

ASSEMBLY BILL NO. 560—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 26, 2001

Referred to Committee on Government Affairs

SUMMARY—Revises certain provisions regarding peace officers. (BDR 23-1461)

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; prohibiting the expiration of the certification of certain persons by the peace officer's standards and training commission under certain circumstances; providing that certain field agents and inspectors of the state department of agriculture are category II peace officers; revising the authority of the director of the state department of agriculture to designate certain department personnel as field agents and inspectors; 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 289.290 is hereby amended to read as follows:
2 289.290 1. A person designated by the director of the state
3 department of agriculture as a field agent or an inspector pursuant to
4 subsection 2 of NRS 561.225 has the powers of a peace officer to make
5 investigations and arrests and to execute warrants of search and seizure,
6 and may temporarily stop ~~the movement of~~ *a vehicle carrying* livestock
7 and carcasses for the purpose of inspection.
8 2. An inspector of the state board of sheep commissioners and his
9 deputies have the powers of a peace officer.
10 3. An officer appointed by the Nevada junior livestock show board
11 pursuant to NRS 563.120 has the powers of a peace officer for the
12 preservation of order and peace on the grounds and in the buildings and the
13 approaches thereto of the livestock shows and exhibitions that the board
14 conducts.
15 4. In carrying out the provisions of chapter 565 of NRS, an inspector
16 of the state department of agriculture has the powers of a peace officer to
17 make investigations and arrests and to execute warrants of search and
18 seizure. The provisions of this subsection do not authorize any inspector to
19 retire under the public employees' retirement system before having
20 attained the minimum service age of 60 years.



1 **Sec. 2.** NRS 289.470 is hereby amended to read as follows:
2 289.470 "Category II peace officer" means:
3 1. The bailiff of the supreme court;
4 2. The bailiffs of the district courts, justices' courts and municipal
5 courts whose duties require them to carry weapons and make arrests;
6 3. Constables and their deputies whose official duties require them to
7 carry weapons and make arrests;
8 4. Inspectors employed by the transportation services authority who
9 exercise those powers of enforcement conferred by chapters 706 and 712
10 of NRS;
11 5. Parole and probation officers;
12 6. Special investigators who are employed full time by the office of
13 any district attorney or the attorney general;
14 7. Investigators of arson for fire departments who are specially
15 designated by the appointing authority;
16 8. The assistant and deputies of the state fire marshal;
17 9. The brand inspectors of the state department of agriculture who
18 exercise the powers of enforcement conferred by chapter 565 of NRS;
19 10. *The field agents and inspectors of the state department of*
20 *agriculture who exercise the powers of enforcement conferred by NRS*
21 *561.225;*
22 11. Investigators for the state forester firewarden who are specially
23 designated by him and whose primary duties are related to the investigation
24 of arson;
25 ~~11.1~~ 12. School police officers employed by the board of trustees of
26 any county school district;
27 ~~12.2~~ 13. Agents of the state gaming control board who exercise the
28 powers of enforcement specified in NRS 289.360, 463.140 or 463.1405,
29 except those agents whose duties relate primarily to auditing, accounting,
30 the collection of taxes or license fees, or the investigation of applicants for
31 licenses;
32 ~~13.3~~ 14. Investigators and administrators of the division of
33 compliance enforcement of the motor vehicles branch of the department of
34 motor vehicles and public safety who perform the duties specified in
35 subsection 3 of NRS 481.048;
36 ~~14.4~~ 15. Officers and investigators of the section for the control of
37 emissions from vehicles of the motor vehicles branch of the department of
38 motor vehicles and public safety who perform the duties specified in
39 subsection 3 of NRS 481.0481;
40 ~~15.5~~ 16. Legislative police officers of the State of Nevada;
41 ~~16.6~~ 17. The personnel of the capitol police division of the
42 department of motor vehicles and public safety appointed pursuant to
43 subsection 2 of NRS 331.140;
44 ~~17.7~~ 18. Parole counselors of the division of child and family services
45 of the department of human resources;
46 ~~18.8~~ 19. Juvenile probation officers and deputy juvenile probation
47 officers employed by the various judicial districts in the State of Nevada or
48 by a department of family, youth and juvenile services established pursuant



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1 to NRS 62.1264 whose official duties require them to enforce court orders
2 on juvenile offenders and make arrests;

3 ~~19~~ 20. Field investigators of the taxicab authority;

4 ~~20~~ 21. Security officers employed full time by a city or county
5 whose official duties require them to carry weapons and make arrests;

6 ~~21~~ 22. The chief of a department of alternative sentencing created
7 pursuant to NRS 211A.080 and the assistant alternative sentencing officers
8 employed by that department; and

9 ~~22~~ 23. Criminal investigators who are employed by the secretary of
10 state.

11 **Sec. 3.** NRS 289.510 is hereby amended to read as follows:

12 289.510 1. The commission:

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

15 (b) Shall provide for and encourage the training and education of
16 persons whose primary duty is law enforcement to ensure the safety of the
17 residents of and visitors to this state.

18 (c) Shall adopt regulations establishing minimum standards for the
19 certification and decertification, recruitment, selection and training of
20 peace officers. The regulations must establish:

21 (1) Requirements for basic training for category I, category II and
22 category III peace officers and reserve peace officers;

23 (2) Standards for programs for the continuing education of peace
24 officers, including minimum courses of study and requirements concerning
25 attendance;

26 (3) Qualifications for instructors of peace officers; and

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

28 (d) Shall, when necessary, present courses of training and continuing
29 education courses for category I, category II and category III peace officers
30 and reserve peace officers.

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

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

36 (g) May perform any other acts that may be necessary and appropriate
37 to the functions of the commission as set forth in NRS 289.450 to 289.600,
38 inclusive.

39 2. Regulations adopted by the commission:

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

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

44 (c) May require that training be carried on at institutions which it
45 approves in those regulations.

46 ***3. In adopting regulations pursuant to this section, the commission***
47 ***shall not provide for the expiration of the certification by the commission***
48 ***of a person who is employed as a police officer by an Indian tribe or is an***
49 ***officer or agent of the Bureau of Indian Affairs of the United States***



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1 *Department of the Interior if such a person successfully completes the*
2 *requirements for continuing education established by the commission.*
3 *The provisions of this subsection do not prohibit the commission from*
4 *suspending or revoking the certification of such a person in accordance*
5 *with any applicable statute or regulation.*

6 **Sec. 4.** NRS 561.225 is hereby amended to read as follows:
7 561.225 1. The director shall appoint such technical, clerical and
8 operational staff as the execution of his duties and the operation of the
9 department may require.

10 2. The director may designate such department personnel as are
11 required to be field agents and inspectors in the enforcement of the
12 provisions of Titles 49 and 50 of NRS ~~49~~ *and chapters 581, 582, 583, 586,*
13 *587, 588 and 590 of NRS.* The provisions of this subsection do not
14 authorize any department personnel so designated by the director to retire
15 from the public employees' retirement system before having attained the
16 minimum service retirement age of 60 years.

17 **Sec. 5.** This act becomes effective on July 1, 2001.

