

ASSEMBLY BILL NO. 358—ASSEMBLYMAN CLABORN

MARCH 22, 2005

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to peace officers.  
(BDR 23-969)

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

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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; requiring an internal investigation of a peace officer to be suspended until an investigation which concerns alleged criminal activity is completed; changing the classification of certain peace officers from category II to category I for the purpose of receiving training required by the Peace Officers' Standards and Training Commission; eliminating certain limitations on the powers of a peace officer for certain positions; 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 289.090 is hereby amended to read as follows:  
2     289.090 ***1.*** The provisions of NRS 289.060, 289.070 and  
3     289.080 do not apply to any investigation which concerns alleged  
4     criminal activities.  
5     ***2. If a peace officer is the subject of any investigation which***  
6     ***concerns alleged criminal activities, any internal investigation***  
7     ***relating to the same conduct of the peace officer which may result***  
8     ***in punitive action must be suspended until the criminal***  
9     ***investigation is completed.***  
10    **Sec. 2.** NRS 289.180 is hereby amended to read as follows:  
11    289.180 1. The following persons have the powers of a peace  
12    officer:



1 (a) The Chief Parole and Probation Officer appointed pursuant  
2 to NRS 213.1092;

3 (b) Assistant parole and probation officers appointed pursuant to  
4 NRS 213.1095;

5 (c) The chief of a department of alternative sentencing  
6 established pursuant to NRS 211A.080; and

7 (d) Assistant alternative sentencing officers of a department of  
8 alternative sentencing.

9 2. A juvenile probation officer or assistant juvenile probation  
10 officer whose official duties require him to enforce court orders on  
11 juvenile offenders and make arrests has the same powers as a peace  
12 officer when performing duties pursuant to title 5 of NRS or chapter  
13 432B of NRS, including the power to arrest an adult criminal  
14 offender encountered while in the performance of those duties.

15 3. A director of juvenile services has the powers of a peace  
16 officer in his judicial district when performing duties pursuant to  
17 title 5 of NRS or chapter 432B of NRS, including the power to  
18 arrest an adult criminal offender encountered while in the  
19 performance of those duties.

20 4. The Chief of the Youth Parole Bureau of the Division of  
21 Child and Family Services in the Department of Human Resources  
22 and the parole officers of the Bureau have the powers of a peace  
23 officer. ~~[in carrying out the functions of the Bureau.]~~

24 5. A director of a department of juvenile justice services  
25 established by ordinance pursuant to NRS 62G.210 has the powers  
26 of a peace officer in the county when carrying out duties pursuant to  
27 title 5 of NRS or chapter 432B of NRS, including the power to  
28 arrest an adult criminal offender encountered while carrying out  
29 those duties.

30 **Sec. 3.** NRS 289.190 is hereby amended to read as follows:

31 289.190 1. A person employed or appointed to serve as a  
32 school police officer pursuant to subsection ~~6~~ 8 of NRS 391.100  
33 has the powers of a peace officer. A school police officer  
34 shall perform his duties in compliance with the provisions of  
35 NRS 171.1223.

36 2. A person appointed pursuant to NRS 393.0718 by the board  
37 of trustees of any school district has the powers of a peace officer to  
38 carry out the intents and purposes of NRS 393.071 to 393.0719,  
39 inclusive.

40 3. Members of every board of trustees of a school district,  
41 superintendents of schools, principals and teachers have concurrent  
42 power with peace officers for the protection of children in school  
43 and on the way to and from school, and for the enforcement of order  
44 and discipline among such children, including children who attend  
45 school within one school district but reside in an adjoining school



1 district or adjoining state, pursuant to the provisions of chapter 392  
2 of NRS. This subsection must not be construed so as to make it the  
3 duty of superintendents of schools, principals and teachers to  
4 supervise the conduct of children while not on the school property.

5 **Sec. 4.** NRS 289.210 is hereby amended to read as follows:

6 289.210 A legislative police officer of the State of Nevada has  
7 the powers of a peace officer . ~~{when carrying out duties prescribed~~  
8 ~~by the Legislative Commission.}~~

9 **Sec. 5.** NRS 289.240 is hereby amended to read as follows:

10 289.240 **1.** Forensic technicians ~~{and correctional officers}~~  
11 employed by the Division of Mental Health and Developmental  
12 Services of the Department of Human Resources at facilities for  
13 mentally disordered offenders have the powers of peace officers .  
14 ~~{when performing duties prescribed by the Administrator of the~~  
15 ~~Division.}~~

16 **2.** *Correctional officers employed by the Division of Mental*  
17 *Health and Developmental Services of the Department of Human*  
18 *Resources at facilities for mentally disordered offenders have the*  
19 *duties of peace officers when performing duties prescribed by the*  
20 *Administrator of the Division.*

21 **Sec. 6.** NRS 289.250 is hereby amended to read as follows:

22 289.250 1. The State Fire Marshal, his assistant and his  
23 deputies have the powers of a peace officer.

