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ASSEMBLY BILL NO. 220—COMMITTEE ON JUDICIARY

FEBRUARY 22, 2001

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing duties of certain peace officers when certain felonies are committed or attempted in their presence or in area that is within their jurisdiction. (BDR 14-141)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: 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 law enforcement; revising provisions governing the duties of certain peace officers in larger counties when certain felonies are committed or attempted in their presence or in an area that is within their jurisdiction; 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 171 of NRS is hereby amended by adding thereto a
2 new section to read as follows:
3 1. *Except as otherwise provided in subsection 3, in a county whose*
4 *population is 100,000 or more, a peace officer with limited jurisdiction*
5 *who witnesses a category A felony being committed or attempted in his*
6 *presence, or has reasonable cause for believing a person has committed*
7 *or attempted to commit a category A felony in an area that is within his*
8 *jurisdiction, shall immediately notify the primary law enforcement*
9 *agency in the city or county, as appropriate, where the offense or*
10 *attempted offense was committed.*
11 2. *Upon arrival of an officer from the primary law enforcement*
12 *agency notified pursuant to subsection 1, a peace officer with limited*
13 *jurisdiction shall immediately transfer the investigation of the offense or*
14 *attempted offense to the primary law enforcement agency.*
15 3. *The provisions of subsection 1 do not:*
16 (a) *Apply to an offense or attempted offense that is a misdemeanor,*
17 *gross misdemeanor or felony other than a category A felony;*
18 (b) *Apply to an officer of the Nevada Highway Patrol, an agent of the*
19 *investigation division of the department of motor vehicles and public*
20 *safety or a ranger of the division of state parks of the state department of*
21 *conservation and natural resources;*



- 1 (c) *Apply to a peace officer with limited jurisdiction if an interlocal*
2 *agreement between his employer and the primary law enforcement*
3 *agency in the city or county in which a category A felony was committed*
4 *or attempted authorizes the peace officer with limited jurisdiction to*
5 *respond to and investigate the felony without immediately notifying the*
6 *primary law enforcement agency; or*
7 (d) *Prohibit a peace officer with limited jurisdiction from:*
8 (1) *Contacting a primary law enforcement agency for assistance*
9 *with an offense that is a misdemeanor, gross misdemeanor or felony that*
10 *is not a category A felony; or*
11 (2) *Responding to a category A felony until the appropriate primary*
12 *law enforcement agency arrives at the location where the felony was*
13 *allegedly committed or attempted, including, without limitation, taking*
14 *any appropriate action to provide assistance to a victim of the felony, to*
15 *apprehend the person suspected of committing or attempting to commit*
16 *the felony, to secure the location where the felony was allegedly*
17 *committed or attempted and to protect the life and safety of the peace*
18 *officer and any other person present at that location.*
19 4. *As used in this section:*
20 (a) *"Peace officer with limited jurisdiction" means:*
21 (1) *A school police officer who is appointed or employed pursuant*
22 *to subsection 4 of NRS 391.100;*
23 (2) *A member of a police department of the University and*
24 *Community College System of Nevada that is established pursuant to*
25 *NRS 396.325;*
26 (3) *An airport guard or police officer who is appointed pursuant to*
27 *NRS 496.130;*
28 (4) *A person employed to provide police services for an airport*
29 *authority created by a special act of the legislature; and*
30 (5) *A marshal or park ranger who is part of a unit of specialized*
31 *law enforcement established pursuant to NRS 280.125.*
32 (b) *"Primary law enforcement agency" means:*
33 (1) *A police department of an incorporated city;*
34 (2) *The sheriff's office of a county; or*
35 (3) *If the county is within the jurisdiction of a metropolitan police*
36 *department, the metropolitan police department.*
37 **Sec. 2.** NRS 280.125 is hereby amended to read as follows:
38 280.125 1. The provisions of this chapter do not prohibit a
39 participating political subdivision from establishing and administering the
40 following units of specialized law enforcement:
41 (a) A unit consisting of animal control officers.
42 (b) A unit consisting of marshals.
43 (c) A unit consisting of park rangers.
44 (d) A unit for the investigation of arson.
45 (e) A unit for the enforcement of laws relating to the licensure of
46 businesses.
47 (f) A unit for the enforcement of nonmoving traffic laws.
48 2. Except as otherwise limited in subsection 3, the jurisdiction and
49 authority of any units of specialized law enforcement established pursuant



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1 to subsection 1 is concurrent with the authority and jurisdiction of the
2 metropolitan police department.

