

SENATE BILL NO. 68—SENATOR JACOBSEN

PREFILED JANUARY 29, 1999

Referred to Committee on Government Affairs

SUMMARY—Reorganizes peace officers' standards and training committee into peace officers' standards and training commission. (BDR 23-1041)

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 ~~omitted material~~ is material to be omitted.

AN ACT relating to peace officers; reorganizing the peace officers' standards and training committee in the department of motor vehicles and public safety into the peace officers' standards and training commission and defining its duties; providing for the appointment of an executive director of the commission and defining his duties; reallocating the distribution of the administrative assessment imposed on persons guilty of a misdemeanor to provide for the support of the commission; 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 284.174 is hereby amended to read as follows:
- 2 284.174 1. If personnel of the capitol police division of the
- 3 department of motor vehicles and public safety are not available to provide
- 4 security services for a building, office or other facility of a state agency, the
- 5 state agency may, pursuant to NRS 284.173, contract with one or more
- 6 independent contractors to provide such services.
- 7 2. An independent contractor with whom a state agency contracts
- 8 pursuant to subsection 1 must:
- 9 (a) Be licensed as a private patrolman pursuant to chapter 648 of NRS
- 10 or employed by a person so licensed; and
- 11 (b) Possess the skills required of and meet the same physical
- 12 requirements as law enforcement personnel certified by the peace officers' standards
- 13 and training ~~committee~~ **commission** created pursuant to ~~NRS~~
- 14 ~~481.053.] section 8 of this act.~~

1 **Sec. 2.** Chapter 289 of NRS is hereby amended by adding thereto the
2 provisions set forth as sections 3 to 17, inclusive, of this act.

3 **Sec. 3.** *As used in sections 3 to 17, inclusive, of this act, unless the*
4 *context otherwise requires, the words and terms defined in sections 4 to*
5 *7, inclusive, of this act have the meanings ascribed to them in those*
6 *sections.*

7 **Sec. 4.** *“Category I peace officer” means a peace officer who has*
8 *unrestricted duties and who is not otherwise listed as a category II or*
9 *category III peace officer.*

10 **Sec. 5.** *“Category II peace officer” means:*

11 1. *The bailiff of the supreme court;*

12 2. *The bailiffs of the district courts, justices’ courts and municipal*
13 *courts whose duties require them to carry weapons and make arrests;*

14 3. *Constables and their deputies whose official duties require them to*
15 *carry weapons and make arrests;*

16 4. *Inspectors employed by the transportation services authority who*
17 *exercise those powers of enforcement conferred by chapters 706 and 712*
18 *of NRS;*

19 5. *Parole and probation officers;*

20 6. *Special investigators who are employed full time by the office of*
21 *any district attorney or the attorney general;*

22 7. *Investigators of arson for fire departments who are specially*
23 *designated by the appointing authority;*

24 8. *The assistant and deputies of the state fire marshal;*

25 9. *The brand inspectors of the division of agriculture of the*
26 *department of business and industry who exercise the powers of*
27 *enforcement conferred by chapter 565 of NRS;*

28 10. *Investigators for the state forester firewarden who are specially*
29 *designated by him and whose primary duties are related to the*
30 *investigation of arson;*

31 11. *School police officers employed by the board of trustees of any*
32 *county school district;*

33 12. *Agents of the state gaming control board who exercise the powers*
34 *of enforcement specified in NRS 289.360, 463.140 or 463.1405, except*
35 *those agents whose duties relate primarily to auditing, accounting, the*
36 *collection of taxes or license fees, or the investigation of applicants for*
37 *licenses;*

38 13. *Investigators and administrators of the bureau of enforcement of*
39 *the registration division of the department of motor vehicles and public*
40 *safety who perform the duties specified in subsection 3 of NRS 481.048;*

1 **14. Officers and investigators of the section for the control of**
2 **emissions from vehicles of the registration division of the department of**
3 **motor vehicles and public safety who perform the duties specified in**
4 **subsection 3 of NRS 481.0481;**

5 **15. Legislative police officers of the State of Nevada;**

6 **16. The personnel of the capitol police division of the department of**
7 **motor vehicles and public safety appointed pursuant to subsection 2 of**
8 **NRS 331.140;**

9 **17. Parole counselors of the division of child and family services of**
10 **the department of human resources;**