24 2. The following persons have ~~{only those}~~ **the** powers of a  
25 peace officer : ~~{necessary to enforce the provisions of the laws of~~  
26 ~~this State respecting forest and watershed management or the~~  
27 ~~protection of forests and other lands from fire.}~~

28 (a) Paid foresters and firewardens appointed pursuant to  
29 paragraph (a) of subsection 2 of NRS 472.040.

30 (b) Citizen-wardens appointed pursuant to paragraph (b) of  
31 subsection 2 of NRS 472.040.

32 (c) Voluntary firewardens appointed pursuant to paragraph (c)  
33 of subsection 2 of NRS 472.040.

34 3. A paid forester or firewarden appointed as an arson  
35 investigator pursuant to paragraph (d) of subsection 2 of NRS  
36 472.040 has the powers of a peace officer.

37 4. An arson investigator designated as a peace officer pursuant  
38 to:

39 (a) Paragraph (c) of subsection 1 of NRS 244.2961; or

40 (b) Subsection 3 of NRS 266.310,

41 ➔ has the powers of a peace officer.

42 **Sec. 7.** NRS 289.260 is hereby amended to read as follows:

43 289.260 1. Rangers and employees of the Division of State  
44 Parks of the State Department of Conservation and Natural  
45 Resources have ~~{, at the discretion of the Administrator of the~~



~~Division, the same power to make arrests as any other peace officer for violations of law committed inside the boundaries of state parks or real property controlled or administered by the Division.] the powers of peace officers.~~

2. An employee of the Division of State Parks of the State Department of Conservation and Natural Resources appointed or designated pursuant to paragraph (b) of subsection 1 of NRS 407.065 has the powers of a peace officer.

**Sec. 8.** NRS 289.270 is hereby amended to read as follows:

289.270 1. The following persons have the powers of a peace officer:

(a) The Director of the Department of Public Safety.

(b) The chiefs of the divisions of the Department of Public Safety.

(c) The deputy directors of the Department of Public Safety employed pursuant to NRS 480.120.

(d) The investigators and agents of the Investigation Division of the Department of Public Safety and any other officer or employee of that Division whose principal duty is to enforce one or more laws of this State, and any person promoted from such a duty to a supervisory position related to such a duty.

(e) The personnel of the Capitol Police Division of the Department of Public Safety appointed pursuant to subsection 2 of NRS 331.140.

2. The personnel of the Nevada Highway Patrol appointed pursuant to subsection 2 of NRS 480.330 have the powers of a peace officer specified in NRS 480.330 and 480.360.

3. Administrators and investigators of the Division of Compliance Enforcement of the Department of Motor Vehicles have the powers of a peace officer . ~~[to enforce any law of the State of Nevada in carrying out their duties pursuant to NRS 481.048.]~~

4. Officers and investigators of the Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel of the Department of Motor Vehicles, appointed pursuant to NRS 481.0481, have the powers of peace officers . ~~[in carrying out their duties under that section.]~~

5. Members of the State Disaster Identification Team of the Division of Emergency Management of the Department of Public Safety who are, pursuant to NRS 414.270, activated by the Chief of the Division to perform the duties of the State Disaster Identification Team have the powers of peace officers . ~~[in carrying out those duties.]~~



**Sec. 9.** NRS 289.280 is hereby amended to read as follows:

289.280 A person designated as a game warden pursuant to NRS 501.349 ~~is~~ *has the powers of* a peace officer . ~~for the purposes of:~~

~~1. The service of such legal process, including warrants and subpoenas, as may be required in the enforcement of title 45 of NRS and chapter 488 of NRS.~~

~~2. The enforcement of all laws of the State of Nevada while they are performing their duties pursuant to title 45 of NRS and chapter 488 of NRS.]~~

**Sec. 10.** NRS 289.290 is hereby amended to read as follows:

289.290 1. A person designated by the Director of the State Department of Agriculture as a field agent or an inspector pursuant to subsection 2 of NRS 561.225 has the powers of a peace officer . ~~[to make investigations and arrests and to execute warrants of search and seizure, and may temporarily stop a vehicle in the enforcement of the provisions of titles 49 and 50 of NRS and chapters 581, 582, 583, 586, 587, 588 and 590 of NRS.]~~

