

SENATE BILL NO. 384—COMMITTEE ON LEGISLATIVE
OPERATIONS AND ELECTIONS

(ON BEHALF OF THE NEVADA HIGHWAY PATROL DIVISION)

MARCH 29, 2005

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to Department of Public
Safety. (BDR 23-404)

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; creating the Nevada Highway
Patrol Revolving Account; expanding the authority of
certain personnel of the Department of Public Safety to
exercise the powers of peace officers; 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 289.270 is hereby amended to read as follows:
2 289.270 1. The following persons have the powers of a peace
3 officer:
4 (a) The Director of the Department of Public Safety.
5 (b) The chiefs of the divisions of the Department of Public
6 Safety.
7 (c) The deputy directors of the Department of Public Safety
8 employed pursuant to NRS 480.120.
9 (d) The investigators and agents of the Investigation Division of
10 the Department of Public Safety and any other officer or employee
11 of that Division whose principal duty is to enforce one or more laws
12 of this State, and any person promoted from such a duty to a
13 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.

~~(f)~~ (f) 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.~~

~~—3.1~~ *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.*

2. 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.

~~(4.1)~~ 3. 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.

~~(5.1)~~ 4. 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. 2. NRS 289.550 is hereby amended to read as follows:

289.550 1. 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 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;
- (b) The Director of the Department of Corrections;
- (c) The State Fire Marshal;
- (d) The Director of the Department of Public Safety, the deputy directors of the Department, the chiefs of the divisions of the Department other than the Investigation Division ~~(H)~~ *and the Nevada Highway Patrol*, and the members of the State Disaster



1 Identification Team of the Division of Emergency Management of
2 the Department;

3 (e) The Commissioner of Insurance and his chief deputy;

4 (f) Railroad policemen; and

5 (g) California correctional officers.

6 **Sec. 3.** NRS 289.800 is hereby amended to read as follows:

7 289.800 In addition to the compensation required by NRS
8 281.121, a state agency that employs a person:

9 1. Upon whom some or all of the powers of a peace officer are
10 conferred pursuant to subsection 1 of NRS 289.180, subsection 1 of
11 NRS 289.220 ~~for subsection 2 or 5~~, *paragraph (f) of subsection 1*
12 *of NRS 289.270 or subsection 4* of NRS 289.270; and

13 2. Who is required to purchase and wear his own uniform or
14 other clothing, accessories or safety equipment while performing his
15 duties for the State as a peace officer,

16 ➔ may, after first obtaining the written approval of the Director of
17 the Department of Administration, reimburse that person for the cost
18 to repair or replace his required uniform or other clothing,
19 accessories or safety equipment if it is damaged or destroyed, by
20 means other than ordinary wear and tear, while he is performing his
21 duties for the State as a peace officer.

22 **Sec. 4.** NRS 432B.610 is hereby amended to read as follows:

23 432B.610 1. The Peace Officers' Standards and Training
24 Commission shall:

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

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

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

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

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

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

39 (b) Personnel of the Nevada Highway Patrol ~~appointed to~~
40 ~~exercise the police powers specified in NRS 480.330 and 480.360;~~
41 *whose principal duty is to enforce one or more laws of this State,*
42 *and any person promoted from such a duty to a supervisory*
43 *position related to such a duty;*

44 (c) Marshals, policemen and correctional officers of cities and
45 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 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. 5. NRS 439.255 is hereby amended to read as follows:

439.255 1. The State Board of Health shall adopt by regulation the types of portable manual masks and face shields that are approved by the Board to assist in the prevention of the spread of communicable diseases during the administration of cardiopulmonary resuscitation. An approved mask or face shield may not weigh more than 1 pound.

2. Except as otherwise provided in subsection 3, every employer shall, without charge to the peace officer or fireman, provide each peace officer, whether or not he is on duty, and each fireman who is on duty, whether paid or voluntary, with:

(a) A portable manual mask and face shield approved by the Board; and

(b) Initial training and instruction in the use of the equipment.

↳ The mask, shield and training must be provided not later than 30 days after the first day of employment. The employer shall provide refresher courses in the use of the equipment when necessary.

3. An employer may apply to the Health Division for a waiver of the requirements of subsection 2 with regard to each peace officer or fireman who, in the normal course of his employment, is not likely ever to administer cardiopulmonary resuscitation. The application must be in writing, specify the reasons why the employee is not likely in the normal course of his employment ever to administer cardiopulmonary resuscitation and be sworn to by the employer or his authorized representative. The Health Division shall grant or deny the waiver based on the information contained in the application.