11 **18. Juvenile probation officers and deputy juvenile probation**
12 **officers employed by the various judicial districts in the State of Nevada**
13 **or by a department of family, youth and juvenile services established**
14 **pursuant to NRS 62.1264 whose official duties require them to enforce**
15 **court orders on juvenile offenders and make arrests;**

16 **19. Field investigators of the taxicab authority;**

17 **20. Security officers employed full time by a city or county whose**
18 **official duties require them to carry weapons and make arrests; and**

19 **21. The chief of a department of alternative sentencing created**
20 **pursuant to NRS 211A.080 and the assistant alternative sentencing**
21 **officers employed by that department.**

22 **Sec. 6. "Category III peace officer" means a peace officer whose**
23 **authority is limited to correctional services, including the superintendents**
24 **and correctional officers of the department of prisons.**

25 **Sec. 7. "Commission" means the peace officers' standards and**
26 **training commission.**

27 **Sec. 8. 1. The peace officers' standards and training commission,**
28 **consisting of seven members appointed by the governor, is hereby**
29 **created. The governor shall appoint:**

30 **(a) One member from Clark County;**

31 **(b) One member from Washoe County;**

32 **(c) Two members from counties other than Clark and Washoe**
33 **counties;**

34 **(d) One member from a state law enforcement agency that primarily**
35 **employs peace officers required to receive training as category I peace**
36 **officers;**

37 **(e) One member who is a category II peace officer; and**

38 **(f) One member who is a category III peace officer.**

39 **2. Members of the commission serve terms of 2 years. Members serve**
40 **without compensation, but are entitled to the per diem allowance and travel**
41 **expenses provided by law for state officers and employees**
42 **generally.**

1 **3. The governor shall make the appointments to the commission**
2 **from recommendations submitted by Clark County, Washoe County,**
3 **professional organizations of sheriffs and police chiefs of this state,**
4 **category II peace officers and category III peace officers.**

5 **Sec. 9. 1. The commission:**

6 **(a) Shall meet at the call of the chairman, who must be elected by a**
7 **majority vote of the members of the commission.**

8 **(b) Shall provide for and encourage the training and education of**
9 **persons whose primary duty is law enforcement to ensure the safety of**
10 **the residents of and visitors to this state.**

11 **(c) Shall adopt regulations establishing minimum standards for the**
12 **certification and decertification, recruitment, selection and training of**
13 **peace officers. The regulations must establish:**

14 **(1) Requirements for basic training for category I, category II and**
15 **category III peace officers and reserve peace officers;**

16 **(2) Standards for programs for the continuing education of peace**
17 **officers, including minimum courses of study and requirements**
18 **concerning attendance;**

19 **(3) Qualifications for instructors of peace officers; and**

20 **(4) Requirements for the certification of a course of training.**

21 **(d) Shall, when necessary, present courses of training and continuing**
22 **education courses for category I, category II and category III peace**
23 **officers and reserve peace officers.**

24 **(e) May make necessary inquiries to determine whether the agencies**
25 **of this state and of the local governments are complying with standards**
26 **set forth in its regulations.**

27 **(f) Shall carry out the duties required of the commission pursuant to**
28 **NRS 432B.610 and 432B.620.**

29 **(g) May perform any other acts that may be necessary and appropriate**
30 **to the functions of the commission as set forth in sections 3 to 17,**
31 **inclusive, of this act.**

32 **2. Regulations adopted by the commission:**

33 **(a) Apply to all agencies of this state and of local governments in this**
34 **state that employ persons as peace officers;**

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

38 **(c) May require that training be carried on at institutions which it**
39 **approves in those regulations.**

40 **Sec. 10. The commission, by majority vote of its members, shall**
41 **appoint an executive director of the commission. The executive director:**

1 **1. Must be selected with special reference to his training, experience,**
2 **capacity and interest in the field of administering laws and regulations**
3 **relating to the training of peace officers.**

4 **2. Is in the unclassified service of the state.**

5 **3. Shall not pursue any other business or occupation, or perform any**
6 **other duties of any other office of profit without the prior approval of the**
7 **commission.**

8 **4. May be removed by the commission, by a majority vote of its**
9 **members, at any time for cause.**

10 **Sec. 11. With the advice of the commission, the executive director of**
11 **the commission may:**

12 **1. Appoint employees, agents, consultants and other staff of the**
13 **commission and prescribe their duties;**

14 **2. Administer and direct the daily operation of the staff and**
15 **resources of the commission;**

