

ASSEMBLY BILL NO. 103—ASSEMBLYMEN CARRILLO,
FIORE, DALY; AND MARTIN

FEBRUARY 13, 2013

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to school police officers.
(BDR 23-152)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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; making school police officers
category I peace officers with unrestricted duties and
jurisdiction; and providing other matters properly relating
thereto.

Legislative Counsel's Digest:

Existing law confers the powers of a peace officer upon school police officers appointed by the board of trustees of any county school district. (NRS 289.190) **Section 2** of this bill removes school police officers from the list of category II peace officers which makes school police officers category I peace officers with unrestricted duties. (NRS 289.460, 289.470)

In counties whose population is 100,000 or more (currently Clark and Washoe Counties), existing law requires certain peace officers with limited jurisdiction, including school police officers, to notify a primary law enforcement agency if the peace officer witnesses a category A felony and transfer the investigation of the category A felony to the primary law enforcement agency. (NRS 171.1223)

Sections 1 and 4 of this bill remove the duty of those school police officers to provide such notice and transfer such investigations.

Finally, existing law limits the jurisdiction of school police officers to all school property, buildings and facilities within the school district, and beyond such property while in hot pursuit, at activities sponsored by the school district and for the purpose of issuing traffic citations on streets that are adjacent to school property, buildings and facilities. (NRS 391.275) **Section 5** of this bill repeals this limitation on the jurisdiction of school police officers so that they have unlimited jurisdiction because school police officers are designated as category I peace officers with unrestricted duties pursuant to the amendatory provisions of **section 2**.



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

Section 1. NRS 289.190 is hereby amended to read as follows:

289.190 1. A person employed or appointed to serve as a school police officer pursuant to subsection 8 of NRS 391.100 has the powers of a peace officer. ~~{A school police officer shall perform the officer's duties in compliance with the provisions of NRS 171.1223.}~~

2. A person appointed pursuant to NRS 393.0718 by the board of trustees of any school district has the powers of a peace officer to carry out the intents and purposes of NRS 393.071 to 393.0719, inclusive.

3. Members of every board of trustees of a school district, superintendents of schools, principals and teachers have concurrent power with peace officers for the protection of children in school and on the way to and from school, and for the enforcement of order and discipline among such children, including children who attend school within one school district but reside in an adjoining school district or adjoining state, pursuant to the provisions of chapter 392 of NRS. This subsection must not be construed so as to make it the duty of superintendents of schools, principals and teachers to supervise the conduct of children while not on the school property.

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

289.470 "Category II peace officer" means:

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

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

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

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

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

6. The brand inspectors of the State Department of Agriculture who exercise the powers of enforcement conferred by chapter 565 of NRS;

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



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8. Investigators for the State Forester Firewarden who are specially designated by the State Forester Firewarden and whose primary duties are related to the investigation of arson;

~~9. School police officers employed by the board of trustees of any county school district;~~

~~10.~~ Agents of the State Gaming Control Board who exercise the powers of enforcement specified in NRS 289.360, 463.140 or 463.1405, except those agents whose duties relate primarily to auditing, accounting, the collection of taxes or license fees, or the investigation of applicants for licenses;

~~11.~~ 10. Investigators and administrators of the Division of Compliance Enforcement of the Department of Motor Vehicles who perform the duties specified in subsection 2 of NRS 481.048;

~~12.~~ 11. Officers and investigators of the Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel of the Department of Motor Vehicles who perform the duties specified in subsection 3 of NRS 481.0481;

~~13.~~ 12. Legislative police officers of the State of Nevada;

~~14.~~ 13. Parole counselors of the Division of Child and Family Services of the Department of Health and Human Services;

~~15.~~ 14. Juvenile probation officers and deputy juvenile probation officers employed by the various judicial districts in the State of Nevada or by a 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;

~~16.~~ 15. Field investigators of the Taxicab Authority;

~~17.~~ 16. Security officers employed full-time by a city or county whose official duties require them to carry weapons and make arrests;

~~18.~~ 17. The chief of a department of alternative sentencing created pursuant to NRS 211A.080 and the assistant alternative sentencing officers employed by that department;

~~19.~~ 18. Criminal investigators who are employed by the Secretary of State; and

~~20.~~ 19. The Inspector General of the Department of Corrections and any person employed by the Department as a criminal investigator.

