

Nevada

TITLE 14. PROCEDURE IN CRIMINAL CASES
CHAPTER 179A. RECORDS OF CRIMINAL HISTORY AND INFORMATION RELATING
TO PUBLIC SAFETY
REPOSITORY FOR INFORMATION CONCERNING **MISSING PERSONS**

§ 179A.400. Creation; contents; retention of records; dissemination of information

1. The repository for information concerning **missing persons** is hereby created within the central repository.
2. The repository for information concerning **missing persons** must contain a complete and systematic record of all **persons** who reside in this state who are reported **missing**.
3. Each record must include, without limitation, a data field for the following information concerning a **missing person**:
 - (a) The **missing person's**:
 - (1) Name, sex and race;
 - (2) Date and place of birth;
 - (3) Height and weight;
 - (4) Eye and hair color;
 - (5) Skin tone;
 - (6) Fingerprint classification;
 - (7) Social security number;
 - (8) Blood type;
 - (9) Footprint;
 - (10) Body X-rays;
 - (11) Dental X-rays, models and photographs; and
 - (12) Prescription for eyeglasses or contact lenses;
 - (b) Remarks of any dentist concerning the **missing person**;
 - (c) Any scar, mark, tattoo or other identifying characteristic of the **missing person**;
 - (d) The number, state and date of expiration of the driver's license of the **missing person**;
 - (e) The year, make, model, style, color and vehicle identification number of the motor vehicle of the **missing person**;
 - (f) The number, state, type and date of expiration of the license plate of the motor vehicle of the **missing person**;
 - (g) The date of last contact with the **missing person**;
 - (h) Whether the **missing person** is circumcised;
 - (i) The type and description of any jewelry the **missing person** may be wearing;
 - (j) The identifier of the originating agency; and
 - (k) The originating case number.
4. The central repository shall maintain each record of a **missing person** for 20 years after the **person** is located.
5. Records within the repository for information concerning **missing persons** may be disseminated by an agency of criminal justice without restriction.

§ 179A.410. Telephone service to disseminate information; availability; agencies of criminal justice to provide toll-free number upon request

1. The central repository shall:

(a) Provide a toll-free telephone service for people within and outside of this state to disseminate information about **missing persons**; and

(b) Make the telephone service available for not less than 8 hours per day, 7 days per week, except that the central repository need not make the service available on a legal holiday.

2. Each agency of criminal justice in this state shall provide the toll-free number for the telephone service to each **person** who requests information of the agency about a **missing person**.

TITLE 34. EDUCATION
CHAPTER 385. STATE ADMINISTRATIVE ORGANIZATION
STATE BOARD OF EDUCATION

§ 385.115. State board to cooperate in establishment of programs of information about missing children; regulations

The state board shall cooperate with the attorney general in the establishment in the schools, including, without limitation, charter schools, of programs of information about missing children and adopt regulations containing guidelines for such programs.

§ 388.585. Establishment of program by trustees; assistance of attorney general or state board

1. The board of trustees of each school district may:

(a) Establish a program of information concerning missing children for pupils, parents and other residents of the district; and

(b) Use materials prepared by the attorney general in developing such a program.

2. The board of trustees may request the assistance of the attorney general or the state board of education in establishing its program.

TITLE 38. PUBLIC WELFARE
CHAPTER 432. PUBLIC SERVICES FOR CHILDREN
MISSING OR EXPLOITED CHILDREN

§ 432.150. Definitions

As used in NRS 432.150 to 432.220, inclusive, unless the context otherwise requires:

1. "Clearinghouse" means the program established by the attorney general pursuant to NRS 432.170.

2. "Director" means the director of the clearinghouse.

3. "Exploited child" means a person under the age of 18 years who has been:

(a) Used in the production of pornography in violation of the provisions of NRS 200.710;

(b) Subjected to sexual exploitation as defined in NRS 432B.110; or

(c) Employed or exhibited in any injurious, immoral or dangerous business or occupation in violation of the provisions of NRS 609.210.

§ 432.153. Legislative intent

It is the intent of the legislature that law enforcement agencies in this state give a high priority to the investigation of crimes concerning missing children.

§ 432.155. Priority for cases concerning abducted children

The attorney general or district attorney shall give cases concerning abducted children priority to expedite the arrest and conviction of the person criminally responsible for the disappearance or concealment of an abducted child.