2. An officer appointed by the Nevada Junior Livestock Show Board pursuant to NRS 563.120 has the powers of a peace officer . ~~[for the preservation of order and peace on the grounds and in the buildings and the approaches thereto of the livestock shows and exhibitions that the Board conducts.~~

~~3. In carrying out the provisions of chapter 565 of NRS, and]~~

*3. An* inspector of the State Department of Agriculture has the powers of a peace officer . ~~[to make investigations and arrests and to execute warrants of search and seizure.]~~ The provisions of this subsection do not authorize any inspector to retire under the Public Employees' Retirement System before having attained the minimum service age of 60 years.

**Sec. 11.** NRS 289.300 is hereby amended to read as follows:

289.300 1. A person employed as an investigator by the Private Investigator's Licensing Board pursuant to NRS 648.025 has the powers of a peace officer.

2. A person employed as a criminal investigator by the State Contractors' Board pursuant to NRS 624.112 has the powers of a peace officer . ~~[to carry out his duties pursuant to subsection 2 of NRS 624.115.]~~

**Sec. 12.** NRS 289.320 is hereby amended to read as follows:

289.320 An employee of the Transportation Services Authority whom it designates as an inspector or as manager of transportation is a peace officer . ~~[and has police power for the enforcement of the provisions of:~~



~~1. Chapters 706 and 712 of NRS and all regulations of the Transportation Services Authority or the Department of Motor Vehicles pertaining thereto; and~~

~~2. Chapter 482 of NRS and NRS 483.230, 483.350 and 483.530 to 483.620, inclusive, for the purposes of carrying out the provisions of chapter 706 of NRS.]~~

**Sec. 13.** NRS 289.340 is hereby amended to read as follows:

289.340 An employee designated by the Taxicab Administrator as:

1. A taxicab field investigator is a peace officer.

2. An airport control officer is a peace officer . ~~{only when on duty at the airport}~~

**Sec. 14.** NRS 289.350 is hereby amended to read as follows:

289.350 ~~[+]~~ A person employed and compensated as a member of the police department of the University and Community College System of Nevada, when appointed pursuant to subsection 1 of NRS 396.325 and duly sworn, is a peace officer . ~~[-, but may exercise his power or authority only:~~

~~—(a) Upon the campuses of the University and Community College System of Nevada, including that area to the center line of public streets adjacent to a campus;~~

~~—(b) When in hot pursuit of a violator leaving such a campus or area;~~

~~—(c) In or about other grounds or properties of the University and Community College System of Nevada; or~~

~~—(d) Except as limited by subsection 2, in accordance with interlocal agreements entered into with other law enforcement agencies.~~

~~2. An interlocal agreement between the police department for the University and Community College System of Nevada and other law enforcement agencies may allow a peace officer of the police department of the University and Community College System of Nevada to exercise his power or authority:~~

~~—(a) On any public street that is adjacent to property owned by the University and Community College System of Nevada.~~

~~—(b) On any property that is consistently used by an organization whose recognition by the University and Community College System of Nevada is a necessary condition for its continued operation.~~

~~—(c) On any property that is rented or leased by the University and Community College System of Nevada for an event that is approved by the University and Community College System of Nevada.~~



~~—(d) For mutual assistance specifically agreed upon with the other law enforcement agencies that are parties to the interlocal agreement.]~~

**Sec. 15.** NRS 289.360 is hereby amended to read as follows:

289.360 1. ~~[For the purpose of the administration and enforcement of the provisions of chapter 205 of NRS involving a crime against the property of a gaming licensee, or chapter 462, 463, 463B, 464 or 465 of NRS, the]~~ **The** members of the State Gaming Control Board and the Nevada Gaming Commission and those agents of the Board whose duties include the enforcement, or the investigation of suspected violations, of statutes or regulations, have the powers of a peace officer.

