

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—Establishes provisions governing the use of a gang
database by a local law enforcement agency.
(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; establishing provisions
governing the use of a gang database by a local law
enforcement agency; and providing other matters properly
relating thereto.

Legislative Counsel’s Digest:

1 This bill establishes provisions governing the use of a gang database by a local
2 law enforcement agency. This bill provides that if a local law enforcement agency
3 uses a gang database: (1) if a person is registered in the database, written notice and
4 an opportunity to contest the registration must be provided to the person; (2) a
5 person registered in the database must be allowed to request removal of his or her
6 registration in the database; and (3) any file relating to a person must be deleted
7 from the database not later than 5 years after the date on which the person last had
8 contact with the local law enforcement agency.

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

1 **Section 1.** Chapter 179A of NRS is hereby amended by
2 adding thereto a new section to read as follows:

3 *1. If a local law enforcement agency uses a gang database for*
4 *the purposes of identifying suspected members and affiliates of a*
5 *criminal gang, the local law enforcement agency must comply*
6 *with the following requirements:*



1 (a) *If a person is registered in the database, the local law*
2 *enforcement agency must provide to the person written notice of*
3 *his or her registration. Such written notice must include, without*
4 *limitation, detailed instructions on the process for contesting*
5 *registration as provided in this section.*

6 (b) *A person who wishes to contest registration in the database*
7 *must be given the following period after receiving notification*
8 *pursuant to paragraph (a) to contest registration in the database:*

9 (1) *For a person who is confined in a state or local*
10 *correctional or detention facility, 10 calendar days.*

11 (2) *For a person who is not confined in a state or local*
12 *correctional or detention facility, 30 calendar days.*

13 (c) *To contest registration in the database, a person must be*
14 *allowed:*

15 (1) *To submit to the local law enforcement agency a written*
16 *statement or other evidence; or*

17 (2) *To request, in writing, an in-person interview with a*
18 *representative of the local law enforcement agency. The in-person*
19 *interview must be conducted as soon as reasonably practicable at a*
20 *date and time convenient to the person who is contesting his or her*
21 *registration.*

22 (d) *A person who is registered in the database must be allowed*
23 *to request removal of his or her registration in the database:*

24 (1) *By submitting to the local law enforcement agency a*
25 *written statement or other evidence; or*

26 (2) *By requesting, in writing, an in-person interview with a*
27 *representative of the local law enforcement agency. The in-person*
28 *interview must be conducted as soon as reasonably practicable at a*
29 *date and time convenient to the person who is requesting removal*
30 *of his or registration from the database.*

31 (e) *The file relating to any person who is registered in the*
32 *database must be deleted from the database not later than 5 years*
33 *after the date on which the person last had contact with the local*
34 *law enforcement agency.*

35 2. *As used in this section:*

36 (a) *“Contact” means contact with a local law enforcement*
37 *agency during the investigation of a crime or report of an alleged*
38 *crime.*

39 (b) *“Criminal gang” means any combination of persons,*
40 *organized formally or informally, so constructed that the*
41 *organization will continue its operation even if individual*
42 *members enter or leave the organization, which:*

43 (1) *Has a common name or identifying symbol;*

44 (2) *Has particular conduct, status and customs indicative of*
45 *it; and*



1 (3) *Has as one of its common activities engaging in*
2 *criminal activity punishable as a felony.*

3 (c) *“Local law enforcement agency” means:*

4 (1) *The sheriff’s office of a county;*

5 (2) *A metropolitan police department; or*

6 (3) *A police department of an incorporated city.*

7 **Sec. 2.** (Deleted by amendment.)

8 **Sec. 3.** (Deleted by amendment.)

9 **Sec. 4.** (Deleted by amendment.)

10 **Sec. 5.** (Deleted by amendment.)

11 **Sec. 6.** (Deleted by amendment.)

12 **Sec. 7.** (Deleted by amendment.)

13 **Sec. 8.** (Deleted by amendment.)

14 **Sec. 9.** (Deleted by amendment.)

15 **Sec. 10.** (Deleted by amendment.)

16 **Sec. 11.** (Deleted by amendment.)

17 **Sec. 12.** (Deleted by amendment.)

18 **Sec. 13.** (Deleted by amendment.)

19 **Sec. 13.5.** The provisions of this act apply to a person whose
20 registration is added to a gang database on or after July 1, 2019.

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



