

Amendment No. CA24

First Conference Committee Amendment to (BDR 23-146)
Assembly Bill No. 50 Second Reprint

Proposed by: First Conference Committee

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) ***green bold italic underlining*** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) ~~orange double underlining~~ is deleted language in the original bill that is proposed to be retained in this amendment; and (6) ***green bold*** is newly added transitory language.

BAW



Date: 6/3/2007

A.B. No. 50—Makes various changes to provisions relating to peace officers.
(BDR 23-146)



ASSEMBLY BILL NO. 50—ASSEMBLYMEN CONKLIN,
GERHARDT AND DENIS

PREFILED FEBRUARY 1, 2007

Referred to Committee on Government Affairs

SUMMARY—Makes various changes to provisions relating to peace officers.
(BDR 23-146)

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; requiring law enforcement agencies to adopt policies and procedures that provide for the acceptance of service of ~~any legal process on behalf of peace officers;~~ **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 ~~service of any legal process;~~ **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 ~~any legal process that is~~ certain subpoenas served on a peace officer employed by the law enforcement agency.

2. ~~The policies and procedures required by subsection 1 must include, without limitation:~~

~~(a) At least one centralized location at which service of legal process will be accepted on behalf of peace officers.~~

~~(b) At least a 4-hour consecutive period on each workday when service of legal process will be accepted at any location specified pursuant to paragraph (a).~~

~~3. Each law enforcement agency shall:~~

~~(a) Post a copy of the policies and procedures adopted pursuant to subsection 1 in a conspicuous place at each location described in paragraph (a) of subsection 2; and~~

~~(b) Upon request, provide a copy of the policies and procedures adopted pursuant to subsection 1 to any member of the public.~~

~~4. Any legal process. 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 the those policies and procedures adopted pursuant to subsection 1.~~

~~5. This section provides an additional manner of serving legal process, and does not affect the validity of any other valid service.~~

~~6. As used in this section, "legal process" means a subpoena, any civil or criminal process or any demand or notice authorized by law to be served upon a person.~~

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

(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.