

Assembly Bill No. 50–Assemblymen Conklin,
Gerhardt and Denis

CHAPTER.....

AN ACT relating to peace officers; requiring law enforcement agencies to adopt policies and procedures that provide for the acceptance of service of certain subpoenas; amending the exceptions that authorize the release of the home address of a peace officer by a law enforcement agency in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Section 1 of this bill requires law enforcement agencies to adopt policies and procedures that provide for the acceptance of certain subpoenas on behalf of peace officers.

Existing law provides that the home address of a peace officer is not public information and is confidential unless the peace officer authorizes the release of the address or has been arrested. (NRS 289.025) **Section 2** of this bill authorizes the release of the home address of a peace officer to the public only if the officer has been arrested and the home address is included in a report of a 911 telephone call, a police report, a witness statement or certain reports relating to the custody of a child. (NRS 289.025)

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

Section 1. Chapter 289 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each law enforcement agency shall adopt policies and procedures that provide for the orderly and safe acceptance of service of certain subpoenas served on a peace officer employed by the law enforcement agency.

2. A subpoena to be served upon a peace officer that is authorized to be served upon a law enforcement agency in accordance with the policies and procedures adopted pursuant to subsection 1 may be served in the manner provided by those policies and procedures.

Sec. 2. NRS 289.025 is hereby amended to read as follows:

289.025 1. Except as otherwise provided in ~~subsection 2,~~ *subsections 2 and 3*, the home address and any photograph of a peace officer in the possession of a law enforcement agency are not public information and are confidential.

2. The ~~home address and~~ photograph of a peace officer may be released:

(a) If the peace officer authorizes the release; or

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(b) If the peace officer has been arrested.

3. *The home address of a peace officer may be released if a peace officer has been arrested and the home address is included in any of the following:*

(a) *A report of a 911 telephone call.*

(b) *A police report, investigative report or complaint which a person filed with a law enforcement agency.*

(c) *A statement made by a witness.*

(d) *A report prepared pursuant to NRS 432B.540 by an agency which provides child welfare services, which report details a plan for the placement of a child.*

Sec. 3. NRS 174.345 is hereby amended to read as follows:

174.345 1. Except as otherwise provided in NRS 174.315 and subsection 2, a subpoena may be served by a peace officer or by any other person who is not a party and who is not less than 18 years of age. ~~{Service}~~ ***Except as otherwise provided in section 1 of this act, service*** of a subpoena must be made by delivering a copy thereof to the person named.

2. Except as otherwise provided in NRS 174.315, a subpoena to attend a misdemeanor trial may be served by mailing the subpoena to the person to be served by registered or certified mail, return receipt requested from that person, in a sealed postpaid envelope, addressed to the person's last known address, not less than 10 days before the trial which the subpoena commands him to attend.

3. If a subpoena is served by mail, a certificate of the mailing must be filed with the court within 2 days after the subpoena is mailed.

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