§ 432.157. Office of advocate for missing or exploited children: Creation; duties; cooperation of district attorney or local law enforcement agency

1. The office of advocate for missing or exploited children is hereby created within the office of the attorney general. The advocate for missing or exploited children may be known as the children's advocate.

2. The attorney general shall appoint the children's advocate. The children's advocate is in the unclassified service of the state.

3. The children's advocate:

(a) Must be an attorney licensed to practice law in this state;

(b) Shall advise and represent the clearinghouse on all matters concerning missing or exploited children in this state; and

(c) Shall advocate the best interests of missing or exploited children before any public or private body.

4. The children's advocate may:

(a) Appear as an amicus curiae on behalf of missing or exploited children in any court in this state;

(b) If requested, advise a political subdivision of this state concerning its duty to protect missing or exploited children; and

(c) Recommend legislation concerning missing or exploited children.

5. Upon request by the children 's advocate, a district attorney or local law enforcement agency in this state shall provide all information and assistance necessary to assist the children's advocate in carrying out the provisions of this section.

§ 432.160. Bulletin concerning missing children: Preparation and distribution by director of clearinghouse; contents

1. The director may prepare quarterly a bulletin containing information concerning missing children in this state. The bulletin must contain the name and last known address of the missing child and any other information that the director considers necessary.

2. The director may distribute a copy of the bulletin, free of charge, to each law enforcement agency in this state, the department of education and each school district and every private elementary or secondary school. The director may, for a reasonable fee, provide a copy of the bulletin to any other person or governmental agency.

§ 432.170. Program to coordinate activities and information concerning missing children; Establishment by attorney general; appointment, powers and duties of director

1. The attorney general shall:

(a) Establish a program to coordinate activities and information in this state concerning missing or exploited children; and

(b) Appoint a director to administer the provisions of the program.

2. The director is in the unclassified service of the state. To assist the director in carrying out the provisions of NRS 432.150 to 432.220, inclusive, the attorney general may appoint such assistants or investigators as deemed necessary by the attorney general.

3. The director may:

(a) Assist any public or private school in establishing a program of information about missing or exploited children by providing, free of charge, materials, publications and instructional aids relating to:

(1) Offenses under federal and state law regarding missing or exploited children and the abuse or neglect of children.

(2) Governmental and private agencies and programs for locating and identifying missing or exploited children, preventing the abduction or disappearance of children and preventing the abuse or neglect of children.

(3) Methods of preventing the abduction or disappearance of children.

(4) Techniques for the investigation of cases involving missing or exploited children.

(5) Any other issue involving missing or exploited children.

(b) Develop and maintain a system of information concerning missing or exploited children, including information concerning public or private resources which may be available to such children and their families.

(c) Accept gifts or donations on behalf of the clearinghouse which must be accounted for separately and used by the director in carrying out the provisions of NRS 432.150 to 432.220, inclusive.

(d) Enter into agreements with regional and national organizations for assistance and exchange of information concerning missing or exploited children.

(e) Assist in the investigation of children who are reported missing in this state or who are reported abducted or taken from this state.

4. The director may provide the materials, publications and instructional aids identified in paragraph (a) of subsection 3 to any other person or governmental agency for a reasonable fee not to exceed the cost of preparing the materials.

5. The director shall, upon request, provide records regarding a missing child to the state disaster identification team of the division of emergency management of the department of public safety.

§ 432.185. Law enforcement agency: Required to act promptly in obtaining certain warrants

A law enforcement agency shall act promptly in obtaining a warrant for the arrest of any person it has probable cause to believe is criminally responsible for the disappearance of a missing child.

§ 432.190. Law enforcement agency: Delay before action on report of missing child prohibited; evaluation of information

A law enforcement agency shall not adopt a general policy establishing a waiting period or delay before acting upon any report of a missing child under the age of 14. The law enforcement agency which receives the initial report on the missing child shall evaluate all information available to that agency and the circumstances surrounding the disappearance of the child to determine whether immediate action is necessary.

