

Assembly Bill No. 307–Assemblymen Flores, Fumo, Torres, Nguyen; Assefa, Benitez-Thompson, Duran, Jauregui and Peters

CHAPTER.....

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:

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

2. As used in this section:

(a) "Contact" means contact with a local law enforcement agency during the investigation of a crime or report of an alleged crime.

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

(1) Has a common name or identifying symbol;

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

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

(c) "Local law enforcement agency" means:

(1) The sheriff's office of a county;

(2) A metropolitan police department; or

(3) A police department of an incorporated city.

Secs. 2-13. (Deleted by amendment.)

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

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

