

**Amendment No. 63**

Assembly Amendment to Assembly Bill No. 121 (BDR 1-653)

**Proposed by:** Assembly Committee on Judiciary

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

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

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 underlining* is newly added transitory language.

MNM/BAW



Date: 4/12/2011

A.B. No. 121—Revises certain provisions relating to the security of court facilities.  
(BDR 1-653)



## ASSEMBLY BILL NO. 121—COMMITTEE ON JUDICIARY

PREFILED FEBRUARY 3, 2011

Referred to Committee on Judiciary

SUMMARY—Revises certain provisions relating to the security of court facilities.  
(BDR 1-653)

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

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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 courts; revising certain provisions relating to the security of court facilities; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

~~Existing law imposes various duties on the Court Administrator regarding the courts of this State. (NRS 1.260) Section 1 of this bill expands such duties by requiring the Court Administrator to perform duties specifically relating to the security of the courts of this State. Additionally, section 6 of this bill authorizes the Supreme Court to employ or appoint persons or to contract with independent contractors to provide security services for the Supreme Court.~~  
~~Existing law also provides that certain security officers have the powers of peace officers in certain circumstances. (NRS 289.160) Section 2 of this bill specifies that a security officer who is appointed or employed by the Supreme Court has the powers of a peace officer when the security officer is carrying out certain court related duties, and section 3 of this bill revises the definition of a category II peace officer to include such security officers.] Existing law authorizes the Supreme Court, or a majority thereof, to designate as Bailiff of the Supreme Court: (1) certain law clerks employed by the Supreme Court; or (2) the Sheriff of Carson City. (NRS 2.290) Section 2.5 of this bill removes such provisions and instead authorizes the Supreme Court, or a majority thereof, to designate as Bailiff of the Supreme Court certain persons who are appointed and employed by the Supreme Court to provide for the safety and security of the justices and employees of the Supreme Court and to carry out certain police duties at the direction of the Chief Justice of the Supreme Court. Section 2.7 of this bill provides that such persons appointed and employed by the Supreme Court have the powers of a category I peace officer when carrying out duties prescribed by the Chief Justice.~~

**Section 5** of this bill authorizes certain personnel of the Capitol Police Division of the Department of Public Safety to provide, under certain circumstances, security services to the justices ~~and employees~~ of the Supreme Court while such justices ~~and employees~~ are working at ~~locations outside the grounds of the Supreme Court building, any location in the State of Nevada.~~ **Section 6 of this bill authorizes the Supreme Court to contract with independent contractors to provide security services for any facility or building that is owned by or leased to the Supreme Court and occupied by its employees. Section 7 of this bill specifies that nothing in this bill may be construed to abrogate or alter certain existing provisions of law that relate to the jurisdiction of the Chief of the Buildings and Grounds Division of the Department of Administration and the functions and responsibilities of the Capitol Police Division.**

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

**Section 1.** ~~[NRS 1.360 is hereby amended to read as follows:~~

~~1.360 Under the direction of the Supreme Court, the Court Administrator shall:~~

~~1. Examine the administrative procedures employed in the offices of the judges, clerks, court reporters and employees of all courts of this State and make recommendations, through the Chief Justice, for the improvement of those procedures;~~

~~2. Examine the condition of the physical security of all courts of this State, assess any threats that endanger the public, court facilities or judicial officers and employees and make recommendations to and carry out the directions of the Chief Justice to ensure and maintain security for all persons accessing judicial services;~~

~~3. Examine the condition of the dockets of the courts and determine the need for assistance by any court;~~

~~[3.] 4. Make recommendations to and carry out the directions of the Chief Justice relating to the assignment of district judges where district courts are in need of assistance;~~

~~[4.] 5. Develop a uniform system for collecting and compiling statistics and other data regarding the operation of the State Court System and transmit that information to the Supreme Court so that proper action may be taken in respect thereto;~~

~~[5.] 6. Prepare and submit a budget of state appropriations necessary for the maintenance and operation of the State Court System and make recommendations in respect thereto;~~

~~[6.] 7. Develop procedures for accounting, internal auditing, procurement and disbursement for the State Court System;~~

~~[7.] 8. Collect statistical and other data and make reports relating to the expenditure of all public money for the maintenance and operation of the State Court System and the offices connected therewith;~~

