

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 law enforcement; providing that certain field agents and inspectors of the state department of agriculture are category II peace officers; providing that the peace officers' standards and training commission may enter into certain interlocal agreements with Indian tribes; requiring that certain peace officers be certified by the commission within a certain period; revising the authority of the director of the state department of agriculture to designate certain department personnel as field agents and expanding their authority to stop vehicles temporarily; 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 livestock and carcasses for the~~
7 ~~purpose of inspection.~~ *a vehicle in the enforcement of the provisions of*
8 *Titles 49 and 50 of NRS and chapters 581, 582, 583, 586, 587, 588 and*
9 *590 of NRS.*
10 2. An inspector of the state board of sheep commissioners and his
11 deputies have the powers of a peace officer.
12 3. An officer appointed by the Nevada junior livestock show board
13 pursuant to NRS 563.120 has the powers of a peace officer for the
14 preservation of order and peace on the grounds and in the buildings and the
15 approaches thereto of the livestock shows and exhibitions that the board
16 conducts.
17 4. In carrying out the provisions of chapter 565 of NRS, an inspector
18 of the state department of agriculture has the powers of a peace officer to
19 make investigations and arrests and to execute warrants of search and



1 seizure. The provisions of this subsection do not authorize any inspector to
2 retire under the public employees' retirement system before having
3 attained the minimum service age of 60 years.

4 **Sec. 2.** NRS 289.470 is hereby amended to read as follows:
5 289.470 "Category II peace officer" means:
6 1. The bailiff of the supreme court;
7 2. The bailiffs of the district courts, justices' courts and municipal
8 courts whose duties require them to carry weapons and make arrests;
9 3. Constables and their deputies whose official duties require them to
10 carry weapons and make arrests;
11 4. Inspectors employed by the transportation services authority who
12 exercise those powers of enforcement conferred by chapters 706 and 712
13 of NRS;
14 5. Parole and probation officers;
15 6. Special investigators who are employed full time by the office of
16 any district attorney or the attorney general;
17 7. Investigators of arson for fire departments who are specially
18 designated by the appointing authority;
19 8. The assistant and deputies of the state fire marshal;
20 9. The brand inspectors of the state department of agriculture who
21 exercise the powers of enforcement conferred by chapter 565 of NRS;
22 10. *The field agents and inspectors of the state department of*
23 *agriculture who exercise the powers of enforcement conferred by NRS*
24 *561.225;*
25 11. Investigators for the state forester firewarden who are specially
26 designated by him and whose primary duties are related to the investigation
27 of arson;
28 ~~H11~~ 12. School police officers employed by the board of trustees of
29 any county school district;
30 ~~H2~~ 13. Agents of the state gaming control board who exercise the
31 powers of enforcement specified in NRS 289.360, 463.140 or 463.1405,
32 except those agents whose duties relate primarily to auditing, accounting,
33 the collection of taxes or license fees, or the investigation of applicants for
34 licenses;
35 ~~H3~~ 14. Investigators and administrators of the division of
36 compliance enforcement of the motor vehicles branch of the department of
37 motor vehicles and public safety who perform the duties specified in
38 subsection 3 of NRS 481.048;
39 ~~H4~~ 15. Officers and investigators of the section for the control of
40 emissions from vehicles of the motor vehicles branch of the department of
41 motor vehicles and public safety who perform the duties specified in
42 subsection 3 of NRS 481.0481;
43 ~~H5~~ 16. Legislative police officers of the State of Nevada;
44 ~~H6~~ 17. The personnel of the capitol police division of the
45 department of motor vehicles and public safety appointed pursuant to
46 subsection 2 of NRS 331.140;
47 ~~H7~~ 18. Parole counselors of the division of child and family services
48 of the department of human resources;



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1 ~~118-1~~ 19. Juvenile probation officers and deputy juvenile probation
2 officers employed by the various judicial districts in the State of Nevada or
3 by a department of family, youth and juvenile services established pursuant
4 to NRS 62.1264 whose official duties require them to enforce court orders
5 on juvenile offenders and make arrests;

6 ~~119-1~~ 20. Field investigators of the taxicab authority;

7 ~~120-1~~ 21. Security officers employed full time by a city or county
8 whose official duties require them to carry weapons and make arrests;

9 ~~121-1~~ 22. The chief of a department of alternative sentencing created
10 pursuant to NRS 211A.080 and the assistant alternative sentencing officers
11 employed by that department; and

12 ~~122-1~~ 23. Criminal investigators who are employed by the secretary of
13 state.

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

15 289.510 1. The commission:

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

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

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

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

26 (2) Standards for programs for the continuing education of peace
27 officers, including minimum courses of study and requirements concerning
28 attendance;

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

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

31 (d) Shall, when necessary, present courses of training and continuing
32 education courses for category I, category II and category III peace officers
33 and reserve peace officers.

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

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

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

42 *(h) May enter into an interlocal agreement with an Indian tribe to*
43 *provide training to and certification of persons employed as police*
44 *officers by that Indian tribe.*

45 2. Regulations adopted by the commission:

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

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



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

Sec. 4. NRS 289.550 is hereby amended to read as follows:

289.550 1. ~~{The persons}~~ *Except as otherwise provided in subsection 2, a person* upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive, must be certified by the commission ~~{, except~~

~~—1.}~~ *within 1 year after the date on which the person commences employment as a peace officer unless the commission, for good cause shown, grants in writing an extension of time, which must not exceed 6 months, by which the person must become certified. A person who fails to become certified within the required time shall not exercise any of the powers of a peace officer after the time for becoming certified has expired.*

2. *The following persons are not required to be certified by the commission:*

(a) The chief parole and probation officer;

~~{2.}~~ (b) The director of the department of prisons;

~~{3.}~~ (c) The state fire marshal;

~~{4.}~~ (d) The director of the department of motor vehicles and public safety, the deputy directors of the department, the chiefs of the divisions of the department other than the investigation division, and the members of the state disaster identification team of the division of emergency management of the department;

~~{5.}~~ (e) The commissioner of insurance and his chief deputy;

~~{6.}~~ (f) Railroad policemen; and

~~{7.}~~ (g) California correctional officers.

Sec. 5. NRS 561.225 is hereby amended to read as follows:

561.225 1. The director shall appoint such technical, clerical and operational staff as the execution of his duties and the operation of the department may require.

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

Sec. 6. The amendatory provisions of section 4 of this act do not apply until July 1, 2002, to a person who has commenced employment as a peace officer before July 1, 2001, and who is required to be certified pursuant to NRS 289.550 but has not been certified by July 1, 2001.

Sec. 7. This act becomes effective on July 1, 2001.

