

SENATE BILL NO. 492—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE CITY OF NORTH LAS VEGAS)

MARCH 29, 2005

Referred to Committee on Judiciary

SUMMARY—Requires local law enforcement agency to store personal property of arrested person under certain circumstances. (BDR 14-516)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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; requiring a local law enforcement agency to store the personal property of a person who is arrested under certain circumstances; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 171 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 5 and notwithstanding any other provision of law, a person who is arrested by a peace officer has the right to have any personal property that is in his possession at the time of his arrest:

(a) Be retained by the peace officer; and

(b) Stored by the local law enforcement agency at the location at which the person is booked.

2. Each local law enforcement agency shall notify each person who is arrested of his rights pursuant to this section at the time at which the person is booked and require the person to sign a form that:

(a) Describes any personal property which has been retained by the agency;



1 (b) Sets forth the date of the arrest;

2 (c) Names the person who has legal ownership of the personal
3 property, if a person other than the person who is arrested is the
4 legal owner of the property and if such person is known to the
5 person who is arrested; and

6 (d) Sets forth the date upon which the agency is no longer
7 required to store the property pursuant to subsection 5, if
8 applicable.

9 3. A local law enforcement agency shall:

10 (a) Designate personal property it stores pursuant to this
11 section as property retained for safekeeping; and

12 (b) Release any personal property it stores pursuant to this
13 section to the legal owner of the property upon sufficient evidence
14 of such ownership.

15 4. A person who is arrested and whose personal property is
16 stored pursuant to this section may authorize the local law
17 enforcement agency to release the property to any person
18 designated by the arrested person while the person is in the
19 custody of the agency.

20 5. A local law enforcement agency which stores the personal
21 property of a person pursuant to this section shall retain
22 such property for not more than 60 days after the agency obtains
23 the property if the property is of such a size or nature that the
24 agency cannot accommodate the property as a result of the space
25 available to the agency for such storage. The agency shall notify
26 the legal owner of the property, if known, and the arrested person
27 for whom the property is being stored pursuant to this section, of
28 the intent of the agency to discontinue providing storage for the
29 property and that the legal owner or arrested person is required to
30 remove the property from storage not later than 30 days before the
31 agency may discontinue providing storage for the property. If the
32 arrested person for whom the property is being stored is the legal
33 owner of the property and will be in the custody of the agency for
34 more than 60 days, he shall make arrangements for the storage of
35 his property by another person or governmental entity. If the
36 property is not removed by the legal owner of the property or the
37 arrested person for whom the property is being stored within
38 30 days after receiving notice to remove such property, the local
39 law enforcement agency acquires title to the property and shall:

40 (a) Sell the property at any public auction held by the agency;

41 (b) Retain the property for use by the agency;

42 (c) Destroy or direct the destruction of the property;

43 (d) Trade the property to a properly licensed retailer or
44 wholesaler in exchange for equipment necessary for the
45 performance of the agency's duties; or



1 (e) *Donate the property to another person or governmental*
2 *entity for use which furthers a charitable or public interest.*

3 6. *As used in this section:*

4 (a) *“Booked” means the process of recording the name of a*
5 *person who is arrested and any other relevant information*
6 *including, without limitation, information concerning:*

7 (1) *The person’s identity, including, without limitation, a*
8 *photograph and fingerprint of the person;*

9 (2) *The alleged offense for which the person is arrested;*
10 *and*

11 (3) *The name of the arresting officer.*

12 (b) *“Local law enforcement agency” means:*

13 (1) *The sheriff’s office of a county;*

14 (2) *A metropolitan police department; or*

15 (3) *A police department of an incorporated city.*

16 **Sec. 2.** This act becomes effective on July 1, 2005.



