

SENATE BILL NO. 381—SENATORS JAMES, RHOADS, PORTER,
WASHINGTON, AMODEI AND WIENER

MARCH 11, 1999

JOINT SPONSOR: ASSEMBLYMAN PERKINS

Referred to Committee on Transportation

SUMMARY—Prohibits use of electronic device for observation and detection of moving traffic violations in certain circumstances. (BDR 43-504)

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 traffic; prohibiting the use of electronic devices for the observation and detection of moving traffic violations in certain circumstances; providing that evidence obtained through the use of such a device is not admissible in a criminal or administrative proceeding in certain circumstances; 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.** Chapter 484 of NRS is hereby amended by adding thereto a
2 new section to read as follows:
3 ***1. Except as otherwise provided in subsection 2, a person or***
4 ***governmental entity shall not use, or cause to be used, for gathering***
5 ***evidence or for any other purpose, an electronic device for the***
6 ***observation and detection of violations of this chapter, the regulations***
7 ***adopted pursuant thereto or the laws, ordinances, resolutions or***
8 ***regulations of a local authority concerning moving traffic violations.***
9 ***2. A person or governmental entity may use or cause to be used an***
10 ***electronic device for the observation and detection of moving traffic***
11 ***violations and evidence obtained therefrom is admissible in a criminal or***
12 ***administrative hearing if, immediately after the electronic device***
13 ***observes or detects such a violation, a police officer:***

1 *(a) Stops the driver of the motor vehicle who is observed or detected*
2 *committing the violation;*

3 *(b) Records the information described in subsection 1 of NRS 484.800*
4 *that identifies the driver of the motor vehicle; and*

5 *(c) Informs the driver of the motor vehicle that the driver will be*
6 *issued a citation at that time or a later time.*

7 3. *Evidence obtained in violation of subsection 1 is not admissible in*
8 *a criminal or administrative proceeding.*

9 4. *As used in this section, “electronic device for the observation and*
10 *detection of violations” means an electronic device or other system that*
11 *uses a photographic, video, digital or other method of capturing an*
12 *image to produce evidence of a moving traffic violation automatically,*
13 *without the aid of a person to operate the device.*

14 **Sec. 2.** This act becomes effective on July 1, 1999.