2. An agent of the State Gaming Control Board whose duties include the enforcement, or the investigation of suspected violations, of statutes or regulations, and who has been certified by the Peace Officers' Standards and Training Commission, also has the powers of a peace officer . ~~[when, during the performance of those duties:~~

~~—(a) A felony, gross misdemeanor or misdemeanor is committed or attempted in his presence; or~~

~~—(b) He is given reasonable cause to believe that a person has committed a felony or gross misdemeanor outside of his presence.~~

~~—3. For the purpose of protecting members of the State Gaming Control Board and of the Nevada Gaming Commission and their families and property, and providing security at meetings of the Board and of the Commission, an agent of the Board whose duties include the enforcement of statutes or regulations has the powers of a peace officer.]~~

**Sec. 16.** NRS 289.470 is hereby amended to read as follows:

289.470 "Category II peace officer" means:

1. ~~[The Bailiff of the Supreme Court;~~

~~—2.]~~ The bailiffs of the district courts, justices' courts and municipal courts whose duties require them to carry weapons and make arrests;

~~[3.]~~ 2. Constables and their deputies whose official duties require them to carry weapons and make arrests;

~~[4. Inspectors employed by the Transportation Services Authority who exercise those powers of enforcement conferred by chapters 706 and 712 of NRS;~~

~~—5. Parole and probation officers;~~

~~—6.]~~ 3. Special investigators who are employed full-time by the office of any district attorney ~~[or the Attorney General;~~

~~—7.] ;~~

4. Investigators of arson for fire departments who are specially designated by the appointing authority;



~~{8. The assistant and deputies of the State Fire Marshal;  
—9. The brand inspectors of the State Department of Agriculture  
who exercise the powers of enforcement conferred by chapter 565  
of NRS;~~

~~—10. The field agents and inspectors of the State Department of  
Agriculture who exercise the powers of enforcement conferred by  
NRS 561.225;~~

~~—11. Investigators for the State Forester Firewarden who are  
specially designated by him and whose primary duties are related to  
the investigation of arson;~~

~~—12.} 5. School police officers employed by the board of  
trustees of any county school district;~~

~~{13. Agents of the State Gaming Control Board who exercise  
the powers of enforcement specified in NRS 289.360, 463.140 or  
463.1405, except those agents whose duties relate primarily to  
auditing, accounting, the collection of taxes or license fees, or the  
investigation of applicants for licenses;~~

~~—14. Investigators and administrators of the Division of  
Compliance Enforcement of the Department of Motor Vehicles who  
perform the duties specified in subsection 2 of NRS 481.048;~~

~~—15. Officers and investigators of the Section for the Control of  
Emissions From Vehicles and the Enforcement of Matters Related  
to the Use of Special Fuel of the Department of Motor Vehicles who  
perform the duties specified in subsection 3 of NRS 481.0481;~~

~~—16. Legislative police officers of the State of Nevada;~~

~~—17. The personnel of the Capitol Police Division of the  
Department of Public Safety appointed pursuant to subsection 2 of  
NRS 331.140;~~

~~—18. Parole counselors of the Division of Child and Family  
Services of the Department of Human Resources;~~

~~—19.} 6. Juvenile probation officers and deputy juvenile  
probation officers employed by the various judicial districts in the  
State of Nevada or by a department of juvenile justice services  
established by ordinance pursuant to NRS 62G.210 whose official  
duties require them to enforce court orders on juvenile offenders and  
make arrests;~~

~~{20. Field investigators of the Taxicab Authority;~~

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

~~{22.} and~~

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





~~23. Criminal investigators who are employed by the Secretary of State.]~~

**Sec. 17.** NRS 432B.610 is hereby amended to read as follows:  
432B.610 1. The Peace Officers' Standards and Training Commission shall:

(a) Require each category I peace officer to complete a program of training for the detection and investigation of and response to cases of sexual abuse or sexual exploitation of children under the age of 18 years.

(b) Not certify any person as a category I peace officer unless he has completed the program of training required pursuant to paragraph (a).

(c) Establish a program to provide the training required pursuant to paragraph (a).

(d) Adopt regulations necessary to carry out the provisions of this section.

2. As used in this section, "category I peace officer" means:

(a) Sheriffs of counties and of metropolitan police departments, their deputies and correctional officers;

(b) Personnel of the Nevada Highway Patrol appointed to exercise the police powers specified in NRS 480.330 and 480.360;

(c) Marshals, policemen and correctional officers of cities and towns;

(d) Members of the Police Department of the University and Community College System of Nevada;

(e) Employees of the Division of State Parks of the State Department of Conservation and Natural Resources designated by the Administrator of the Division who ~~exercise police powers specified in~~ *have the powers of peace officers pursuant to* NRS 289.260;

(f) The Chief, investigators and agents of the Investigation Division of the Department of Public Safety; and

(g) The personnel of the Department of Wildlife who exercise those powers of enforcement conferred by title 45 and chapter 488 of NRS.

**Sec. 18.** Any person who becomes a category I peace officer on the effective date of this act pursuant to the provisions of this act must complete the training to become a category I peace officer not later than 2 years after the effective date of this act.

**Sec. 19.** This act becomes effective upon passage and approval.