Sec. 3. 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 ~~20.~~ 19 of NRS 289.470.



Sec. 4. NRS 171.1223 is hereby amended to read as follows:

171.1223 1. Except as otherwise provided in subsection 3, in a county whose population is 100,000 or more, a peace officer with limited jurisdiction who witnesses a category A felony being committed or attempted in the officer's presence, or has reasonable cause for believing a person has committed or attempted to commit a category A felony in an area that is within the officer's jurisdiction, shall immediately notify the primary law enforcement agency in the city or county, as appropriate, where the offense or attempted offense was committed.

2. Upon arrival of an officer from the primary law enforcement agency notified pursuant to subsection 1, a peace officer with limited jurisdiction shall immediately transfer the investigation of the offense or attempted offense to the primary law enforcement agency.

3. The provisions of subsection 1 do not:

(a) Apply to an offense or attempted offense that is a misdemeanor, gross misdemeanor or felony other than a category A felony;

(b) Apply to an officer of the Nevada Highway Patrol, a member of the police department of the Nevada System of Higher Education, an agent of the Investigation Division of the Department of Public Safety or a ranger of the Division of State Parks of the State Department of Conservation and Natural Resources;

(c) Apply to a peace officer with limited jurisdiction if an interlocal agreement between the officer's employer and the primary law enforcement agency in the city or county in which a category A felony was committed or attempted authorizes the peace officer with limited jurisdiction to respond to and investigate the felony without immediately notifying the primary law enforcement agency; or

(d) Prohibit a peace officer with limited jurisdiction from:

(1) Contacting a primary law enforcement agency for assistance with an offense that is a misdemeanor, gross misdemeanor or felony that is not a category A felony; or

(2) Responding to a category A felony until the appropriate primary law enforcement agency arrives at the location where the felony was allegedly committed or attempted, including, without limitation, taking any appropriate action to provide assistance to a victim of the felony, to apprehend the person suspected of committing or attempting to commit the felony, to secure the location where the felony was allegedly committed or attempted and to protect the life and safety of the peace officer and any other person present at that location.

4. As used in this section:

(a) "Peace officer with limited jurisdiction" means:



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(1) ~~{A school police officer who is appointed or employed pursuant to subsection 8 of NRS 391.100;~~

~~{(2)}~~ (2) An airport guard or police officer who is appointed pursuant to NRS 496.130;

~~{(3)}~~ (2) A person employed to provide police services for an airport authority created by a special act of the Legislature; and

~~{(4)}~~ (3) A marshal or park ranger who is part of a unit of specialized law enforcement established pursuant to NRS 280.125.

(b) "Primary law enforcement agency" means:

(1) A police department of an incorporated city;

(2) The sheriff's office of a county; or

(3) If the county is within the jurisdiction of a metropolitan police department, the metropolitan police department.

Sec. 5. NRS 391.275 is hereby repealed.

Sec. 6. This act becomes effective on July 1, 2013.

TEXT OF REPEALED SECTION

391.275 Jurisdiction of school police officers.

1. The jurisdiction of each school police officer of a school district extends to all school property, buildings and facilities within the school district for the purpose of:

(a) Protecting school district personnel, pupils, or real or personal property; or

(b) Cooperating with local law enforcement agencies in matters relating to personnel, pupils or real or personal property of the school district.

2. In addition to the jurisdiction set forth in subsection 1, a school police officer of a school district has jurisdiction:

(a) Beyond the school property, buildings and facilities when in hot pursuit of a person believed to have committed a crime;

(b) At activities or events sponsored by the school district that are in a location other than the school property, buildings or facilities within the school district; and

(c) When authorized by the superintendent of schools of the school district, on the streets that are adjacent to the school property, buildings and facilities within the school district for the purpose of issuing traffic citations for violations of traffic laws and ordinances during the times that the school is in session or school-related activities are in progress.

