

ASSEMBLY BILL NO. 298—ASSEMBLYMEN OHRENSCHALL, HORNE, CLABORN, SMITH, CONKLIN, DENIS, GERHARDT, KIHUEN, KOIVISTO, MANENDO, MUNFORD AND SEGERBLOM (BY REQUEST)

MARCH 13, 2007

Referred to Committee on Government Affairs

SUMMARY—Makes various changes to provisions concerning peace officers. (BDR 23-1027)

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 peace officers; prohibiting the suspension without pay of a peace officer in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes each agency in this State that employs peace officers to investigate a peace officer in response to a complaint or allegation that the peace officer engaged in activities which could result in punitive action and sets forth procedures for such investigations. (NRS 289.057, 289.060, 289.070, 289.080) Such procedures do not apply to an investigation concerning alleged criminal activity. (NRS 289.090) This bill prohibits a law enforcement agency from suspending a peace officer without pay during or pursuant to an investigation in response to a complaint or allegation which does not involve criminal activity until all investigations relating to the matter have concluded.

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

Section 1. NRS 289.057 is hereby amended to read as follows:
289.057 1. An investigation of a peace officer may be conducted in response to a complaint or allegation that the peace officer has engaged in activities which could result in punitive action.
2. ***A law enforcement agency shall not suspend a peace officer without pay during or pursuant to an investigation***



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conducted pursuant to this section until all investigations relating to the matter have concluded.

3. After the conclusion of the investigation:

(a) If the investigation causes a law enforcement agency to impose punitive action against the peace officer who was the subject of the investigation and the peace officer has received notice of the imposition of the punitive action, the peace officer or a representative authorized by the peace officer may, except as otherwise prohibited by federal or state law, review any administrative or investigative file maintained by the law enforcement agency relating to the investigation, including any recordings, notes, transcripts of interviews and documents.

(b) If, pursuant to a policy of a law enforcement agency or a labor agreement, the record of the investigation or the imposition of punitive action is subject to being removed from any administrative file relating to the peace officer maintained by the law enforcement agency, the law enforcement agency shall not, except as otherwise required by federal or state law, keep or make a record of the investigation or the imposition of punitive action after the record is required to be removed from the administrative file.

Sec. 2. The amendatory provisions of this act do not apply to the investigation of a peace officer which is pending on July 1, 2007.

Sec. 3. This act becomes effective on July 1, 2007.

