

SENATE BILL NO. 15—SENATOR MCGINNESS

PREFILED JANUARY 16, 2007

Referred to Committee on Judiciary

SUMMARY—Provides that certain governmental employees who enforce local ordinances may be designated as peace officers. (BDR 23-254)

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; providing that certain governmental employees who enforce local ordinances may be designated as peace officers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, certain local governmental employees may be designated to
2 serve written citations on persons accused of violating a county or city ordinance,
3 but such employees do not otherwise have the powers of a peace officer. (NRS
4 171.17751, 289.150-289.360) **Section 1** of this bill provides that such employees
5 may have the powers of a peace officer if the city or county that employs them
6 designates them as having such powers. **Section 3** of this bill provides that such
7 employees designated as having the powers of a peace officer are category II peace
8 officers.

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

1 **Section 1.** Chapter 289 of NRS is hereby amended by adding
2 thereto a new section to read as follows:
3 ***1. A local code enforcement officer has the powers of a peace***
4 ***officer if:***
5 ***(a) The city or county by which he is employed designates him***
6 ***as having the powers of a peace officer; and***



* S B 1 5 *

(b) *He is enforcing an ordinance of the city or county by which he is employed within the field of enforcement in which he works.*

2. *As used in this section, "local code enforcement officer" means:*

(a) *The chief officer of the organized fire department or any employees designated by him;*

(b) *Inspectors of solid waste management;*

(c) *Building, housing and licensing inspectors;*

(d) *Zoning enforcement officers;*

(e) *Parking enforcement officers;*

(f) *Animal control officers;*

(g) *Traffic engineers;*

(h) *The health officer of each county, district or city or any employees designated by him;*

(i) *Marshals and park rangers of the units of specialized law enforcement established pursuant to NRS 280.125; and*

(j) *Any other persons charged with the enforcement of county or city ordinances.*

Sec. 2. NRS 289.010 is hereby amended to read as follows:

289.010 As used in this chapter, unless the context otherwise requires:

1. "Administrative file" means any file of a peace officer containing information, comments or documents about the peace officer. The term does not include any file relating to an investigation conducted pursuant to NRS 289.057 or a criminal investigation of a peace officer.

2. "Choke hold" means the holding of a person's neck in a manner specifically intended to restrict the flow of oxygen or blood to the person's lungs or brain. The term includes the arm-bar restraint, carotid restraint and lateral vascular neck restraint.

3. "Peace officer" means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive **H**, *and section 1 of this act.*

4. "Punitive action" means any action which may lead to dismissal, demotion, suspension, reduction in salary, written reprimand or transfer of a peace officer for purposes of punishment.

Sec. 3. NRS 289.470 is hereby amended to read as follows:

289.470 "Category II peace officer" means:

1. The Bailiff of the supreme court;

2. The bailiffs of the district courts, justice courts and municipal courts whose duties require them to carry weapons and make arrests;

3. Constables and their deputies whose official duties require them to carry weapons and make arrests;



1 4. Inspectors employed by the Transportation Services
2 Authority who exercise those powers of enforcement conferred by
3 chapters 706 and 712 of NRS;

4 5. Parole and probation officers;

5 6. Special investigators who are employed full-time by the
6 office of any district attorney or the Attorney General;

7 7. Investigators of arson for fire departments who are specially
8 designated by the appointing authority;

9 8. The assistant and deputies of the State Fire Marshal;

10 9. The brand inspectors of the State Department of Agriculture
11 who exercise the powers of enforcement conferred by chapter 565
12 of NRS;

13 10. The field agents and inspectors of the State Department of
14 Agriculture who exercise the powers of enforcement conferred by
15 NRS 561.225;

16 11. Investigators for the State Forester Firewarden who are
17 specially designated by him and whose primary duties are related to
18 the investigation of arson;

19 12. School police officers employed by the board of trustees of
20 any county school district;

21 13. Agents of the State Gaming Control Board who exercise
22 the powers of enforcement specified in NRS 289.360, 463.140 or
23 463.1405, except those agents whose duties relate primarily to
24 auditing, accounting, the collection of taxes or license fees, or the
25 investigation of applicants for licenses;

26 14. Investigators and administrators of the Division of
27 Compliance Enforcement of the Department of Motor Vehicles who
28 perform the duties specified in subsection 2 of NRS 481.048;