3 3. The authority and jurisdiction of a unit consisting of marshals or
4 park rangers is limited to:

5 (a) The issuance of citations in accordance with the provisions of NRS
6 171.17751;

7 (b) The enforcement of state laws and city and county ordinances on
8 real property owned, leased or otherwise under the control of the
9 participating political subdivision;

10 (c) The service of warrants of arrest issued pursuant to NRS 5.060;

11 ~~and~~

12 (d) The removal of abandoned vehicles as authorized by NRS 487.230

13 ~~and~~; and

14 *(e) The duties set forth in section 1 of this act.*

15 **Sec. 3.** NRS 289.190 is hereby amended to read as follows:

16 289.190 1. A person employed or appointed to serve as a school
17 police officer pursuant to subsection 4 of NRS 391.100 has the powers of a
18 peace officer. *A school police officer shall perform his duties in*
19 *compliance with the provisions of section 1 of this act.*

20 2. A person appointed pursuant to NRS 393.0718 by the board of
21 trustees of any school district has the powers of a peace officer to carry out
22 the intents and purposes of NRS 393.071 to 393.0719, inclusive.

23 3. Members of every board of trustees of a school district,
24 superintendents of schools, principals and teachers have concurrent power
25 with peace officers for the protection of children in school and on the way
26 to and from school, and for the enforcement of order and discipline among
27 such children, including children who attend school within one school
28 district but reside in an adjoining school district or adjoining state, pursuant
29 to the provisions of chapter 392 of NRS. This subsection must not be
30 construed so as to make it the duty of superintendents of schools, principals
31 and teachers to supervise the conduct of children while not on the school
32 property.

33 **Sec. 4.** NRS 289.350 is hereby amended to read as follows:

34 289.350 1. A person employed and compensated as a member of the
35 police department of the University and Community College System of
36 Nevada, when appointed pursuant to subsection 1 of NRS 396.325 and
37 duly sworn, is a peace officer ~~but~~ *who shall perform his duties in*
38 *compliance with the provisions of section 1 of this act and* may exercise
39 his power or authority only:

40 (a) Upon the campuses of the University and Community College
41 System of Nevada, including that area to the center line of public streets
42 adjacent to a campus;

43 (b) When in hot pursuit of a violator leaving such a campus or area;

44 (c) In or about other grounds or properties of the University and
45 Community College System of Nevada; or

46 (d) Except as limited by subsection 2, in accordance with interlocal
47 agreements entered into with other law enforcement agencies.

48 2. An interlocal agreement between the police department for the
49 University and Community College System of Nevada and other law



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1 enforcement agencies may allow a peace officer of the police department
2 of the University and Community College System of Nevada to exercise
3 his power or authority:

4 (a) On any public street that is adjacent to property owned by the
5 University and Community College System of Nevada.

6 (b) On any property that is consistently used by an organization whose
7 recognition by the University and Community College System of Nevada
8 is a necessary condition for its continued operation.

9 (c) On any property that is rented or leased by the University and
10 Community College System of Nevada for an event that is approved by the
11 University and Community College System of Nevada.

12 (d) For mutual assistance specifically agreed upon with the other law
13 enforcement agencies that are parties to the interlocal agreement.

14 **Sec. 5.** NRS 496.130 is hereby amended to read as follows:

15 496.130 1. A municipality that establishes or acquires an airport or
16 air navigation facility may adopt, amend and repeal such reasonable
17 ordinances, resolutions, rules, regulations or orders as it deems necessary
18 for the management, government and use of the airport or air navigation
19 facility under its control, whether situated within or outside of the
20 territorial limits of the municipality.

21 2. For the enforcement thereof, the municipality may, by ordinance or
22 resolution, as appropriate, appoint airport guards or police ~~+~~ with full
23 police powers ~~+~~ *which must be performed in compliance with the*
24 *provisions of section 1 of this act*, and fix penalties, within the limits
25 prescribed by law, for the violation of the ordinances, resolutions, rules,
26 regulations and orders. Penalties must be enforced in the same manner in
27 which penalties prescribed by other ordinances or resolutions of the
28 municipality are enforced.

29 3. A rule, regulation or ordinance must not be adopted, amended or
30 repealed under this chapter, except by action of the governing body of the
31 municipality after a public hearing in relation thereto at which public
32 utilities owning facilities in the areas involved, and other interested
33 persons, have an opportunity to be heard. At least 15 days' notice of the
34 hearing must:

35 (a) Be given to all public utilities owning facilities in the area involved;
36 and

37 (b) Be published in an official paper or a paper of general circulation in
38 the municipality or municipalities in which the airport is located.

39 This subsection does not apply to ordinances adopted pursuant to NRS
40 350.579.

41 4. All ordinances, resolutions, rules, regulations or orders which are
42 issued by the municipality must be kept in substantial conformity with the
43 laws of this state, or any regulations adopted or standards established
44 pursuant thereto, and, as nearly as possible, with the federal laws governing
45 aeronautics and the rules, regulations or standards duly issued thereunder.

46 5. To the extent that an airport or other air navigation facility
47 controlled and operated by a municipality is located outside the territorial
48 limits of the municipality, it is subject to federal and state laws, rules or
49 regulations, and under the jurisdiction and control of the municipality



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1 controlling or operating it. No other municipality has any authority to
2 charge or exact a license fee or occupation tax for operations thereon.
3 **Sec. 6.** The amendatory provisions of this act do not apply to offenses
4 committed before October 1, 2001.