16 **3. Inspect academies for training peace officers, and issue and**
17 **revoke certificates of approval to such academies;**

18 **4. Certify qualified instructors for approved courses of training for**
19 **peace officers and issue appropriate certificates to instructors;**

20 **5. Certify peace officers who have satisfactorily completed courses of**
21 **training for peace officers and issue basic, intermediate, advanced and**
22 **management professional certificates to peace officers;**

23 **6. Make recommendations to the commission concerning the**
24 **issuance of executive certificates;**

25 **7. Cause annual audits to be made relating to the operation of**
26 **academies for training peace officers;**

27 **8. Consult and cooperate with academies for training peace officers**
28 **concerning the development of the basic and advanced training**
29 **programs for peace officers;**

30 **9. Consult and cooperate with academies for training peace officers**
31 **concerning the development of specialized courses of study in this state**
32 **for peace officers in the areas of police science, police administration,**
33 **corrections, probation, the social sciences and other related areas;**

34 **10. Consult and cooperate with other departments and agencies of**
35 **this state and of local governments concerning the training of peace**
36 **officers;**

37 **11. Report to the commission at the regular meetings of the**
38 **commission and at such other times as the commission may require, and**
39 **recommend the denial, suspension or revocation of certification of a**
40 **peace officer to the commission as deemed necessary;**

41 **12. Execute contracts on behalf of the commission; and**

42 **13. Perform any other acts necessary and appropriate to the carrying**
43 **out of his duties.**

1 **Sec. 12. 1. An account for the training of peace officers is hereby**
2 **created in the state general fund. The account must be administered by**
3 **the executive director of the commission. The executive director may**
4 **apply for, accept and expend any gift, donation, bequest, grant or other**
5 **source of money or other financial assistance from any person,**
6 **association, corporation or other organization having an interest in the**
7 **training of peace officers, and from the United States and any of its**
8 **agencies or instrumentalities, for deposit in the account. The money in**
9 **the account must be expended in accordance with the terms and**
10 **conditions of the gift, donation, bequest or grant, or in accordance with**
11 **subsection 2.**

12 **2. Except as otherwise provided in subsection 1, the money in the**
13 **account may be used only for the training of persons whose primary duty**
14 **is law enforcement or for other purposes approved by the commission.**

15 **Sec. 13. The persons upon whom some or all of the powers of a**
16 **peace officer are conferred pursuant to NRS 289.150 to 289.360,**
17 **inclusive, must be certified by the commission, except:**

- 18 **1. The chief parole and probation officer;**
- 19 **2. The director of the department of prisons;**
- 20 **3. The state fire marshal;**
- 21 **4. The director of the department of motor vehicles and public safety,**
22 **the deputy directors of the department, the chiefs of the divisions of the**
23 **department other than the investigation division, and the members of the**
24 **state disaster identification team of the division of emergency**
25 **management of the department;**
- 26 **5. The commissioner of insurance and his chief deputy;**
- 27 **6. Railroad policemen; and**
- 28 **7. California correctional officers.**

29 **Sec. 14. An application for certification as a peace officer must**
30 **include the social security number of the applicant.**

31 **Sec. 15. 1. An applicant for certification as a peace officer shall**
32 **submit to the peace officers' standards and training commission the**
33 **statement prescribed by the welfare division of the department of human**
34 **resources pursuant to NRS 425.520. The statement must be completed**
35 **and signed by the applicant.**

36 **2. The commission shall include the statement required pursuant to**
37 **subsection 1 in:**

38 **(a) The application or any other forms that must be submitted for the**
39 **issuance of the certification; or**

40 **(b) A separate form prescribed by the commission.**

41 **3. An applicant may not be certified by the commission if the**
42 **applicant for certification:**

43 **(a) Fails to submit the statement required pursuant to subsection 1; or**

1 ***(b) Indicates on the statement submitted pursuant to subsection 1 that***
2 ***he is subject to a court order for the support of a child and is not in***
3 ***compliance with the order or a plan approved by the district attorney or***
4 ***other public agency enforcing the order for the repayment of the amount***
5 ***owed pursuant to the order.***

6 ***4. If an applicant indicates on the statement submitted pursuant to***
7 ***subsection 1 that he is subject to a court order for the support of a child***
8 ***and is not in compliance with the order or a plan approved by the district***
9 ***attorney or other public agency enforcing the order for the repayment of***
10 ***the amount owed pursuant to the order, the commission shall advise the***
11 ***applicant to contact the district attorney or other public agency enforcing***
12 ***the order to determine the actions that the applicant may take to satisfy***
13 ***the arrearage.***

