

SENATE BILL NO. 44—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE DEPARTMENT OF CORRECTIONS)

PREFILED DECEMBER 5, 2008

Referred to Committee on Judiciary

SUMMARY—Designates certain employees of the Department of Corrections as category II peace officers. (BDR 23-304)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to peace officers; designating certain employees of the Department of Corrections as category II peace officers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law authorizes the Director of the Department of Corrections to
2 designate employees of the Department as peace officers. (NRS 289.220) Existing
3 law also classifies peace officers as being within category I, category II or category
4 III; peace officers in each category are designated as having certain powers and
5 must meet certain training and educational requirements. (NRS 289.460, 289.470,
6 289.480) Under existing law, a category III peace officer is a peace officer whose
7 authority is limited to correctional services, including the superintendents and
8 correctional officers of the Department. (NRS 289.480) This bill provides that the
9 Inspector General of the Department and criminal investigators of the Department
10 are category II peace officers.

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

1 **Section 1.** NRS 289.220 is hereby amended to read as follows:
2 289.220 1. The Director of the Department of Corrections,
3 ***the Inspector General of the Department, a person employed by***
4 ***the Department as a criminal investigator*** and any officer or
5 employee of the Department so designated by the Director **H** have



1 the powers of a peace officer when performing duties prescribed by
2 the Director. For the purposes of this subsection, the duties which
3 may be prescribed by the Director include, but are not limited to,
4 pursuit and return of escaped offenders, transportation and escort of
5 offenders and the general exercise of control over offenders within
6 or outside the confines of the institutions and facilities of the
7 Department.

8 2. A person appointed pursuant to NRS 211.115 to administer
9 detention facilities or a jail, and his subordinate jailers, corrections
10 officers and other employees whose duties involve law enforcement
11 have the powers of a peace officer.

12 **Sec. 2.** NRS 289.470 is hereby amended to read as follows:

13 289.470 "Category II peace officer" means:

14 1. The Bailiff of the Supreme Court;

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

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

20 4. Inspectors employed by the Nevada Transportation
21 Authority who exercise those powers of enforcement conferred by
22 chapters 706 and 712 of NRS;

23 5. Parole and probation officers;

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

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

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

29 9. The brand inspectors of the State Department of Agriculture
30 who exercise the powers of enforcement conferred by chapter 565
31 of NRS;

32 10. The field agents and inspectors of the State Department of
33 Agriculture who exercise the powers of enforcement conferred by
34 NRS 561.225;

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

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

40 13. Agents of the State Gaming Control Board who exercise
41 the powers of enforcement specified in NRS 289.360, 463.140 or
42 463.1405, except those agents whose duties relate primarily to
43 auditing, accounting, the collection of taxes or license fees, or the
44 investigation of applicants for licenses;



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

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

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

9 17. The personnel of the Capitol Police Division of the
10 Department of Public Safety appointed pursuant to subsection 2 of
11 NRS 331.140;

12 18. Parole counselors of the Division of Child and Family
13 Services of the Department of Health and Human Services;

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

19 20. Field investigators of the Taxicab Authority;

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

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

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

28 *24. The Inspector General of the Department of Corrections*
29 *and any person employed by the Department as a criminal*
30 *investigator.*

31 **Sec. 3.** NRS 289.480 is hereby amended to read as follows:

32 289.480 "Category III peace officer" means a peace officer
33 whose authority is limited to correctional services, including the
34 superintendents and correctional officers of the Department of
35 Corrections. *The term does not include a person described in*
36 *subsection 24 of NRS 289.470.*

37 **Sec. 4.** This act becomes effective on July 1, 2009.

