

ASSEMBLY BILL NO. 323—ASSEMBLYWOMAN CHOWNING (BY REQUEST)

MARCH 12, 2001

Referred to Committee on Government Affairs

SUMMARY—Revises provisions regarding rights of peace officers. (BDR 23-1277)

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 peace officers; providing that certain statements made by and certain information provided by a peace officer during an interrogation or hearing pertaining to the officer's alleged misconduct is confidential and is not admissible in a subsequent civil or criminal proceeding; providing that certain information obtained from a peace officer by the peace officer's representative is confidential and is not admissible in a subsequent civil or criminal proceeding; 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 289.060 is hereby amended to read as follows:
2 289.060 1. The agency shall, within a reasonable time before any
3 interrogation or hearing is held relating to an investigation of the activities
4 of a peace officer which may result in punitive action, provide written
5 notice to the officer if practical under the circumstances.
6 2. The notice must include:
7 (a) A description of the nature of the investigation;
8 (b) A summary of alleged misconduct of the peace officer;
9 (c) The date, time and place of the interrogation or hearing;
10 (d) The name and rank of the officer in charge of the investigation and
11 the officers who will conduct any interrogation;
12 (e) The name of any other person who will be present at any
13 interrogation or hearing; and
14 (f) A statement setting forth the provisions of subsection 1 of NRS
15 289.080.
16 3. The agency shall:
17 (a) Interrogate the officer during his regular working hours, if
18 reasonably practicable, or compensate him for that time based on his
19 regular wages if no charges arise from the interrogation.



(b) Limit the scope of the questions during the interrogation or hearing to the alleged misconduct of the officer.

(c) Allow the officer to explain an answer or refute a negative implication which results from questioning during an interrogation or hearing.

4. If a peace officer makes a statement or provides information during the interrogation or hearing and the statement is made or the information is provided under duress, coercion or the threat of punitive action, the statement or information is confidential and is not admissible if introduced in this state at any subsequent civil or criminal proceeding.

Sec. 2. NRS 289.080 is hereby amended to read as follows:

289.080 1. Except as otherwise provided in subsection 2, a peace officer may upon request have a lawyer or other representative of his choosing present with the peace officer during any phase of an interrogation or hearing.

2. The representative must not otherwise be connected to, or the subject of, the same investigation.

3. Any information that the representative obtains from the peace officer concerning the investigation is ~~confidential~~:

(a) Not admissible if introduced in this state at any subsequent civil or criminal proceeding; and

(b) Confidential and must not be disclosed except upon the:

~~(a)~~ (1) Request of the peace officer; or

~~(b)~~ (2) Lawful order of a court of competent jurisdiction.

A law enforcement agency shall not take punitive action against the representative for his failure or refusal to disclose such information.

4. The peace officer or the law enforcement agency may make a stenographic or magnetic record of the interrogation or hearing. If the agency records the proceedings, the agency shall, at the officer's request and expense, provide a copy of the:

(a) Stenographic transcript of the proceedings; or

(b) Recording on the magnetic tape.

Sec. 3. NRS 289.090 is hereby amended to read as follows:

289.090 ~~The~~ *Except as otherwise provided in subsection 4 of NRS 289.060, the* provisions of NRS 289.060, 289.070 and 289.080 do not apply to any investigation which concerns alleged criminal activities.