~~[8.] 9. Compile statistics from the information required to be maintained by the clerks of the district courts pursuant to NRS 3.275 regarding criminal and civil cases and make reports as to the cases filed in the district courts;~~

~~[9.] 10. Formulate and submit to the Supreme Court recommendations of policies or proposed legislation for the improvement of the State Court System;~~

~~[10.] 11. On or before January 1 of each year, submit to the Director of the Legislative Counsel Bureau a written report compiling the information submitted to the Court Administrator pursuant to NRS 3.243, 4.175 and 5.045 during the immediately preceding fiscal year;~~

~~[11.] 12. On or before January 1 of each odd numbered year, submit to the Director of the Legislative Counsel Bureau a written report concerning:~~

~~(a) The distribution of money deposited in the special account created pursuant to NRS 176.0613 to assist with funding and establishing specialty court programs;~~

~~(b) The current status of any specialty court programs to which money from the account was allocated since the last report;~~

~~(c) Statistics compiled from information required to be maintained by clerks of the district courts pursuant to NRS 3.275 concerning specialty courts, including, without limitation, the number of participants in such programs, the nature of the~~

1 criminal charges that were filed against participants, the number of participants who  
2 have completed the programs and the disposition of the cases; and

3 ~~(d) Such other related information as the Court Administrator deems~~  
4 ~~appropriate;~~

5 ~~[12.] 13. On or before February 15 of each odd-numbered year, submit to the~~  
6 ~~Governor and to the Director of the Legislative Counsel Bureau for transmittal to~~  
7 ~~the next regular session of the Legislature a written report compiling the~~  
8 ~~information submitted by clerks of courts to the Court Administrator pursuant to~~  
9 ~~NRS 620.307 and 622.522 which includes only aggregate information for statistical~~  
10 ~~purposes and excludes any identifying information related to a particular person;~~  
11 ~~and~~

12 ~~[13.] 14. Attend to such other matters as may be assigned by the Supreme~~  
13 ~~Court or prescribed by law.] (Deleted by amendment.)~~

14 **Sec. 2. [NRS 289.160 is hereby amended to read as follows:**

15 ~~289.160 1. A security officer employed:~~

16 ~~(a) Pursuant to NRS 244.167 by a board of county commissioners; or~~

17 ~~(b) Pursuant to NRS 266.222 by the governing body of a city;~~

18 ~~has the powers of a peace officer when the security officer is carrying out duties~~  
19 ~~prescribed by ordinance.~~

20 ~~2. A security officer appointed or employed by the Supreme Court pursuant~~  
21 ~~to subsection 2 of NRS 333.710 has the powers of a peace officer when the~~  
22 ~~security officer is carrying out duties prescribed by the Court Administrator.~~

23 ~~3. A person appointed pursuant to subsection 1 of NRS 269.235 by a town~~  
24 ~~board or board of county commissioners has the powers of a peace officer.~~

25 ~~[3.] 4. Police officers and special police officers appointed pursuant to~~  
26 ~~subsection 5 of NRS 269.240 have, within the limits of the unincorporated town,~~  
27 ~~the powers of making arrests which are exercised by a peace officer according to~~  
28 ~~the laws of this State.] (Deleted by amendment.)~~

29 **Sec. 2.3. Chapter 2 of NRS is hereby amended by adding thereto a new**  
30 **section to read as follows:**

31 *The Supreme Court, or a majority thereof, is authorized to appoint and*  
32 *employ one or more persons to provide for the safety and security of the justices*  
33 *and employees of the Supreme Court and to carry out any necessary police duties*  
34 *at the direction of the Chief Justice to maintain safe and reasonable access to*  
35 *justice for residents of Nevada.*

36 **Sec. 2.5. NRS 2.290 is hereby amended to read as follows:**

37 2.290 The Supreme Court, or a majority thereof, is authorized to designate ~~it~~

38 ~~1. One of the law clerks employed pursuant to NRS 2.300 to act as Bailiff of~~  
39 ~~the Supreme Court without additional compensation; or~~

