
ASSEMBLY BILL NO. 476—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 28, 2005

Referred to Committee on Government Affairs

SUMMARY—Provides for imposition of certain penalties against public officer who fails to carry out or enforce statute or regulation as required by law. (BDR 23-183)

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 officers; providing for the imposition of certain penalties against a public officer who fails to carry out or enforce the provisions of a statute or regulation as required by law; 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.** Chapter 281 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 ***1. Except as otherwise provided in subsection 2, if a public***
4 ***officer or employee reasonably believes that a public officer has***
5 ***failed to carry out or enforce the provisions of a statute or***
6 ***regulation that the public officer is required by law to carry out or***
7 ***enforce, the public officer or employee may file a report to that***
8 ***effect with the Attorney General.***

9 ***2. If a public officer or employee reasonably believes that the***
10 ***Attorney General has failed to carry out or enforce the provisions***
11 ***of a statute or regulation that the Attorney General is required by***
12 ***law to carry out or enforce, the public officer or employee may file***
13 ***a report to that effect with the Chief of the Budget Division of the***
14 ***Department of Administration.***



1 3. A report filed pursuant to subsection 1 or 2 must set forth
2 with particularity the facts which cause the public officer or
3 employee to reasonably believe that the public officer has failed to
4 carry out or enforce the provisions of a statute or regulation that
5 the public officer is required by law to carry out or enforce.

6 4. Upon receipt of a report filed pursuant to subsection 1 or 2,
7 the Attorney General or the Chief of the Budget Division of the
8 Department of Administration, as applicable, shall appoint a
9 hearing officer to investigate the matter and conduct a hearing.
10 The hearing officer shall set a time and place for the hearing and
11 shall give notice of the hearing not less than 5 days before the
12 hearing begins.

13 5. If, after a hearing conducted pursuant to subsection 4, the
14 hearing officer determines that the public officer who was the
15 subject of the report filed pursuant to subsection 1 or 2, as
16 applicable, has failed to carry out or enforce the provisions of a
17 statute or regulation that the public officer is required by law to
18 carry out or enforce, the hearing officer shall:

19 (a) For a first offense, order the public officer to pay a civil
20 penalty of not more than \$10,000.

21 (b) For a second offense, order the public officer to pay a civil
22 penalty of not more than \$10,000.

23 (c) For a third offense:

24 (1) If the public officer is removable from office pursuant
25 to NRS 283.440, file a proceeding in the appropriate court for
26 removal of the officer.

27 (2) If the public officer is removable from office by
28 impeachment only, file a report with the appropriate person
29 responsible for commencing impeachment proceedings as to his
30 finding. The report must contain a statement of the facts alleged to
31 constitute the first, second and third offenses.

32 6. The decision of the hearing officer pursuant to subsection
33 5 is a final decision for the purposes of judicial review.

34 7. Any person who files a report pursuant to subsection 1 or 2
35 in good faith and without malicious intent is immune from any
36 civil action for filing that report.

37 8. The penalties imposed pursuant to this section are in
38 addition to any other penalties, civil or criminal, provided by law.

39 9. As used in this section:

40 (a) "Public employee" has the meaning ascribed to it in
41 NRS 281.436.

42 (b) "Public officer" has the meaning ascribed to it in
43 NRS 281.4365.

