

SENATE BILL NO. 273—SENATORS SETTELMAYER,
GUSTAVSON; AND GOICOECHEA

MARCH 15, 2013

JOINT SPONSORS: ASSEMBLYMEN ELLISON,
HANSEN AND WHEELER

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to deputy sheriffs.
(BDR 20-470)

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 sheriffs; revising provisions governing the
removal of deputy sheriffs in certain smaller counties; and
providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, a peace officer must be certified by the Peace Officers'
2 Standards and Training Commission within 1 year after beginning employment as a
3 peace officer, unless an extension is granted. (NRS 289.550) In a county that does
4 not have a metropolitan police department or whose population is less than 100,000
5 (currently counties other than Clark and Washoe Counties), a deputy sheriff who
6 has completed a 12-month probationary period may be terminated from
7 employment only for cause. (NRS 248.040, 248.045) In this context, this bill
8 provides that, in a county whose population is less than 45,000 (currently Churchill,
9 Esmeralda, Eureka, Humboldt, Lander, Lincoln, Mineral, Nye, Pershing, Storey
10 and White Pine Counties), "cause" includes a deputy's failure to become certified
11 by the Peace Officers' Standards and Training Commission within the required
12 time, the loss of that certification or the deputy's failure to maintain a valid driver's
13 license.



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

Section 1. NRS 248.040 is hereby amended to read as follows:

248.040 1. Except as provided in NRS 248.045, each sheriff may:

(a) Appoint, in writing signed by him or her, one or more deputies, who may perform all the duties devolving on the sheriff of the county and such other duties as the sheriff may from time to time direct. The appointment of a deputy sheriff must not be construed to confer upon that deputy policymaking authority for the office of the sheriff or the county by which the deputy sheriff is employed.

(b) Except as otherwise provided in this paragraph, only remove a deputy who has completed a probationary period of 12 months for cause. A deputy who functions as the head of a department or an administrative employee or who has not completed the probationary period may be removed at the sheriff's pleasure.

2. For the purposes of paragraph (b) of subsection 1, in any county whose population is less than 45,000, "cause" includes, without limitation:

(a) Failure to be certified by the Peace Officers' Standards and Training Commission within the time required by NRS 289.550;

(b) Loss of the certification by the Peace Officers' Standards and Training Commission required by NRS 289.550; or

(c) Failure to maintain a valid driver's license.

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↪ This subsection does not limit or impair any internal grievance procedure, grievance procedure negotiated pursuant to chapter 288 of NRS or administrative remedy otherwise available to a deputy.

3. No deputy sheriff is qualified to act as such unless he or she has taken an oath to discharge the duties of the office faithfully and impartially. The oath, together with the written appointment, must be recorded in the office of the recorder of the county within which the sheriff legally holds and exercises office. Revocations of such appointments must be recorded as provided in this subsection. From the time of the recording of the appointments or revocations therein, persons shall be deemed to have notice of the appointments or revocations.



- 1 ~~13.1~~ 4. The sheriff may require of his or her deputies such
2 bonds as to the sheriff seem proper.
3 **Sec. 2.** This act becomes effective on July 1, 2013.