14 ***Sec. 16. 1. If the peace officers' standards and training***
15 ***commission receives a copy of a court order issued pursuant to NRS***
16 ***425.540 that provides for the suspension of all professional, occupational***
17 ***and recreational licenses, certificates and permits issued to a person who***
18 ***has been certified as a peace officer, the commission shall deem the***
19 ***person's certification to be suspended at the end of the 30th day after the***
20 ***date on which the court order was issued unless the commission receives***
21 ***a letter issued by the district attorney or other public agency pursuant to***
22 ***NRS 425.550 to the person who has been certified stating that the person***
23 ***has complied with the subpoena or warrant or has satisfied the arrearage***
24 ***pursuant to NRS 425.560.***

25 ***2. The peace officers' standards and training commission shall***
26 ***reinstate a certification as a peace officer that has been suspended by a***
27 ***district court pursuant to NRS 425.540 if the commission receives a letter***
28 ***issued by the district attorney or other public agency pursuant to NRS***
29 ***425.550 to the person whose certification was suspended stating that the***
30 ***person whose certification was suspended has complied with the***
31 ***subpoena or warrant or has satisfied the arrearage pursuant to NRS***
32 ***425.560.***

33 ***Sec. 17. 1. As a condition of the certification of a peace officer***
34 ***employed by an agency that authorizes the use of a choke hold in the***
35 ***course of his duties, the peace officers' standards and training***
36 ***commission shall require the peace officer to be trained in the proper use***
37 ***of the choke hold. In addition, the commission shall require annual***
38 ***training and recertification in the proper use of the choke hold if the***
39 ***agency employing the peace officer continues to authorize the official***
40 ***use of the choke hold.***

1 **2. The commission shall adopt regulations regarding the minimum**
2 **training and testing required to comply with the requirements of**
3 **subsection 1 and the manner in which each such agency shall**
4 **demonstrate its continuing compliance with the requirements of**
5 **subsection 1.**

6 **Sec. 18.** NRS 289.010 is hereby amended to read as follows:

7 289.010 As used in this chapter, unless the context otherwise requires:

8 1. ***“Choke hold” means the holding of a person’s neck in a manner***
9 ***specifically intended to restrict the flow of oxygen or blood to the***
10 ***person’s lungs or brain. The term includes the arm-bar restraint, carotid***
11 ***restraint and lateral vascular neck restraint.***

12 2. ***“Peace officer”*** means any person upon whom some or all of the
13 powers of a peace officer are conferred pursuant to NRS 289.150 to
14 289.360, inclusive.

15 ~~[2.]~~ 3. ***“Punitive action”*** means any action which may lead to dismissal,
16 demotion, suspension, reduction in salary, written reprimand or transfer of
17 a peace officer for purposes of punishment.

18 **Sec. 19.** NRS 289.360 is hereby amended to read as follows:

19 289.360 1. For the purpose of the administration and enforcement of
20 the provisions of chapter 205 of NRS involving a crime against the
21 property of a gaming licensee, or chapter 462, 463, 463B, 464 or 465 of
22 NRS, the members of the state gaming control board and the Nevada
23 gaming commission and those agents of the board whose duties include the
24 enforcement, or the investigation of suspected violations, of statutes or
25 regulations, have the powers of a peace officer.

26 2. An agent of the state gaming control board whose duties include the
27 enforcement, or the investigation of suspected violations, of statutes or
28 regulations, and who has been certified by the peace officers’ standards and
29 training ~~[committee,]~~ **commission**, also has the powers of a peace officer
30 when, during the performance of those duties:

31 (a) A felony, gross misdemeanor or misdemeanor is committed or
32 attempted in his presence; or

33 (b) He is given reasonable cause to believe that a person has committed
34 a felony or gross misdemeanor outside of his presence.

35 3. For the purpose of protecting members of the state gaming control
36 board and of the Nevada gaming commission and their families and
37 property, and providing security at meetings of the board and of the
38 commission, an agent of the board whose duties include the enforcement of
39 statutes or regulations has the powers of a peace officer.

40 **Sec. 20.** NRS 289.410 is hereby amended to read as follows:

41 289.410 1. A peace officer shall not use a choke hold on any other
42 person unless:

(a) The agency employing the peace officer authorizes the use of the choke hold by its peace officers in the course of their duties; and

(b) The peace officer has successfully completed training in the proper use of the choke hold and holds current certification for its use by the agency which employs him.

