

ASSEMBLY BILL NO. 336—ASSEMBLYMAN CLABORN

MARCH 15, 2007

Referred to Committee on Government Affairs

SUMMARY—Revises certain provisions relating to peace officers.
(BDR 23-829)

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; revising provisions governing an internal investigation of a peace officer; removing limitations on the powers of certain peace officers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, a law enforcement agency may conduct an internal
2 investigation of a peace officer in response to a complaint or allegation that the
3 peace officer engaged in activities which could result in punitive action. (NRS
4 289.057) **Section 1** of this bill requires that if a peace officer is the subject of an
5 investigation concerning alleged criminal activities, any internal investigation
6 relating to the same conduct must be suspended until completion of the criminal
7 investigation.
8 **Sections 2 and 3** of this bill remove the limitations on the exercise of the
9 powers of a peace officer by inspectors and the Manager of Transportation
10 designated by the Transportation Services Authority and by airport control officers
11 designated by the Taxicab Administrator. (NRS 289.320, 289.340)

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

1 **Section 1.** NRS 289.057 is hereby amended to read as follows:
2 289.057 1. ~~[Am]~~ *Except as otherwise provided in subsection*
3 *3, an* investigation of a peace officer may be conducted in response
4 to a complaint or allegation that the peace officer has engaged in
5 activities which could result in punitive action.
6 2. After the conclusion of the investigation:



* A B 3 3 6 *

(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.

3. If a peace officer is the subject of an investigation which concerns alleged criminal activities, an investigation conducted pursuant to this section that relates to the same conduct of the peace officer must be suspended until the criminal investigation has been completed.

Sec. 2. 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 **the** 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. 3. NRS 289.340 is hereby amended to read as follows:

289.340 An employee designated by the Taxicab Administrator as ~~[-~~

~~— 1. A] a~~ taxicab field investigator ~~[is a peace officer.~~

~~— 2. An] or as an~~ airport control officer is a peace officer . ~~{only when on duty at the airport.]~~

Sec. 4. This act becomes effective upon passage and approval.

