment card if such documents are issued by the
23 Division of Child and Family Services of the Department of Health and Human
24 Services.

25 ↳ Upon request of the county assessor, the Division shall verify whether a person
26 who has submitted a request pursuant to this subsection has been issued a
27 fictitious address pursuant to NRS 217.462 to 217.471, inclusive.

28 3. Upon receipt of ~~[such]~~ an order ~~[]~~ *obtained pursuant to subsection 1 or a*
29 *request made pursuant to subsection 2, a county assessor shall keep such*
30 *information confidential and shall not:*

31 (a) Disclose the confidential information to anyone, unless disclosure is
32 specifically authorized in writing by that person or entity; or

33 (b) Post the confidential information on the Internet or its successor, if any, or
34 make the information available to others in any other way.

35 **Sec. 4.** NRS 250.140 is hereby amended to read as follows:

36 250.140 1. The following persons may request that personal information
37 described in subsection 1, 2 or 3 of NRS 250.120 that is contained in the records of
38 a county assessor be kept confidential:

39 (a) Any justice or judge in this State.

40 (b) Any senior justice or senior judge in this State.

41 (c) Any court-appointed master in this State.

42 (d) Any clerk of a court, court administrator or court executive officer in this
43 State.

44 (e) Any peace officer or retired peace officer.

45 (f) Any prosecutor.

46 (g) Any state or county public defender.

47 (h) Any person, including without limitation, a social worker, employed by this
48 State or a political subdivision of this State who as part of his or her normal job
49 responsibilities interacts with the public and performs tasks related to child welfare
50 services or child protective services or tasks that expose the person to comparable
51 dangers.

52 (i) Any county manager in this State.

1 (j) Any inspector, officer or investigator employed by this State or a political
2 subdivision of this State designated by his or her employer who possesses
3 specialized training in code enforcement, interacts with the public and whose
4 primary duties are the performance of tasks related to code enforcement.

5 (k) The spouse, domestic partner or minor child of a person described in
6 paragraphs (a) to (j), inclusive.

7 (l) The surviving spouse, domestic partner or minor child of a person described
8 in paragraphs (a) to (j), inclusive, who was killed in the performance of his or her
9 duties.

10 *(m) Any person for whom a fictitious address has been issued pursuant to*
11 *NRS 217.462 to 217.471, inclusive.*

12 2. Any nonprofit entity in this State that maintains a confidential location for
13 the purpose of providing shelter to victims of domestic violence may request that
14 the personal information described in subsection 4 of NRS 250.120 that is
15 contained in the records of a county assessor be kept confidential.

16 3. As used in this section:

17 (a) "Child protective services" has the meaning ascribed to it in NRS
18 432B.042.

19 (b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

20 (c) "Code enforcement" means the enforcement of laws, ordinances or codes
21 regulating public nuisances or the public health, safety and welfare.

22 (d) "Peace officer" means:

23 (1) Any person upon whom some or all of the powers of a peace officer are
24 conferred pursuant to NRS 289.150 to 289.360, inclusive; and

25 (2) Any person:

26 (I) Who resides in this State;

27 (II) Whose primary duties are to enforce the law; and

28 (III) Who is employed by a law enforcement agency of the Federal
29 Government, including, without limitation, a ranger for the National Park Service
30 and an agent employed by the Federal Bureau of Investigation, Secret Service,
31 United States Department of Homeland Security or United States Department of the
32 Treasury.

33 (e) "Prosecutor" has the meaning ascribed to it in NRS 241A.030.

34 (f) "Social worker" means any person licensed under chapter 641B of NRS.

35 **Sec. 5.** NRS 293.5002 is hereby amended to read as follows:

36 293.5002 1. The Secretary of State shall establish procedures to allow a
37 person for whom a fictitious address has been issued pursuant to NRS 217.462 to
38 217.471, inclusive, to:

39 (a) Preregister or register to vote; and

40 (b) Vote by absent ballot,

41 without revealing the confidential address of the person.

42 2. In addition to establishing appropriate procedures or developing forms
43 pursuant to subsection 1, the Secretary of State shall develop a form to allow a
44 person for whom a fictitious address has been issued to preregister or register to
45 vote or to change the address of the person's current preregistration or registration,
46 as applicable. The form must include:

47 (a) A section that contains the confidential address of the person; and

48 (b) A section that contains the fictitious address of the person.

