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ASSEMBLY BILL NO. 385—ASSEMBLYMEN HICKEY, HAMBRICK,  
BOBZIEN; PAUL ANDERSON, DUNCAN, FIORE, GRADY,  
HARDY, KIRKPATRICK, KIRNER, LIVERMORE, MUNFORD  
AND STEWART

MARCH 18, 2013

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JOINT SPONSORS: SENATORS HARDY; AND GUSTAVSON

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Referred to Committee on Commerce and Labor

SUMMARY—Establishes provisions relating to the deposit of data  
with a provider of information services.  
(BDR 52-808)

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

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

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AN ACT relating to electronic information; establishing provisions  
relating to the deposit of data with a provider of  
information services; and providing other matters  
properly relating thereto.

**Legislative Counsel's Digest:**

1 This bill provides that a person who deposits data with a provider of  
2 information services pursuant to a contract is entitled to unimpaired access in  
3 accordance with the terms of the contract to any of his or her data stored in this  
4 State notwithstanding any legal action which may be taken or which is pending  
5 against the provider or any person to whom the provider provides information  
6 services unless a court finds that there is probable cause to believe that access to the  
7 data stored by the person who deposited the data has been used, is being used or is  
8 intended to be used in the commission of a crime.



\* A B 3 8 5 \*

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

1       **Section 1.** The Legislature hereby finds and declares that:

2       1. The information services industry, including the provision of  
3 and subscription to services relating to the processing of information  
4 and the storage of data, is vitally important to the economic future of  
5 this State; and

6       2. The continued growth in this State of the segment of the  
7 information services industry relating to the storage of data depends  
8 on the creation of a legal environment that ensures a person  
9 unimpaired contractual access to his or her data which is deposited  
10 with a provider of information services and stored in this State.

11       **Sec. 2.** Chapter 603 of NRS is hereby amended by adding  
12 thereto a new section to read as follows:

13       1. *A person who deposits data with a provider of information*  
14 *services pursuant to a contract that establishes the terms under*  
15 *which the person may access the data is entitled to unimpaired*  
16 *access, in accordance with the terms of the contract, to any of his*  
17 *or her data stored in this State, notwithstanding any legal action*  
18 *which may be taken or which is pending against the provider or*  
19 *any person to whom the provider provides information services,*  
20 *unless a court of competent jurisdiction finds that there is*  
21 *probable cause to believe that access to the data stored by the*  
22 *person who deposited the data has been used, is being used or is*  
23 *intended to be used in the commission of a crime.*

24       2. *As used in this section:*

25       (a) *“Data” means any sign, symbol or character or sequence*  
26 *of signs, symbols or characters that communicates any*  
27 *information, knowledge, facts, concepts or instructions in*  
28 *electronic form using any technological format.*

29       (b) *“Information services” includes, without limitation,*  
30 *services relating to the processing of information and the storage*  
31 *of data.*

32       (c) *“Legal action” includes, without limitation, the seizure by*  
33 *an agency of law enforcement of any facilities or devices used to*  
34 *provide information services.*