40 ~~2. The Sheriff of Carson City to act as Bailiff of the Supreme Court. For his~~  
41 ~~or her services as Bailiff, either in person or by deputy, the Sheriff shall receive~~  
42 ~~from the State, in full payment for such services, the sum of \$50 per calendar~~  
43 ~~month when actually in attendance upon the Court, such sum to be paid by the State~~  
44 ~~Treasurer out of the biennial appropriation therefor. The Sheriff, as Bailiff, shall~~  
45 ~~retain to his or her own use all moneys received under the provisions of this~~  
46 ~~subsection.] any person appointed and employed pursuant to section 2.3 of this~~  
47 *act to act as Bailiff of the Supreme Court.*

1        Sec. 2.7. Chapter 289 of NRS is hereby amended by adding thereto a  
2        new section to read as follows:

3        Any person appointed and employed by the Supreme Court pursuant to  
4        section 2.3 of this act has the powers of a peace officer pursuant to NRS 289.460  
5        when the person is carrying out duties prescribed by the Chief Justice.

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

7        289.470 “Category II peace officer” means:

8        1. ~~{The Bailiff of the Supreme Court;~~

9        ~~2.} 2. The bailiffs of the district courts, justice courts and municipal courts~~  
10       ~~whose duties require them to carry weapons and make arrests;~~

11       ~~{3. Security officers appointed or employed by the Supreme Court who~~  
12       ~~perform the duties prescribed by the Court Administrator;~~

13       ~~4.} 2. Constables and their deputies whose official duties require them to~~  
14       ~~carry weapons and make arrests;~~

15       ~~{4.} {5.} 3. Inspectors employed by the Nevada Transportation Authority~~  
16       ~~who exercise those powers of enforcement conferred by chapters 706 and 712 of~~  
17       ~~NRS;~~

18       ~~{5.} {6.} 4. Parole and probation officers;~~

19       ~~{6.} {7.} 5. Special investigators who are employed full-time by the office of~~  
20       ~~any district attorney or the Attorney General;~~

21       ~~{7.} {8.} 6. Investigators of arson for fire departments who are specially~~  
22       ~~designated by the appointing authority;~~

23       ~~{8.} {9.} 7. The assistant and deputies of the State Fire Marshal;~~

24       ~~{9.} {10.} 8. The brand inspectors of the State Department of Agriculture~~  
25       ~~who exercise the powers of enforcement conferred by chapter 565 of NRS;~~

26       ~~{10.} {11.} 9. The field agents and inspectors of the State Department of~~  
27       ~~Agriculture who exercise the powers of enforcement conferred by NRS 561.225;~~

28       ~~{11.} {12.} 10. Investigators for the State Forester Firewarden who are~~  
29       ~~specially designated by the State Forester Firewarden and whose primary duties are~~  
30       ~~related to the investigation of arson;~~

31       ~~{12.} {13.} 11. School police officers employed by the board of trustees of~~  
32       ~~any county school district;~~

33       ~~{13.} {14.} 12. Agents of the State Gaming Control Board who exercise the~~  
34       ~~powers of enforcement specified in NRS 289.360, 463.140 or 463.1405, except~~  
35       ~~those agents whose duties relate primarily to auditing, accounting, the collection of~~  
36       ~~taxes or license fees, or the investigation of applicants for licenses;~~

37       ~~{14.} {15.} 13. Investigators and administrators of the Division of~~  
38       ~~Compliance Enforcement of the Department of Motor Vehicles who perform the~~  
39       ~~duties specified in subsection 2 of NRS 481.048;~~

40       ~~{15.} {16.} 14. Officers and investigators of the Section for the Control of~~  
41       ~~Emissions From Vehicles and the Enforcement of Matters Related to the Use of~~  
42       ~~Special Fuel of the Department of Motor Vehicles who perform the duties specified~~  
43       ~~in subsection 3 of NRS 481.0481;~~

44       ~~{16.} {17.} 15. Legislative police officers of the State of Nevada;~~

45       ~~{17.} {18.} 16. The personnel of the Capitol Police Division of the~~  
46       ~~Department of Public Safety appointed pursuant to subsection 2 of NRS 331.140 ;~~

47       ~~{18.} for acting pursuant to subsection 3 of that section;~~

48       ~~{19.} 17. Parole counselors of the Division of Child and Family Services of~~  
49       ~~the Department of Health and Human Services;~~