2. If a law enforcement agency finds that a peace officer has violated the provisions of subsection 1, the peace officer is subject to such disciplinary action as is provided for such an offense by the agency.

3. Each agency in this state which employs a peace officer shall adopt regulations which govern whether the use of a choke hold by its officers during the course of their duties is authorized. If an agency authorizes such a use of a choke hold, the agency shall also adopt regulations which specifically address:

(a) The manner in which a peace officer, certified for use of a choke hold, is authorized to use the hold in the course of his duties;

(b) The manner in which records of training, certification and recertification will be maintained to ensure compliance with any applicable statutory or other related requirements; and

(c) The consequences of unauthorized or uncertified use of a choke hold.

~~4. As used in this section, "choke hold" means the holding of a person's neck in a manner specifically intended to restrict the flow of oxygen or blood to the person's lungs or brain. The term includes the arm-bar restraint, carotid restraint and lateral vascular neck restraint.~~

Sec. 21. NRS 176.059 is hereby amended to read as follows:

176.059 1. Except as otherwise provided in subsection 2, when a defendant pleads guilty or guilty but mentally ill or is found guilty of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum prescribed by the following schedule as an administrative assessment and render a judgment against the defendant for the assessment:

Fine	Assessment
\$5 to \$49	\$15
50 to 59	30
60 to 69	35
70 to 79	40
80 to 89	45
90 to 99	50
100 to 199	60
200 to 299	70
300 to 399	80

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Fine	Assessment
400 to 499	\$90
500 to 1,000	105

2. The provisions of subsection 1 do not apply to:

(a) An ordinance regulating metered parking; or

(b) An ordinance which is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

3. The money collected for an administrative assessment must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment he has paid and the justice or judge shall not recalculate the administrative assessment.

4. If the justice or judge permits the fine and administrative assessment to be paid in installments, the payments must be first applied to the unpaid balance of the administrative assessment. The city treasurer shall distribute partially collected administrative assessments in accordance with the requirements of subsection 5. The county treasurer shall distribute partially collected administrative assessments in accordance with the requirements of subsection 6.

5. The money collected for administrative assessments in municipal court must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. The city treasurer shall distribute, on or before the 15th day of that month, the money received in the following amounts for each assessment received:

(a) Two dollars to the county treasurer for credit to a special account in the county general fund for the use of the county's juvenile court or for services to juvenile offenders. Any money remaining in the special account after 2 fiscal years must be deposited in the county general fund if it has not been committed for expenditure. The county treasurer shall provide, upon request by a juvenile court, monthly reports of the revenue credited to and expenditures made from the special account.

(b) Seven dollars for credit to a special revenue fund for the use of the municipal courts. Any money remaining in the special revenue fund after 2 fiscal years must be deposited in the municipal general fund if it has not

1 been committed for expenditure. The city treasurer shall provide, upon
2 request by a municipal court, monthly reports of the revenue credited to
3 and expenditures made from the special revenue fund.

4 (c) The remainder of each assessment to the state treasurer for credit to a
5 special account in the state general fund.

6 6. The money collected for administrative assessments in justices'
7 courts must be paid by the clerk of the court to the county treasurer on or
8 before the fifth day of each month for the preceding month. The county
9 treasurer shall distribute, on or before the 15th day of that month, the
10 money received in the following amounts for each assessment received:

11 (a) Two dollars for credit to a special account in the county general fund
12 for the use of the county's juvenile court or for services to juvenile
13 offenders. Any money remaining in the special account after 2 fiscal years
14 must be deposited in the county general fund if it has not been committed
15 for expenditure. The county treasurer shall provide, upon request by a
16 juvenile court, monthly reports of the revenue credited to and expenditures
17 made from the special account.

18 (b) Seven dollars for credit to a special revenue fund for the use of the
19 justices' courts. Any money remaining in the special revenue fund after 2
20 fiscal years must be deposited in the county general fund if it has not been
21 committed for expenditure. The county treasurer shall provide, upon
22 request by a justice's court, monthly reports of the revenue credited to and
23 expenditures made from the special revenue fund.

24 (c) The remainder of each assessment to the state treasurer for credit to a
25 special account in the state general fund.