4. A waiver granted pursuant to subsection 3 expires upon any change in the duties of the peace officer or fireman which make it likely that he will administer cardiopulmonary resuscitation at some time in the normal course of his employment. The date of the change in duties shall be deemed to be the first day of employment for purposes of subsection 2.



5. An injury or illness which results from the use of a mask or shield by a peace officer or fireman pursuant to subsection 2 may not be considered as negligence or as causation in any civil action brought against a peace officer or fireman or his employer.

6. As used in this section:

(a) "Employer" means any person who employs or provides equipment to a fireman or peace officer, including the State of Nevada and its political subdivisions.

(b) "Peace officer" means:

(1) Sheriffs of counties and of metropolitan police departments and their deputies;

(2) Personnel of the Nevada Highway Patrol ~~{when exercising the police powers specified in NRS 480.330 and 480.360;}~~ *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;* and

(3) Marshals and policemen of cities and towns.

Sec. 6. Chapter 480 of NRS is hereby amended by adding thereto a new section to read as follows:

The Nevada Highway Patrol Revolving Account is hereby created as a special account in the State Highway Fund and must be used for making change in the main and branch offices of the Nevada Highway Patrol. The account must be administered by the Chief of the Highway Patrol. The State Board of Examiners shall determine the amount of money to be deposited in the Account, within the limits of money available for that purpose.

Sec. 7. NRS 480.340 is hereby amended to read as follows:

480.340 1. Except as otherwise provided in this section, the Chief of the Nevada Highway Patrol may enter into a contract with any person or governmental agency to provide services for the control of vehicular traffic related to or affected by any special event sponsored by the person or agency.

2. Any such contract:

(a) Must require the sponsor of the special event to reimburse the Nevada Highway Patrol for the cost of the services provided.

(b) May require the sponsor to furnish a bond to ensure that reimbursement is made.

(c) Is subject to the following limitations:

(1) The services provided pursuant to the contract must be provided by personnel of the Nevada Highway Patrol.

(2) The services required must not impair the ability of the Nevada Highway Patrol to perform its customary duties.

3. Any money received by the Nevada Highway Patrol pursuant to such a contract must be deposited with the State Treasurer for credit to the ~~{Motor Vehicle}~~ *State Highway* Fund.



1 4. As used in this section, "special event" has the meaning
2 ascribed to it in NRS 484.900.

3 **Sec. 8.** NRS 480.360 is hereby amended to read as follows:

4 480.360 The duties of the personnel of the Nevada Highway
5 Patrol ~~are:~~ **include, without limitation:**

6 1. To police the public highways of this State, to enforce and to
7 aid in enforcing thereon all the traffic laws of the State of Nevada
8 and to enforce all other laws of this State when:

9 (a) In the apprehension or pursuit of an offender or suspected
10 offender;

11 (b) Making arrests for crimes committed in their presence or
12 upon or adjacent to the highways of this State; or

13 (c) Making arrests pursuant to a warrant in the officer's
14 possession or communicated to him.

15 2. To investigate accidents on all primary and secondary
16 highways within the State of Nevada resulting in personal injury,
17 property damage or death, and to gather evidence to prosecute any
18 person guilty of any violation of the law contributing to the
19 happening of such an accident.

20 3. In conjunction with the Department of Motor Vehicles, to
21 enforce the provisions of chapters 365, 366, 408, 482 to 486,
22 inclusive, 487 and 706 of NRS.

23 4. To maintain the Central Repository for Nevada Records of
24 Criminal History and to carry out the provisions of chapter 179A of
25 NRS.

26 5. To enforce the provisions of laws and regulations relating to
27 motor carriers, the safety of their vehicles and equipment, and their
28 transportation of hazardous materials and other cargo.

29 6. To maintain the repository for information concerning
30 hazardous materials in Nevada and to carry out its duties pursuant to
31 chapter 459 of NRS concerning the transportation of hazardous
32 materials.

33 7. To perform such other duties in connection with those
34 specified in this section as may be imposed by the Director.

35 **Sec. 9.** NRS 484.1345 is hereby amended to read as follows:

36 484.1345 "Regulatory agency" means any of the agencies
37 granted police or enforcement powers under the provisions of
38 subsection 2 of NRS 289.250, NRS 289.260, subsection ~~1~~ 2 of
39 NRS 289.270, NRS 289.280, subsection 3 of NRS 289.290 or NRS
40 289.320, 289.340, 407.065, 472.040, 481.048, 501.349, 565.155 or
41 706.8821.

42 **Sec. 10.** This act becomes effective on July 1, 2005.