§ 432.200. Duties of law enforcement agency receiving report of missing child; request for and use of identifying information; notification that child is found or returned

1. A law enforcement agency shall accept every report of a missing child which is submitted to the agency, including, but not limited to, a report made by telephone. Upon receipt of such a report, the agency shall immediately conduct a preliminary investigation and classify the cause of the disappearance of the child as "runaway," "abducted by his parent," "abducted by a stranger" or "cause of disappearance unknown," and shall:

(a) Transmit all available information about the child to the Clearinghouse and to the Central Repository for Nevada Records of Criminal History within 36 hours after the report is received;

(b) Immediately notify such persons and make such inquiries concerning the missing child as the agency deems necessary;

(c) Fully comply with the requirements of the National Child Search Assistance Act of 1990, Title XXXVII of Public Law 101-647, 104 Stat. 4966; and

(d) Enter into the National Crime Information Center's Missing Person File and the Repository for Information Concerning Missing Persons within the Central Repository for Nevada Records of Criminal History, as miscellaneous information, any person reasonably believed to have unlawfully abducted or detained the missing child, or aided or abetted the unlawful abduction or detention.

2. A law enforcement agency which has jurisdiction over the investigation of an abducted child and which has obtained a warrant for the arrest of a person suspected in the child's disappearance or concealment shall immediately notify the National Crime Information Center for the entry into the Center's Wanted Person File of identifying and descriptive information concerning:

(a) The suspect; and

(b) As miscellaneous information, the missing child.

The agency shall cross-reference information entered pursuant to this section with the National Crime Information Center's Missing Person File and with the Repository for Information Concerning Missing Persons within the Central Repository for Nevada Records of Criminal History.

3. If a missing child is less than 16 years of age or has not been located within 30 days after a report is filed, the law enforcement agency that received the initial report shall, and the Division or the Central Repository for Nevada Records of Criminal History may:

(a) Send to the child's parent or guardian a request for certain identifying information regarding the child that the National Crime Information Center recommends be provided; and

(b) Ask the child's parent or guardian to provide such identifying information regarding the child.

If a law enforcement agency receives the identifying information, it shall transmit all information so released to it to the Division and to the Central Repository. The Division and the Central Repository shall, upon receipt of the identifying information about the missing child, compare the information with the information that is on file concerning unidentified deceased children. This subsection does not preclude the voluntary release of identifying information about the missing child by his parent or guardian at any time.

4. The parent or guardian of a child reported as missing shall promptly notify the appropriate law enforcement agency if the child is found or returned. The law enforcement agency shall then transmit that fact to the National Crime Information Center, the Central Repository for Nevada Records of Criminal History and the Clearinghouse.

5. Nothing in this section requires a law enforcement agency to activate the Statewide Alert System for the Safe Return of Abducted Children created by NRS 432.340.

6. As used in this section, "Division" means the Investigation Division of the Department of Public Safety.

§ 432.205. Duties of law enforcement agency, clearinghouse, governmental agency and superintendent of schools upon receiving report of missing child

1. A law enforcement agency, upon receiving and verifying a report of a missing child, other than a child who has run away, shall immediately transmit the full contents of the report by the fastest means available to the clearinghouse.

2. The clearinghouse shall, upon receipt of the report, immediately notify any governmental agency in possession of the birth certificate of the child and the superintendent of schools of the school district in possession of the educational records of the child that the child is missing.

3. Upon receiving such notification, the agency or superintendent shall:

(a) Maintain the birth certificate or educational records in such a manner as to ensure that the clearinghouse is notified immediately if a request is made for the birth certificate or educational records.

(b) Immediately notify the clearinghouse upon receiving any such request before releasing the birth certificate or educational records, including notification of the identity and location or address of the person making the request.

(b) Not disclose to the person making the request any communication with the clearinghouse or the fact that a communication must be made.

§ 432.210. Cooperation with Attorney General of United States concerning missing children

1. The attorney general and every law enforcement agency in this state shall cooperate with the Attorney General of the United States in the collection of information that would assist in the

identification of an unidentified deceased child and the location of any missing child pursuant to 28 U.S.C. § 534.

2. Law enforcement agencies in this state that are investigating a case involving a missing child shall use the records and information compiled by the Attorney General of the United States pursuant to 28 U.S.C. § 534 when necessary.

§ 432.220. Agreement with Secretary of Health and Human Services concerning absent parent or child

The attorney general shall enter into an agreement with the Secretary of Health and Human Services, as authorized by 42 U.S.C. § 663, under which the services of the Parent Locator Service established pursuant to 42 U.S.C. § 653 are made available to determine the whereabouts of any absent parent or child in order to enforce a law with respect to the unlawful taking or restraint of a child or to make or enforce a determination of the custody of a child.