29 15. Officers and investigators of the Section for the Control of
30 Emissions From Vehicles and the Enforcement of Matters Related
31 to the Use of Special Fuel of the Department of Motor Vehicles who
32 perform the duties specified in subsection 3 of NRS 481.0481;

33 16. Legislative police officers of the State of Nevada;

34 17. The personnel of the Capitol Police Division of the
35 Department of Public Safety appointed pursuant to subsection 2 of
36 NRS 331.140;

37 18. Parole counselors of the Division of Child and Family
38 Services of the Department of Health and Human Services;

39 19. Juvenile probation officers and deputy juvenile probation
40 officers employed by the various judicial districts in the State of
41 Nevada or by a department of juvenile justice services established
42 by ordinance pursuant to NRS 62G.210 whose official duties require
43 them to enforce court orders on juvenile offenders and make arrests;

44 20. Field investigators of the Taxicab Authority;



21. Security officers employed full-time by a city or county whose official duties require them to carry weapons and make arrests;

22. The chief of a department of alternative sentencing created pursuant to NRS 211A.080 and the assistant alternative sentencing officers employed by that department; ~~and~~

23. Criminal investigators who are employed by the Secretary of State ~~;~~ **and**

24. A local code enforcement officer described in section 1 of this act.

Sec. 4. NRS 171.17751 is hereby amended to read as follows:

171.17751 1. Any board of county commissioners or governing body of a city may designate the chief officer of the organized fire department or any employees designated by him, and certain of its inspectors of solid waste management, building, housing and licensing inspectors, zoning enforcement officers, parking enforcement officers, animal control officers, traffic engineers, marshals and park rangers of units of specialized law enforcement established pursuant to NRS 280.125, and other persons charged with the enforcement of county or city ordinances, to prepare, sign and serve written citations on persons accused of violating a county or city ordinance.

2. The State Health Officer and the health officer of each county, district and city may designate certain of his employees to prepare, sign and serve written citations on persons accused of violating any law, ordinance or regulation of a board of health that relates to public health.

3. The Chief of the Manufactured Housing Division of the Department of Business and Industry may designate certain of his employees to prepare, sign and serve written citations on persons accused of violating any law or regulation of the Division relating to the provisions of chapters 118B, 461, 461A and 489 of NRS.

4. The State Contractors' Board may designate certain of its employees to prepare, sign and serve written citations on persons pursuant to subsection 2 of NRS 624.115.

5. An employee designated pursuant to this section:

(a) May exercise the authority to prepare, sign and serve citations only within the field of enforcement in which he works;

(b) May, if he is employed by a city or county, prepare, sign and serve a citation only to enforce an ordinance of the city or county by which he is employed; and

(c) Shall comply with the provisions of NRS 171.1773.

6. The provisions of this section do not apply to a local code enforcement officer who has been designated as having the powers of a peace officer pursuant to subsection 1 of section 1 of



1 *this act. As used in this subsection, “local code enforcement*
2 *officer” has the meaning ascribed to it in subsection 2 of section 1*
3 *of this act.*

4 **Sec. 5.** NRS 280.125 is hereby amended to read as follows:

5 280.125 1. The provisions of this chapter do not prohibit a
6 participating political subdivision from establishing and
7 administering the following units of specialized law enforcement:

8 (a) A unit consisting of animal control officers.

9 (b) A unit consisting of marshals.

10 (c) A unit consisting of park rangers.

11 (d) A unit for the investigation of arson.

12 (e) A unit for the enforcement of laws relating to the licensure of
13 businesses.

14 (f) A unit for the enforcement of nonmoving traffic laws.

15 2. Except as otherwise limited in subsection 3, the jurisdiction
16 and authority of any units of specialized law enforcement
17 established pursuant to subsection 1 is concurrent with the authority
18 and jurisdiction of the metropolitan police department.

19 3. ~~The~~ *Unless a member of a unit consisting of marshals or*
20 *park rangers is designated as having the powers of a peace officer*
21 *pursuant to section 1 of this act, the* authority and jurisdiction of
22 *the members of* a unit consisting of marshals or park rangers is
23 limited to:

24 (a) The issuance of citations in accordance with the provisions
25 of NRS 171.17751;

26 (b) The enforcement of state laws and city and county
27 ordinances on real property owned, leased or otherwise under the
28 control of the participating political subdivision;

29 (c) The service of warrants of arrest issued pursuant to
30 NRS 5.060;

31 (d) The removal of abandoned vehicles as authorized by NRS
32 487.230; and

33 (e) The duties set forth in NRS 171.1223.

