

SENATE BILL NO. 86—COMMITTEE ON HUMAN
RESOURCES AND FACILITIES

(ON BEHALF OF THE NEVADA SHERIFFS
AND CHIEFS ASSOCIATION)

FEBRUARY 11, 2003

Referred to Committee on Human Resources and Facilities

SUMMARY—Makes various changes to manner in which
intoxicated person who is taken into custody by
peace officer is transported for purposes of receiving
emergency medical services. (BDR 40-316)

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 public safety; making various changes to the
manner in which an intoxicated person who is taken into
custody by a peace officer is transported for purposes of
receiving emergency medical services; 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 458.270 is hereby amended to read as follows:
2 458.270 1. Except as otherwise provided in subsection 7, a
3 person who is found in any public place under the influence of
4 alcohol, in such a condition that he is unable to exercise care for his
5 health or safety or the health or safety of other persons, must be
6 placed under civil protective custody by a peace officer.
7 2. A peace officer may use upon such a person the kind and
8 degree of force which would be lawful if he were effecting an arrest
9 for a misdemeanor with a warrant.
10 3. If a licensed facility for the treatment of persons who abuse
11 alcohol exists in the community where the person is found, he must



1 be delivered to the facility for observation and care. If no such
2 facility exists in the community, the person so found may be placed
3 in a county or city jail or detention facility for shelter or supervision
4 for his health and safety until he is no longer under the influence of
5 alcohol. He may not be required against his will to remain in a
6 licensed facility, jail or detention facility longer than 48 hours.

7 4. ~~[An]~~ *If an* intoxicated person *is* taken into custody by a
8 peace officer for a public offense ~~[must immediately be taken]~~, *the*
9 *officer shall immediately contact a provider of emergency medical*
10 *services to transport the person* to a secure detoxification unit or
11 other appropriate medical facility if his condition appears to require
12 emergency medical treatment. *If a provider of emergency medical*
13 *services is not available to transport the intoxicated person, the*
14 *peace officer shall immediately transport the person.* Upon release
15 from the detoxification unit or medical facility, the person must
16 immediately be remanded to the custody of the apprehending peace
17 officer and the criminal proceedings proceed as prescribed by law.

18 5. The placement of a person found under the influence of
19 alcohol in civil protective custody must be:

20 (a) Recorded at the facility, jail or detention facility to which he
21 is delivered; and

22 (b) Communicated at the earliest practical time to his family or
23 next of kin if they can be located.

24 6. Every peace officer and other public employee or agency
25 acting pursuant to this section is performing a discretionary function
26 or duty.

27 7. The provisions of this section do not apply to a person who
28 is apprehended or arrested for:

29 (a) A civil or administrative violation for which intoxication is
30 an element of the violation pursuant to the provisions of a specific
31 statute or regulation;

32 (b) A criminal offense for which intoxication is an element of
33 the offense pursuant to the provisions of a specific statute or
34 regulation;

35 (c) A homicide resulting from driving, operating or being in
36 actual physical control of a vehicle or a vessel under power or sail
37 while under the influence of intoxicating liquor or a controlled
38 substance or resulting from any other conduct prohibited by NRS
39 484.379, 484.3795, subsection 2 of NRS 488.400, NRS 488.410 or
40 488.420; and

41 (d) Any offense or violation which is similar to an offense or
42 violation described in paragraph (a), (b) or (c) and which is set forth
43 in an ordinance or resolution of a county, city or town.

