

SENATE BILL NO. 148—SENATOR D. HARRIS

FEBRUARY 25, 2021

Referred to Committee on Judiciary

SUMMARY—Establishes provisions regarding the reporting of hate crimes. (BDR 15-715)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 1) (NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 crimes; requiring law enforcement agencies to maintain records of hate crimes and submit such records on a quarterly basis to the Central Repository for Nevada Records of Criminal History and the Attorney General; imposing certain duties on the Attorney General relating to the submission of such records; revising provisions concerning the guidelines required to be adopted by the Director of the Department of Public Safety regarding the reporting of hate crimes; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Director of the Department of Public Safety to: (1) establish within the Central Repository for Nevada Records of Criminal History a program for reporting crimes that manifest evidence of prejudice based on race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression that is designed to collect, compile and analyze statistical data regarding such crimes; and (2) adopt guidelines for the collection of such statistical data. (NRS 179A.175)

Section 1 of this bill requires each state or local law enforcement agency in this State to maintain a record of all such crimes in accordance with the guidelines adopted by the Director and submit the records on a quarterly basis to the Central Repository and the Attorney General. Section 1 also requires the Attorney General to: (1) adopt guidelines for the submission of such records to the Attorney General; (2) ensure that all submitted records are provided to the Federal Bureau of Investigation for inclusion in its annual Hate Crime Statistics report; and (3) issue a detailed annual report regarding the reported crimes. Section 1 additionally requires



16 that any data acquired be used only for research or statistical purposes and not
17 contain any information that may reveal the identity of an individual victim of a
18 crime. **Section 2** of this bill requires the Director to adopt guidelines regarding the
19 manner in which statistical data must be reported to the Central Repository.

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

1 **Section 1.** Chapter 193 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. Each state or local law enforcement agency in this State*
4 *shall maintain a record of all crimes that manifest evidence of*
5 *prejudice based on race, color, religion, national origin, physical*
6 *or mental disability, sexual orientation or gender identity or*
7 *expression, including, without limitation, the basis on which any*
8 *such crime occurred, in accordance with the guidelines adopted by*
9 *the Director pursuant to subsection 2 of NRS 179A.175.*

10 *2. Each state or local law enforcement agency in this State*
11 *shall submit on a quarterly basis all records maintained pursuant*
12 *to subsection 1 to:*

13 *(a) The Central Repository for Nevada Records of Criminal*
14 *History, in accordance with the guidelines adopted by the Director*
15 *pursuant to subsection 2 of NRS 179A.175; and*

16 *(b) The Attorney General, in accordance with the guidelines*
17 *adopted by the Attorney General pursuant to paragraph (a) of*
18 *subsection 3.*

19 *3. The Attorney General shall:*

20 *(a) Adopt guidelines for the submission of records maintained*
21 *pursuant to subsection 1 to the Attorney General;*

22 *(b) Ensure that all records submitted pursuant to paragraph*
23 *(b) of subsection 2 are provided to the Federal Bureau of*
24 *Investigation for inclusion in its annual Hate Crime Statistics*
25 *report; and*

26 *(c) Issue a detailed annual report regarding crimes that*
27 *manifest evidence of prejudice based on race, color, religion,*
28 *national origin, physical or mental disability, sexual orientation or*
29 *gender identity or expression, including, without limitation, data*
30 *regarding any prosecution of a violation of NRS 207.185 and any*
31 *sentence imposed pursuant to NRS 193.1675.*

32 *4. Data acquired pursuant to this section must be used only*
33 *for research or statistical purposes and must not contain any*
34 *information that may reveal the identity of an individual victim of*
35 *a crime.*

36 *5. As used in this section, "Director" means the Director of*
37 *the Department of Public Safety.*



1 **Sec. 2.** NRS 179A.175 is hereby amended to read as follows:
2 179A.175 1. The Director of the Department shall establish
3 within the Central Repository a program for reporting crimes that
4 manifest evidence of prejudice based on race, color, religion,
5 national origin, physical or mental disability, sexual orientation or
6 gender identity or expression.

7 2. The program must be designed to collect, compile and
8 analyze statistical data about crimes that manifest evidence of
9 prejudice based on race, color, religion, national origin, physical or
10 mental disability, sexual orientation or gender identity or
11 expression. The Director shall adopt guidelines for the collection of
12 the statistical data, including, but not limited to, the criteria to
13 establish the presence of prejudice **and the manner in which the**
14 **data must be reported to the Central Repository.**

15 3. The Central Repository shall include in any appropriate
16 report an independent section relating solely to the analysis of
17 crimes that manifest evidence of prejudice based on race, color,
18 religion, national origin, physical or mental disability, sexual
19 orientation or gender identity or expression.

20 4. Data acquired pursuant to this section must be used only for
21 research or statistical purposes and must not contain any information
22 that may reveal the identity of an individual victim of a crime.

23 5. As used in this section, "gender identity or expression" has
24 the meaning ascribed to it in NRS 193.0148.

25 **Sec. 3.** 1. The provisions of NRS 354.599 do not apply to
26 any additional expenses of a local government that are related to the
27 provisions of this act.

28 **Sec. 4.** 1. This section becomes effective upon passage and
29 approval.

30 2. Sections 1, 2 and 3 of this act become effective:

31 (a) Upon passage and approval for the purpose of adopting
32 guidelines and performing any other preparatory administrative
33 tasks that are necessary to carry out the provisions of this act; and

34 (b) On October 1, 2021, for all other purposes.