49 3. Upon receiving a completed form from a person for whom a fictitious
50 address has been issued, the Secretary of State shall:

51 (a) On the portion of the form that contains the fictitious address of the person,
52 indicate the county and precinct in which the person will vote and forward this
53 portion of the form to the appropriate county clerk; and

1 (b) File the portion of the form that contains the confidential address.

2 4. Notwithstanding any other provision of law, any request received by the
3 Secretary of State pursuant to subsection 3 shall be deemed a request for a
4 permanent absent ballot.

5 5. Notwithstanding any other provision of law:

6 (a) The Secretary of State and each county clerk shall keep the portion of the
7 form developed pursuant to subsection 2 that he or she retains separate from other
8 applications for preregistration or registration.

9 (b) The *Secretary of State or a county or city* clerk shall not make the name,
10 confidential address , ~~or~~ fictitious address , *telephone number or electronic mail*
11 *address* of the person who has been issued a fictitious address available for:

12 (1) Inspection or copying; or

13 (2) Inclusion in any list that is made available for public inspection,

14 ↪ unless directed to do so by lawful order of a court of competent jurisdiction.

15 **Sec. 6.** NRS 481.091 is hereby amended to read as follows:

16 481.091 1. The following persons may request that the Department display
17 an alternate address on the person's driver's license, commercial driver's license or
18 identification card:

19 (a) Any justice or judge in this State.

20 (b) Any senior justice or senior judge in this State.

21 (c) Any court-appointed master in this State.

22 (d) Any clerk of the court, court administrator or court executive officer in this
23 State.

24 (e) Any prosecutor who as part of his or her normal job responsibilities
25 prosecutes persons for:

26 (1) Crimes that are punishable as category A felonies; or

27 (2) Domestic violence.

28 (f) Any state or county public defender who as part of his or her normal job
29 responsibilities defends persons for:

30 (1) Crimes that are punishable as category A felonies; or

31 (2) Domestic violence.

32 (g) Any person, including without limitation, a social worker, employed by this
33 State or a political subdivision of this State who as part of his or her normal job
34 responsibilities:

35 (1) Interacts with the public; and

36 (2) Performs tasks related to child welfare services or child protective
37 services or tasks that expose the person to comparable dangers.

38 (h) Any county manager in this State.

39 (i) Any inspector, officer or investigator employed by this State or a political
40 subdivision of this State designated by his or her employer:

41 (1) Who possesses specialized training in code enforcement;

42 (2) Who, as part of his or her normal job responsibilities, interacts with the
43 public; and

44 (3) Whose primary duties are the performance of tasks related to code
45 enforcement.

46 (j) The spouse, domestic partner or minor child of a person described in
47 paragraphs (a) to (i), inclusive.

48 (k) The surviving spouse, domestic partner or minor child of a person
49 described in paragraphs (a) to (i), inclusive, who was killed in the performance of
50 his or her duties.

51 *(l) Any person for whom a fictitious address has been issued pursuant to*
52 *NRS 217.462 to 217.471, inclusive.*

1 2. A person who wishes to have an alternate address displayed on his or her
2 driver's license, commercial driver's license or identification card pursuant to this
3 section must submit to the Department satisfactory proof:

4 (a) That he or she is a person described in subsection 1; and

5 (b) Of the person's address of principal residence and mailing address, if
6 different from the address of principal residence.

7 3. A person who obtains a driver's license, commercial driver's license or
8 identification card that displays an alternate address pursuant to this section may
9 subsequently submit a request to the Department to have his or her address of
10 principal residence displayed on his or her driver's license, commercial driver's
11 license or identification card instead of the alternate address.

12 4. The Department may adopt regulations to carry out the provisions of this
13 section.

14 5. As used in this section:

15 (a) "Child protective services" has the meaning ascribed to it in NRS
16 432B.042.

17 (b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

18 (c) "Code enforcement" means the enforcement of laws, ordinances or codes
19 regulating public nuisances or the public health, safety and welfare.

20 (d) "Social worker" means any person licensed under chapter 641B of NRS.

21 **Sec. 7.** This act becomes effective upon passage and approval.