26 7. The money apportioned to a juvenile court, a justice's court or a
27 municipal court pursuant to this section must be used, in addition to
28 providing services to juvenile offenders in the juvenile court, to improve
29 the operations of the court, or to acquire appropriate advanced technology
30 or the use of such technology, or both. Money used to improve the
31 operations of the court may include expenditures for:

32 (a) Training and education of personnel;

33 (b) Acquisition of capital goods;

34 (c) Management and operational studies; or

35 (d) Audits.

36 8. Of the total amount deposited in the state general fund pursuant to
37 subsections 5 and 6, the state controller shall distribute the money received,
38 to the extent of legislative authorization, to the following public agencies in
39 the following manner:

40 (a) Not less than 51 percent must be distributed to the office of the court
41 administrator for allocation as follows:

42 (1) Eighteen and one-half percent of the amount distributed to the
43 office of the court administrator for the administration of the courts.

(2) Nine percent of the amount distributed to the office of the court administrator for the development of a uniform system for judicial records.

(3) Nine percent of the amount distributed to the office of the court administrator for continuing judicial education.

(4) Sixty percent of the amount distributed to the office of the court administrator for the supreme court.

(5) Three and one-half percent of the amount distributed to the office of the court administrator for the payment for the services of retired justices and retired district judges.

(b) ~~Not more than 49]~~ ***less than 14 percent must be distributed to the peace officers' standards and training commission to be used for the support of the peace officers' standards and training commission. All money distributed to the peace officers' standards and training commission pursuant to this paragraph must be accounted for separately. Any money remaining in the account at the end of a fiscal year that is not committed for expenditure does not revert to the state general fund, but remains in the account for use by the peace officers' standards and training commission in carrying out its duties and responsibilities prescribed by law.***

(c) ***Not more than 35*** percent must be used to the extent of legislative authorization for the support of:

(1) The central repository for Nevada records of criminal history;

(2) ~~{The peace officers' standards and training committee of the department of motor vehicles and public safety for the continuing education of persons whose primary duties are law enforcement;~~

~~—(3)}~~ The operation by the Nevada highway patrol of a computerized switching system for information related to law enforcement; and

~~{(4)}~~ (3) The fund for the compensation of victims of crime.

9. As used in this section, "juvenile court" means:

(a) In any judicial district that includes a county whose population is 100,000 or more, the family division of the district court; or

(b) In any other judicial district, the juvenile division of the district court.

Sec. 22. NRS 228.470 is hereby amended to read as follows:

228.470 1. The attorney general shall appoint a committee on domestic violence comprised of:

(a) One staff member of a program for victims of domestic violence;

(b) One staff member of a program for the treatment of persons who commit domestic violence;

(c) One representative from an office of the district attorney with experience in prosecuting criminal offenses;

(d) One representative from an office of the city attorney with experience in prosecuting criminal offenses;

- 1 (e) One law enforcement officer;
- 2 (f) One provider of mental health care;
- 3 (g) Two victims of domestic violence; and
- 4 (h) One person who:
 - 5 (1) Has successfully completed a program for the treatment of
 - 6 persons who commit domestic violence;
 - 7 (2) Has not committed a violent act following such treatment; and
 - 8 (3) Has demonstrated leadership by assisting persons who commit
 - 9 domestic violence or victims of domestic violence.
- 10 At least two members of the committee must be residents of a county whose
- 11 population is less than 100,000.
- 12 2. The committee shall:
 - 13 (a) Adopt regulations for the evaluation, certification and monitoring of
 - 14 programs for the treatment of persons who commit domestic violence;
 - 15 (b) Review, monitor and certify programs for the treatment of persons
 - 16 who commit domestic violence;
 - 17 (c) Review and evaluate existing programs provided to peace officers
 - 18 for training related to domestic violence and make recommendations to the
 - 19 peace officers' standards and training ~~committee~~ **commission** regarding
 - 20 such training;
 - 21 (d) To the extent that money is available, arrange for the provision of
 - 22 legal services, including, without limitation, assisting a person in an action
 - 23 for divorce; and
 - 24 (e) Submit on or before March 1 of each odd-numbered year a report to
 - 25 the director of the legislative counsel bureau for distribution to the regular
 - 26 session of the legislature. The report must include, without limitation, a
 - 27 summary of the work of the committee and recommendations for any
 - 28 necessary legislation concerning domestic violence.
- 29 3. The committee shall, at its first meeting and annually thereafter,
- 30 elect a chairman from among its members.
- 31 4. The committee shall meet regularly at least semiannually and may
- 32 meet at other times upon the call of the chairman. Any five members of the
- 33 committee constitute a quorum for the purpose of voting. A majority vote
- 34 of the quorum is required to take action with respect to any matter.
- 35 5. The attorney general shall provide the committee with such staff as
- 36 is necessary to carry out the duties of the committee.
- 37 6. While engaged in the business of the committee, each member and
- 38 employee of the committee is entitled to receive the per diem allowance
- 39 and travel expenses provided for state officers and employees generally.
- 40 **Sec. 23.** NRS 432B.610 is hereby amended to read as follows:
- 41 432B.610 1. The peace officers' standards and training ~~committee~~
- 42 **commission** shall:

1 (a) Require each category I peace officer to complete a program of
2 training for the detection and investigation of and response to cases of
3 sexual abuse or sexual exploitation of children under the age of 18 years.

4 (b) Not certify any person as a category I peace officer unless he has
5 completed the program of training required pursuant to paragraph (a).

6 (c) Establish a program to provide the training required pursuant to
7 paragraph (a).

8 (d) Adopt regulations necessary to carry out the provisions of this
9 section.

10 2. As used in this section, "category I peace officer" means:

11 (a) Sheriffs of counties and of metropolitan police departments, their
12 deputies and correctional officers;

13 (b) Personnel of the Nevada highway patrol appointed to exercise the
14 police powers specified in NRS 481.150 and 481.180;

15 (c) Marshals, policemen and correctional officers of cities and towns;

16 (d) Members of the police department of the University and Community
17 College System of Nevada;

18 (e) Employees of the division of state parks of the state department of
19 conservation and natural resources designated by the administrator of the
20 division who exercise police powers specified in NRS 289.260;

21 (f) The chief, investigators and agents of the investigation division of the
22 department of motor vehicles and public safety; and

23 (g) The personnel of the division of wildlife of the state department of
24 conservation and natural resources who exercise those powers of
25 enforcement conferred by Title 45 and chapter 488 of NRS.

26 **Sec. 24.** NRS 432B.620 is hereby amended to read as follows:

27 432B.620 1. A peace officer assigned to investigate regularly cases
28 of sexual abuse or sexual exploitation of children under the age of 18 years
29 must be certified to carry out those duties by the peace officers' standards
30 and training ~~committee~~ **commission**.

31 2. The peace officers' standards and training ~~committee~~ **commission**
32 shall require each peace officer assigned to investigate regularly cases of
33 sexual abuse or sexual exploitation of children under the age of 18 years to
34 complete, within 1 year after he is assigned to investigate those cases and
35 each year thereafter, a program of training for the detection and
36 investigation of and response to cases of sexual abuse or sexual
37 exploitation of children under the age of 18 years.

38 3. If a law enforcement agency does not have a peace officer who is
39 certified to investigate cases of sexual abuse or sexual exploitation of
40 children under the age of 18 years pursuant to NRS 432B.610, it may consult with a
41 peace officer of another law enforcement agency who is so
42 certified.

1 4. The peace officers' standards and training ~~{committee}~~ **commission**
2 shall:

3 (a) Establish the program of training required pursuant to subsection 2.

4 (b) Adopt regulations necessary to carry out the provisions of this
5 section.

6 5. The provisions of this section do not prohibit a peace officer who is
7 not certified to investigate cases of sexual abuse or sexual exploitation of
8 children under the age of 18 years pursuant to NRS 432B.610 from
9 testifying or presenting evidence at any proceeding relating to the sexual
10 abuse or sexual exploitation of a child under the age of 18 years.

11 **Sec. 25.** NRS 459.920 is hereby amended to read as follows:

12 459.920 1. A person or governmental entity shall not operate or
13 display or cause to be operated or displayed a radar gun or similar device
14 unless it is:

15 (a) On the Consumer Products List of the International Association of
16 Chiefs of Police; and

17 (b) Inspected at least every 3 years to determine whether its level of
18 power and structural integrity comply with the minimum performance
19 specifications for that model established by the United States Department
20 of Transportation.

21 2. Any person or governmental entity that causes to be operated or
22 displayed a radar gun or similar device that emits nonionizing radiation
23 shall adopt procedures for its use that protect the health and safety of the
24 operator of the radar gun or device.

