
SENATE BILL NO. 229—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF DEPARTMENT OF PRISONS)

FEBRUARY 22, 1999

Referred to Committee on Government Affairs

SUMMARY—Expands powers of officers and employees of department of prisons. (BDR 23-639)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Yes.

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

AN ACT relating to prisons; clarifying the duties that the director of the department of prisons may assign to officers and employees of the department; authorizing the director of the department of prisons to designate officers and employees of the department as category I, category II and category III peace officers; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 289.220 is hereby amended to read as follows:
2 289.220 1. The director , ~~[of the department of prisons,]~~ and any
3 officer or employee of the department ***of prisons*** so designated by the
4 director, have the powers of a peace officer when performing duties
5 prescribed by the director.
6 2. For the purposes of ~~[this subsection,]~~ ***subsection 1***, the duties which
7 may be prescribed by the director include, but are not limited to ~~[, pursuit]~~ :
8 ***(a) Pursuit*** and return of escaped offenders ~~[, transportation]~~ ;
9 ***(b) Transportation*** and escort of offenders ~~[and the]~~ ;
10 ***(c) The*** general exercise of control over offenders within or outside the
11 confines of the institutions and facilities of the department ~~[,~~
12 ~~—2.]~~ ;
13 ***(d) Conducting an investigation related to the interests of the***
14 ***department outside of the confines of the institutions and facilities of the***
15 ***department; and***

1 *(e) Maintaining the security of the institutions and facilities of the*
2 *department, including, without limitation, exercising control over a*
3 *person who is not an offender if necessary to maintain the security of an*
4 *institution or facility.*

5 **3. The director may designate himself and any officer or employee of**
6 **the department as a category I, category II or category III peace officer.**

7 **4.** A person appointed pursuant to NRS 211.115 to administer
8 detention facilities or a jail, and his subordinate jailers, corrections officers
9 and other employees whose duties involve law enforcement , have the
10 powers of a peace officer.

11 **5. As used in this section, “director” means the director of the**
12 **department of prisons.**

13 **Sec. 2.** NRS 481.053 is hereby amended to read as follows:

14 481.053 1. The governor shall appoint the peace officers’ standards
15 and training committee.

16 2. The committee consists of seven members, one appointed from
17 Clark County, one from Washoe County, three from any other counties, one
18 from category II peace officers and one from category III peace officers.
19 Members serve terms of 2 years from the date of appointment. Members
20 serve without compensation but are entitled to the per diem allowance and
21 travel expenses provided by law for state officers and employees generally.

22 3. The governor shall make the appointments from recommendations
23 submitted by Clark County, Washoe County, professional organizations of
24 sheriffs and police chiefs of this state, category II peace officers and
25 category III peace officers.

26 4. The committee shall:

27 (a) Meet at the call of the chairman, who must be elected by the
28 members of the committee.

29 (b) Provide for and encourage the training and education of peace
30 officers in order to improve the system of criminal justice.

31 (c) Adopt regulations establishing minimum standards for the
32 certification and decertification, recruitment, selection and training of peace
33 officers.

34 (d) Make necessary inquiries to determine whether agencies of the state
35 and of local governments are complying with standards set forth in its
36 regulations.

37 (e) Carry out the duties required of the committee pursuant to NRS
38 432B.610 and 432B.620.

39 5. Regulations adopted by the committee:

40 (a) Apply to all agencies of the state and of local governments which
41 employ persons as peace officers;

42 (b) Must require that all peace officers receive training in the handling
43 of cases involving abuse or neglect of children or missing children; and

1 (c) May require that training be carried on at institutions which it
2 approves in those regulations.

3 6. The director may adopt regulations necessary for the operation of
4 the committee and the enforcement of laws administered by the committee.

5 7. As used in this section:

6 (a) "Category II peace officer" means:

7 (1) The bailiff of the supreme court;

8 (2) The bailiffs of the district courts, justices' courts and municipal
9 courts whose duties require them to carry weapons and make arrests;

10 (3) Constables and their deputies whose official duties require them to
11 carry weapons and make arrests;

12 (4) Inspectors employed by the transportation services authority who
13 exercise those powers of enforcement conferred by chapters 706 and 712 of
14 NRS;

15 (5) Parole and probation officers;

16 (6) Special investigators who are employed full time by the office of
17 any district attorney or the attorney general;

18 (7) Investigators of arson for fire departments who are specially
19 designated by the appointing authority;

20 (8) The assistant and deputies of the state fire marshal;

21 (9) The brand inspectors of the division of agriculture of the
22 department of business and industry who exercise the powers of
23 enforcement conferred in chapter 565 of NRS;

24 (10) Investigators for the state forester firewarden who are specially
25 designated by him and whose primary duties are the investigation of arson;

26 (11) School police officers employed by the board of trustees of any
27 county school district;

28 (12) Agents of the state gaming control board who exercise the
29 powers of enforcement specified in NRS 289.360, 463.140 or 463.1405,
30 except those agents whose duties relate primarily to auditing, accounting,
31 the collection of taxes or license fees, or the investigation of applicants for
32 licenses;

33 (13) Investigators and administrators of the bureau of enforcement of
34 the registration division of the department of motor vehicles and public
35 safety who perform the duties specified in subsection 3 of NRS 481.048;

36 (14) Officers and investigators of the section for the control of
37 emissions from vehicles of the registration division of the department of
38 motor vehicles and public safety who perform the duties specified in
39 subsection 3 of NRS 481.0481;

40 (15) Legislative police officers of the State of Nevada;

41 (16) The personnel of the capitol police division of the department of
42 motor vehicles and public safety appointed pursuant to subsection 2 of
43 NRS 331.140;

1 (17) Parole counselors of the division of child and family services of
2 the department of human resources;

3 (18) Juvenile probation officers and deputy juvenile probation
4 officers employed by the various judicial districts in Nevada or by a
5 department of family, youth and juvenile services established pursuant to
6 NRS 62.1264 whose official duties require them to enforce court orders on
7 juvenile offenders and make arrests;

8 (19) Field investigators of the taxicab authority;

9 (20) Security officers employed full time by a city or county whose
10 official duties require them to carry weapons and make arrests; ~~and~~

11 (21) The chief of a department of alternative sentencing created
12 pursuant to NRS 211A.080 and the assistant alternative sentencing officers
13 employed by that department ~~[-]~~ ; **and**

14 **(22) Any officer or employee of the department of prisons who is so**
15 **designated by the director of the department pursuant to NRS 289.220.**

16 (b) "Category III peace officer" means peace officers whose **authority is**
17 **limited to correctional or detention services and any officer or employee**
18 **of the department of prisons who:**

19 **(1) Is so designated by the director of the department; and**

20 **(2) Possesses authority *that* is limited to correctional services . ~~[-] and~~**
21 **~~includes the superintendents and correctional officers of the department of~~**
22 **~~prisons.~~**

23 **Sec. 3.** This act becomes effective on July 1, 1999.