

ASSEMBLY BILL NO. 432—COMMITTEE ON JUDICIARY

MARCH 23, 2015

Referred to Committee on Judiciary

SUMMARY—Prohibits a peace officer from taking a person before a magistrate under certain circumstances related to traffic violations. (BDR 43-93)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 traffic laws; providing that under certain circumstances a peace officer is prohibited from taking a person before a magistrate for a violation of certain traffic laws or pursuant to a warrant arising out of a violation of certain traffic laws; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, whenever a person is halted by a peace officer for a traffic
2 violation and is not required to be taken before a magistrate, the peace officer has
3 the discretion to either issue a traffic citation to the person or to take the person
4 before a magistrate. (NRS 484A.730) This bill provides that if a person is halted by
5 a peace officer for a violation of the rules of the road or certain other traffic
6 violations and is not otherwise required to be taken before a magistrate, the person
7 must be given a traffic citation. This bill also provides that if a person against
8 whom a contempt warrant has been issued for conduct arising out of certain traffic
9 violations is halted or detained by a peace officer and is not otherwise required to
10 be taken before a magistrate, the person must be given a citation.

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

1 **Section 1.** NRS 484A.660 is hereby amended to read as
2 follows:

3 484A.660 Except for felonies and those offenses set forth in
4 ~~paragraphs (a) to (e), inclusive, of subsection 1~~ *subsections 1 to 7,*
5 *inclusive,* of NRS 484A.710, a peace officer at the scene of a traffic



1 accident may issue a traffic citation, as provided in NRS 484A.630,
2 or a misdemeanor citation, as provided in NRS 171.1773, to any
3 person involved in the accident when, based upon personal
4 investigation, the peace officer has reasonable and probable grounds
5 to believe that the person has committed any offense pursuant to the
6 provisions of chapters 482 to 486, inclusive, or 706 of NRS in
7 connection with the accident.

8 **Sec. 2.** NRS 484A.710 is hereby amended to read as follows:

9 484A.710 ~~[(f)]~~ Any peace officer may, without a warrant,
10 arrest a person if the officer has reasonable cause for believing that
11 the person has committed any of the following offenses:

12 ~~[(a)]~~ 1. Homicide by vehicle;

13 ~~[(b)]~~ 2. A violation of NRS 484C.110 or 484C.120;

14 ~~[(c)]~~ 3. A violation of NRS 484C.430;

15 ~~[(d)]~~ 4. A violation of NRS 484C.130;

16 ~~[(e)]~~ 5. Failure to stop, give information or render reasonable
17 assistance in the event of an accident resulting in death or personal
18 injuries in violation of NRS 484E.010 or 484E.030;

19 ~~[(f)]~~ 6. Failure to stop or give information in the event of an
20 accident resulting in damage to a vehicle or to other property legally
21 upon or adjacent to a highway in violation of NRS 484E.020 or
22 484E.040;

23 ~~[(g)]~~ 7. Reckless driving;

24 ~~[(h)]~~ 8. Driving a motor vehicle on a highway or on premises
25 to which the public has access at a time when the person's driver's
26 license has been cancelled, revoked or suspended; or

27 ~~[(i)]~~ 9. Driving a motor vehicle in any manner in violation of
28 the restrictions imposed in a restricted license issued to the person
29 pursuant to NRS 483.490.

30 ~~[(2. Whenever any person is arrested as authorized in this~~
31 ~~section, the person must be taken without unnecessary delay before~~
32 ~~the proper magistrate as specified in NRS 484A.750, except that in~~
33 ~~the case of either of the offenses designated in paragraphs (f) and (g)~~
34 ~~of subsection 1, a peace officer has the same discretion as is~~
35 ~~provided in other cases in NRS 484A.730.)]~~

36 **Sec. 3.** NRS 484A.730 is hereby amended to read as follows:

37 484A.730 1. Whenever any person is halted by a peace
38 officer for any violation of ~~[(chapters)]~~ *chapter* 484A ~~[(to)]~~ *or 484B of*
39 *NRS and is not required to be taken before a magistrate, the*
40 *person must be given a traffic citation.*

41 2. *Notwithstanding any other provision of law, whenever any*
42 *person against whom a warrant has been issued pursuant to*
43 *chapter 22 of NRS for conduct arising out of any violation of*
44 *chapter 484A or 484B of NRS, is halted or detained by a peace*
45 *officer pursuant to this section or NRS 171.1771 and is not*



required to be taken before a magistrate, the person must be given a citation.

3. Whenever any person is halted by a peace officer for any violation of chapter 484C, 484D or 484E ~~[, inclusive,]~~ of NRS and is not required to be taken before a magistrate, the person may, in the discretion of the peace officer, either be given a traffic citation, or be taken without unnecessary delay before the proper magistrate.
~~[The]~~

4. Whenever a person is halted by a peace officer for any violation of chapters 484A to 484E, inclusive, of NRS, the person must be taken before the magistrate in any of the following cases:

~~[1-]~~ *(a) When the person does not furnish satisfactory evidence of identity or when the peace officer has reasonable and probable grounds to believe the person will disregard a written promise to appear in court;*

~~[2-]~~ *(b) When the person is charged with a violation of NRS 484D.580 relating to the refusal of a driver of a vehicle to submit the vehicle to an inspection and test;*

~~[3-]~~ *(c) When the person is charged with a violation of NRS 484D.675 relating to the failure or refusal of a driver of a vehicle to submit the vehicle and load to a weighing or to remove excess weight therefrom; or*

~~[4-]~~ *(d) When the person is charged with a violation of NRS 484C.110 or 484C.120, unless the person is incapacitated and is being treated for injuries at the time the peace officer would otherwise be taking the person before the magistrate.*

Sec. 4. NRS 484A.760 is hereby amended to read as follows:

484A.760 Whenever any person is taken into custody by a peace officer for the purpose of taking him or her before a magistrate or court as authorized or required in chapters 484A to 484E, inclusive, of NRS upon any charge other than a felony or the offenses enumerated in ~~[paragraphs (a) to (e), inclusive, of subsection 1]~~ *subsections 1 to 5, inclusive,* of NRS 484A.710, and no magistrate is available at the time of arrest, and there is no bail schedule established by the magistrate or court and no lawfully designated court clerk or other public officer who is available and authorized to accept bail upon behalf of the magistrate or court, the person must be released from custody upon the issuance to the person of a misdemeanor citation or traffic citation and the person signing a promise to appear, as provided in NRS 171.1773 or 484A.630, respectively.

