

SENATE BILL NO. 182—COMMITTEE ON JUDICIARY

(ON BEHALF OF ADMINISTRATIVE OFFICE OF THE COURTS)

FEBRUARY 15, 2001

Referred to Committee on Judiciary

SUMMARY—Removes authority for private person to take arrested person before nearest magistrate following arrest. (BDR 14-527)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to criminal procedure; removing the authority for a private person to take an arrested person before the nearest magistrate following an arrest; 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 171.1772 is hereby amended to read as follows:  
2     171.1772 Whenever any person is arrested by a private person, as  
3     provided in NRS 171.126, for any violation of a county, city or town  
4     ordinance or state law which is punishable as a misdemeanor, such person  
5     arrested may be issued a misdemeanor citation by a peace officer in lieu of  
6     being immediately taken before a magistrate *by the peace officer* if:  
7     1. The person arrested furnishes satisfactory evidence of identity; and  
8     2. ~~At~~ *The* peace officer has reasonable grounds to believe that the  
9     person arrested will keep a written promise to appear in court.  
10    **Sec. 2.** NRS 171.178 is hereby amended to read as follows:  
11    171.178 1. Except as otherwise provided in subsections 5 and 6, a  
12    peace officer making an arrest under a warrant issued upon a complaint or  
13    without a warrant shall take the arrested person without unnecessary delay  
14    before the magistrate who issued the warrant or the nearest available  
15    magistrate empowered to commit persons charged with offenses against  
16    the laws of the State of Nevada.  
17    2. A private person making an arrest without a warrant shall ~~take~~  
18    *deliver* the arrested person without unnecessary delay ~~before the nearest~~  
19    ~~available magistrate empowered to commit persons charged with offenses~~



\* S B 1 8 2 \*

1 ~~against the laws of the State of Nevada or deliver the arrested person~~ to a  
2 peace officer.  
3 3. If an arrested person is not brought before a magistrate within 72  
4 hours after arrest, excluding nonjudicial days, the magistrate:  
5 (a) Shall give the prosecuting attorney an opportunity to explain the  
6 circumstances leading to the delay; and  
7 (b) May release the arrested person if he determines that the person was  
8 not brought before a magistrate without unnecessary delay.  
9 4. When a person arrested without a warrant is brought before a  
10 magistrate, a complaint must be filed forthwith.  
11 5. Except as otherwise provided in NRS 178.484 and 178.487, where  
12 the defendant can be admitted to bail without appearing personally before a  
13 magistrate, he must be so admitted with the least possible delay, and  
14 required to appear before a magistrate at the earliest convenient time  
15 thereafter.  
16 6. A peace officer may immediately release from custody without any  
17 further proceedings any person he arrests without a warrant if the peace  
18 officer is satisfied that there are insufficient grounds for issuing a criminal  
19 complaint against the person arrested. Any record of the arrest of a person  
20 released pursuant to this subsection must also include a record of the  
21 release. A person so released shall be deemed not to have been arrested but  
22 only detained.  
23 **Sec. 3.** This act becomes effective upon passage and approval.

