

SENATE BILL NO. 264—COMMITTEE ON JUDICIARY

(ON BEHALF OF NEVADA CORRECTIONS ASSOCIATION)

FEBRUARY 26, 1999

Referred to Committee on Judiciary

SUMMARY—Requires certain prospective employees of department of prisons to submit to polygraphic and psychological examinations. (BDR 16-1016)

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; requiring certain prospective employees of the department of prisons to submit to polygraphic and psychological examinations; establishing requirements for the administration of such examinations; and providing other matters properly relating thereto.

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

Section 1. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 5, a person may not be employed by the department in a position in which the person exercises some or all the powers of a peace officer unless the person:

(a) Consents, in writing, to take a polygraphic examination administered by a person who is selected by the director;

(b) Consents, in writing, to take a psychological examination administered by a person who is selected by the director;

(c) Consents, in writing, to the release to the department of the results of the polygraphic examination and the psychological examination; and

(d) Takes the polygraphic examination and the psychological examination within the 3 months immediately preceding his employment in such a position.

1 2. A person who is selected by the director to administer a
2 polygraphic examination pursuant to this section must be a qualified
3 polygraphic examiner or intern who:

4 (a) Holds a valid license pursuant to the provisions of chapter 648 of
5 NRS; or

6 (b) Is exempt from licensure pursuant to the provisions of NRS
7 648.061.

8 3. The board shall establish a list of approved questions that may be
9 asked during polygraphic examinations administered pursuant to this
10 section. The list of approved questions must not include any question that
11 inquires into the religious beliefs, political affiliations, affiliations with
12 labor organizations or sexual activities of the person being examined. A
13 polygraphic examination administered pursuant to this section must not
14 include any question that is not contained in the list of approved
15 questions.

16 4. The results of a polygraphic examination or psychological
17 examination administered pursuant to this section may not be used as the
18 sole basis upon which an adverse employment decision is made
19 concerning a prospective employee.

20 5. The provisions of subsection 1 do not apply to:

21 (a) The director or an assistant director; or

22 (b) Any person employed by the department on October 1, 1999, if, on
23 or before that date, the person held a position with the department in
24 which the person exercised some or all the powers of a peace officer.