TITLE 38. PUBLIC WELFARE
CHAPTER 432. PUBLIC SERVICES FOR CHILDREN
STATEWIDE ALERT SYSTEM FOR THE SAFE RETURN OF ABDUCTED CHILDREN

§ 432.310. "Broadcaster" defined

"Broadcaster" means a radio broadcasting station, cable operator or television broadcasting station primarily engaged in, and deriving income from, the business of facilitating speech via over-the-air communications, both as to pure speech and commercial speech.

§ 432.340. Creation; composition; administration; requirements for participation in System

1. There is hereby created the Statewide Alert System for the Safe Return of Abducted Children, which is composed of a voluntary partnership among state law enforcement agencies, local law enforcement agencies and broadcasters to assist in the search for and safe return of abducted children. The Children's Advocate appointed pursuant to NRS 432.157 shall administer the System.

2. The agencies and broadcasters that choose to participate in the System must agree to comply with the provisions of NRS 432.300 to 432.380, inclusive, and any requirements prescribed by the Committee for participation in the System.

3. Each law enforcement agency that chooses to participate in the System shall:

(a) Adopt a written policy concerning activation of the System by the agency consistent with the provisions of NRS 432.300 to 432.380, inclusive; and

(b) Submit a copy of the written policy to the Children's Advocate appointed pursuant to NRS 432.157.

§ 432.370. Activation by law enforcement agency to broadcast emergency bulletin on behalf of abducted child; review of completed activation by Committee for the Statewide Alert System

1. A law enforcement agency which has jurisdiction over the investigation of an abducted child who is less than 18 years of age may activate the System to broadcast an emergency bulletin on behalf of the child if:

(a) The law enforcement agency confirmed that the child has been abducted;

(b) The child is in danger of serious physical harm or death; and

(c) The law enforcement agency has sufficient descriptive information about the child or the person who is suspected of abducting the child, or other pertinent information, to warrant immediate broadcast of the information.

2. Before activation of the System on behalf of a child, the law enforcement agency shall determine whether the broadcast of information will encompass:

(a) A particular county, region or state; or

(b) More than one state.

3. A law enforcement agency is not required to obtain the prior consent of the Committee before activating the System, but the Committee may review an activation of the System after the activation is complete.

§ 432.380. Immunity of broadcaster from civil liability based on broadcast of information; immunity of person who establishes or maintains website for System from civil liability based on information placed on website

1. If a broadcaster that participates in the System receives a notification of activation of the System by a law enforcement agency concerning an abducted child and as a result of that notification broadcasts descriptive information concerning the abducted child and other information contained in the notification to assist with the safe return of the child, the broadcaster is immune from civil liability based upon the broadcast of that information.

2. If a person enters into an agreement with the Committee to establish or maintain a website for the System and the agreement provides that only the law enforcement agency activating the System has the authority or ability to place information on the website, the person is immune from civil liability based upon the information that is placed on the website by the law enforcement agency.

TITLE 11. Domestic Relations.
CHAPTER 125A. Uniform Child Custody Jurisdiction and Enforcement Act.
Article 3 - Enforcement

Nev. Rev. Stat. Ann. § 125A.435

125A.435. Enforcement under Hague Convention.

Pursuant to NRS 125A.405 to 125A.585, inclusive, a court of this state may enforce an order for the return of a child made pursuant to the Hague Convention on the Civil Aspects of International Child Abduction as if it were a child custody determination.

125A.565. Role of district attorney and Attorney General.

1. In a case arising pursuant to the provisions of this chapter or involving the Hague Convention on the Civil Aspects of International Child Abduction, a district attorney or the Attorney General may take any lawful action, including resort to a proceeding brought pursuant to NRS 125A.405 to 125A.585, inclusive, or any other available civil proceeding to locate a child, obtain the return of a child or enforce a child custody determination if there is:

(a) An existing child custody determination;

(b) A request to do so from a court in a pending child custody proceeding;

(c) A reasonable belief that a criminal statute has been violated; or

(d) A reasonable belief that the child has been wrongfully removed or retained in violation of the Hague Convention on the Civil Aspects of International Child Abduction.

2. A district attorney or the Attorney General acting pursuant to this section acts on behalf of the court and may not represent any party.

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