25 3. A peace officer must successfully complete a course of training in
26 the proper use of a radar gun or similar device approved by the peace
27 officers' standards and training ~~{committee of the department of motor~~
28 ~~vehicles and public safety}~~ **commission** before he may be authorized to
29 operate a radar gun or similar device.

30 **Sec. 26.** NRS 481.083 is hereby amended to read as follows:

31 481.083 1. Except for the operation of ~~{the peace officers' standards~~
32 ~~and training committee,}~~ the investigation division, the division of
33 emergency management, the state fire marshal division, the division of
34 parole and probation and the capitol police division of the department,
35 money for the administration of the provisions of this chapter must be
36 provided by direct legislative appropriation from the state highway fund
37 upon the presentation of budgets in the manner required by law.

38 2. All money provided for the support of the department and its various
39 divisions must be paid out on claims approved by the director in the same
40 manner as other claims against the state are paid.

1 **Sec. 27.** NRS 481.243 is hereby amended to read as follows:

2 481.243 1. If circumstances require the appointment of persons with
3 special skills or training, the chief of the investigation division may appoint
4 persons as investigators who have those special skills or training and have
5 completed the requirements for the training of a category I peace officer .
6 ~~[pursuant to NRS 481.053.]~~ A person appointed as an investigator has the
7 powers of a peace officer while carrying out the duties assigned to him by
8 the chief or a person designated by the chief.

9 2. As used in this section, "category I peace officer" has the meaning
10 ascribed to it in NRS 432B.610.

11 **Sec. 28.** 1. Notwithstanding any specific statute to the contrary, the
12 terms of office of all members of the peace officers' standards and training
13 committee expire on June 30, 1999.

14 2. Not later than July 1, 1999, the governor shall appoint seven persons
15 as members of the peace officers' standards and training commission,
16 whose terms commence on July 1, 1999. Notwithstanding the provisions of
17 section 8 of this act to the contrary, for the initial terms of the members of
18 the peace officers' standards and training commission, the governor shall
19 appoint:

20 (a) Four members to 2-year terms; and

21 (b) Three members to 1-year terms.

22 **Sec. 29.** 1. Any administrative regulations adopted by the peace
23 officers' standards and training committee shall be deemed to have been
24 adopted by the peace officers' standards and training commission and
25 remain in force until amended by the commission.

26 2. Any contract or other agreement entered into by the peace officers'
27 standards and training committee shall be deemed to have been entered
28 into, and are binding upon and may be enforced by, the peace officers'
29 standards and training commission.

30 3. Any certification issued or other action taken by the peace officers'
31 standards and training committee shall be deemed to have been issued or
32 taken, and remains in effect as if issued or taken, by the peace officers'
33 standards and training commission.

34 **Sec. 30.** The amendatory provisions of sections 14, 15 and 16 of this
35 act expire by limitation on the date on which the provisions of 42 U.S.C. §
36 666 requiring each state to establish procedures under which the state has
37 authority to withhold or suspend, or to restrict the use of professional,
38 occupational and recreational licenses of persons who:

39 1. Have failed to comply with a subpoena or warrant relating to a
40 proceeding to determine the paternity of a child or to establish or enforce
41 an obligation for the support of a child; or

1 2. Are in arrears in the payment for the support of one or more
2 children,
3 are repealed by the Congress of the United States.

4 **Sec. 31.** NRS 481.053, 481.054, 481.0541, 481.0542, 481.0543 and
5 481.0545 are hereby repealed.

6 **Sec. 32.** 1. This section and section 28 of this act become effective
7 upon passage and approval.

8 2. Sections 1 to 27, inclusive, 29, 30 and 31 of this act become
9 effective on July 1, 1999.

LEADLINES OF REPEALED SECTIONS

**481.053 Peace officers' standards and training committee:
Appointment, terms, compensation and expenses of members; duties;
regulations.**

**481.054 Peace officers' standards and training committee: Persons
required to be certified by committee; exceptions.**

**481.0541 Peace officers' standards and training committee:
Application for certification as peace officer to include social security
number.**

**481.0542 Peace officers' standards and training committee:
Submission of statement by applicant for certification as peace officer
regarding payment of child support; grounds for denial of
certification; duty of committee.**

**481.0543 Peace officers' standards and training committee:
Suspension of certification as peace officer for failure to pay child
support or comply with certain subpoenas or warrants; reinstatement
of certification.**

**481.0545 Peace officers' standards and training committee:
Training in proper use of choke hold as condition of certification;
annual training and recertification; regulations.**