

Assembly Bill No. 500—Assemblymen Williams, Giunchigliani, Leslie, Goldwater, Parks, Anderson, Bache, Buckley, Chowning, Manendo and Ohrenschall

CHAPTER.....

AN ACT relating to law enforcement; directing the Attorney General to conduct a statistical study regarding traffic stops by the Nevada Highway Patrol and by law enforcement officers in certain counties; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 289 of NRS is hereby amended by adding a new section thereto to read as follows:

- 1. A peace officer shall not engage in racial profiling.*
- 2. No retaliatory or punitive action may be taken against a peace officer who discloses information concerning racial profiling.*
- 3. For purposes of this section, "racial profiling" means reliance by a peace officer upon the race, ethnicity or national origin of a person as a factor in initiating action when the race, ethnicity or national origin of the person is not part of an identifying description of a specific suspect for a specific crime.*

Sec. 2. 1. The Attorney General shall conduct a study of traffic stops by the Nevada Highway Patrol and in counties whose population is 100,000 or more by metropolitan police departments, sheriffs and their deputies, and city police chiefs and their officers. Each such law enforcement agency shall cooperate fully in the study.

2. To carry out this study, the Attorney General shall, based upon the recommendations of the Director of the Department of Motor Vehicles and Public Safety and the heads of the affected local law enforcement agencies, prescribe the form and manner of collecting and transmitting information regarding each traffic stop. The information required to be collected and transmitted to the Attorney General must include, without limitation:

(a) The traffic violation or infraction alleged to have been committed that caused the driver to be stopped.

(b) The identifying characteristics of the driver who was stopped, including, without limitation, the driver's race, ethnicity, and gender and approximate age.

(c) A statement of whether the immigration status of the driver was questioned, including whether immigration documents were requested by the officer or whether an inquiry was made to the Immigration and Naturalization Service of the United States Department of Justice with regard to the immigration status of any person in the motor vehicle.

(d) The number of persons who were in the motor vehicle when it was stopped.

(e) A statement of whether a search was instituted as a result of the stop, including, without limitation, whether consent was requested for the search or whether a particular alleged criminal behavior by the driver justified the search.

(f) A report of any items seized during a search of the vehicle, including, without limitation, a report of any contraband or money that was seized.

(g) A statement of whether any warning or citation was issued as a result of the stop.

(h) A statement of whether an arrest was made as a result of either the stop itself or any search conducted during the stop, and the justification for any such arrest.

3. The Attorney General may collect reports from individual law enforcement officers regarding traffic stops made by other law enforcement officers and from drivers who were the subject of a traffic stop. Any such report may be submitted anonymously, and must be kept confidential.

4. On or before February 1, 2003, the Attorney General shall compile the results of the information collected pursuant to subsections 2 and 3 and report it in statistical form. All identifying information regarding the particular law enforcement officers who made the stops and the drivers who were stopped must remain confidential.

5. The Attorney General shall submit a copy of the report to the Director of the Legislative Counsel Bureau for transmittal to the 72nd session of the Nevada Legislature.

6. As used in this section, "traffic stop" means any occasion when the driver of a motor vehicle is halted by a law enforcement officer for an alleged traffic violation or infraction, or any other purpose.

Sec. 3. 1. This section and section 2 of this act become effective upon passage and approval for the purposes of the creation of the form required pursuant to section 2 of this act, and on July 1, 2001, for all other purposes.

2. Section 1 of this act becomes effective on July 1, 2001.