

SENATE BILL NO. 265—COMMITTEE ON JUDICIARY
(ON BEHALF OF DISTRICT ATTORNEY’S ASSOCIATION)

FEBRUARY 26, 1999

Referred to Committee on Judiciary

SUMMARY—Provides that certain evidence derived from communication intercepted by investigative or law enforcement officer is admissible in criminal proceedings. (BDR 14-587)

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

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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 criminal proceedings; providing that certain evidence derived from a communication intercepted by an investigative or law enforcement officer relating to offenses other than those specified in the order authorizing the interception is admissible in criminal proceedings; 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 179.465 is hereby amended to read as follows:
2 179.465 1. Any investigative or law enforcement officer who, by any
3 means authorized by NRS 179.410 to 179.515, inclusive, or 704.195 or 18
4 U.S.C. §§ 2510 to 2520, inclusive, has obtained knowledge of the contents
5 of any wire or oral communication, or evidence derived therefrom, may
6 disclose the contents to another investigative or law enforcement officer or
7 use the contents to the extent that the disclosure or use is appropriate to the
8 proper performance of the official duties of the officer making or receiving
9 the disclosure.
10 2. Any person who has received, by any means authorized by NRS
11 179.410 to 179.515, inclusive, or 704.195 or 18 U.S.C. §§ 2510 to 2520,
12 inclusive, or by a statute of another state, any information concerning a
13 wire or oral communication, or evidence derived therefrom intercepted in
14 accordance with the provisions of NRS 179.410 to 179.515, inclusive, may

1 disclose the contents of that communication or the derivative evidence
2 while giving testimony under oath or affirmation in any criminal
3 proceeding in any court or before any grand jury in this state, or in any
4 court of the United States or of any state, or in any federal or state grand
5 jury proceeding.

6 3. An otherwise privileged wire or oral communication intercepted in
7 accordance with, or in violation of, the provisions of NRS 179.410 to
8 179.515, inclusive, or 18 U.S.C. §§ 2510 to 2520, inclusive, does not lose
9 its privileged character.

10 4. When an investigative or law enforcement officer engaged in
11 intercepting wire or oral communications as authorized by NRS 179.410 to
12 179.515, inclusive, intercepts wire or oral communications relating to
13 offenses other than those specified in the order provided for in NRS
14 179.460, the contents of the communications and the evidence derived
15 therefrom may be disclosed or used as provided in subsection 1. The direct
16 evidence derived from the communications is inadmissible in a criminal
17 proceeding, ~~but any~~ *unless it is evidence of a crime for which*
18 *interception could be authorized pursuant to NRS 179.410 to 179.515,*
19 *inclusive, or 18 U.S.C. §§ 2510 to 2520, inclusive. Any* other evidence
20 obtained as a result of knowledge obtained from the communications may
21 be disclosed or used as provided in subsection 2 when authorized or
22 approved by a justice of the supreme court or *a* district judge who finds
23 upon application made as soon as practicable that the contents of the
24 communications were intercepted in accordance with the provisions of
25 NRS 179.410 to 179.515, inclusive, or 18 U.S.C. §§ 2510 to 2520,
26 inclusive.

27 **Sec. 2.** The amendatory provisions of this act do not apply to
28 communications which were intercepted before October 1, 1999.