50       ~~{19.} {20.} 18. Juvenile probation officers and deputy juvenile probation~~  
51       ~~officers employed by the various judicial districts in the State of Nevada or by a~~  
52       ~~department of juvenile justice services established by ordinance pursuant to NRS~~

62G.210 whose official duties require them to enforce court orders on juvenile offenders and make arrests;

~~(20.) (21.)~~ 19. Field investigators of the Taxicab Authority;  
~~(21.) (22.)~~ 20. Security officers employed full-time by a city or county whose official duties require them to carry weapons and make arrests;

~~(22.) (23.)~~ 21. The chief of a department of alternative sentencing created pursuant to NRS 211A.080 and the assistant alternative sentencing officers employed by that department;

~~(23.) (24.)~~ 22. Criminal investigators who are employed by the Secretary of State; and

~~(24.) (25.)~~ 23. The Inspector General of the Department of Corrections and any person employed by the Department as a criminal investigator.

**Sec. 4.** NRS 289.480 is hereby amended to read as follows:

289.480 "Category III peace officer" means a peace officer whose authority is limited to correctional services, including the superintendents and correctional officers of the Department of Corrections. The term does not include a person described in subsection ~~(24.) (25.)~~ 23 of NRS 289.470.

**Sec. 5.** NRS 331.140 is hereby amended to read as follows:

331.140 1. The Chief shall take proper care to prevent any unlawful activity on or damage to any state property under the supervision and control of the Chief, and to protect the safety of any persons on that property.

2. The Director of the Department of Public Safety shall appoint to the Capitol Police Division of that Department such personnel as may be necessary to assist the Chief of the Buildings and Grounds Division in the enforcement of subsection 1. The salaries and expenses of the personnel appointed pursuant to this subsection must, within the limits of legislative authorization, be paid out of the Buildings and Grounds Operating Fund.

*3. Personnel of the Capitol Police Division who are assigned to protect the safety of ~~(persons in the Supreme Court building and)~~ the justices ~~(and employees)~~ of the Supreme Court have the authority to provide any necessary security services, (under the direction) at the request of the Court Administrator, to the justices (and employees) of the Supreme Court while the justices (and employees) are performing work duties at (locations outside the grounds of the Supreme Court building.) any location in this State. No money may be expended from the Buildings and Grounds Operating Fund for such security services. ~~(unless the money has been specifically appropriated for such a purpose.)~~*

**Sec. 6.** NRS 333.710 is hereby amended to read as follows:

333.710 1. If personnel of the Capitol Police Division of the Department of Public Safety are not available to provide security services for a building, office or other facility of a using agency, the using agency may, pursuant to NRS 333.700, contract with one or more independent contractors to provide such services.

*2. ~~If the (Court Administrator) Chief Justice of the Supreme Court determines that additional security is needed for the (Supreme Court pursuant to the provisions of subsection 2 of NRS 1.360.)~~ safe operation of any facility or building that is owned by or leased to the Supreme Court and occupied by its employees, the Supreme Court may (employ or appoint one or more persons or) contract with one or more independent contractors to provide security services for the (Supreme Court and to serve under the direction of the Court Administrator.) facility or building. Any contractor with whom the Supreme Court contracts for these services is subject to the oversight of a peace officer who provides security services for the Supreme Court and who is designated and directed by the Chief Justice.*

1       3. An independent contractor with whom a using agency ~~for the Supreme~~  
2 ~~Court~~ contracts pursuant to subsection 1 ~~[this section]~~ must:

3       (a) Be licensed as a private patrol officer pursuant to chapter 648 of NRS or  
4 employed by a person so licensed; and

5       (b) Possess the skills required of and meet the same physical requirements as  
6 law enforcement personnel certified by the Peace Officers' Standards and Training  
7 Commission created pursuant to NRS 289.500.

8       4. An independent contractor with whom the Supreme Court contracts  
9 pursuant to subsection 2 must be licensed as a private patrol officer pursuant to  
10 chapter 648 of NRS or employed by a person so licensed.

11       Sec. 6.5. Nothing in this act may be construed to abrogate or alter the  
12 provisions of NRS 331.070 or 480.140.

13       Sec. 7. This act becomes effective on July 1, 2011.