

Amendment No. 739

Assembly Amendment to Senate Bill No. 285 First Reprint (BDR 20-208)

Proposed by: Assembly Committee on Government Affairs

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

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of S.B. 285 R1 (§§ 9, 15).

| 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) variations of *green bold underlining* is language proposed to be added 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 proposed to be retained in this amendment.

MSN/JWP



Date: 5/15/2015

S.B. No. 285—Revises provisions relating to local law enforcement agencies.
(BDR 20-208)



SENATE BILL NO. 285—SENATORS PARKS, KIHUEN, SPEARMAN; FORD, MANENDO,
SEGERBLOM, SMITH AND WOODHOUSE

MARCH 13, 2015

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to local law enforcement agencies.
(BDR 20-208)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 local law enforcement agencies; revising provisions relating to the powers and duties of constables and deputy constables; exempting from certain provisions the sale of liquor by a sheriff or constable at a sale under execution; authorizing a constable to accept payment of certain fees by credit card, debit card or electronic transfer of money; authorizing a constable to require the payment to the constable of a convenience fee for the acceptance of payments by credit card, debit card or electronic transfer of money; revising the amount of certain fees which a constable is entitled to charge and collect; authorizing the appointment of clerks for the constable of a township; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the sheriff of a county may authorize a constable to receive and execute the process, writs or warrants of courts of justice, judicial officers and coroners that have been delivered to the sheriff. (NRS 248.100) **Sections 1-8** of this bill provide that such orders may be delivered directly to a constable who then must execute the orders.

Existing law requires the constable and each deputy constable in a township whose population is 15,000 or more, or a township that has within its boundaries a city whose population is 15,000 or more, to be certified as a category I or II peace officer by the Peace Officers' Standards and Training Commission. (NRS 258.007, 258.060, 258.070) Existing law also requires each constable to be a peace officer in his or her township and prohibits a constable or deputy constable from arresting any person while carrying out the duties of the office of a constable unless the constable or deputy is certified by the Commission as a category I or category II peace officer. **Sections 10 and 12** of this bill instead require certification as a category II peace officer of the constable and each deputy constable of a township whose population: (1) is 100,000 or more, if the township is in a county whose population is 700,000 or more (currently Clark County); and (2) is 250,000 or more, if the township is in a county whose population is less than 700,000 (currently all counties other than Clark County).

Section 12.5 of this bill authorizes a board of county commissioners to appoint for the constable of a township a reasonable number of clerks and to fix the compensation of any clerks so appointed.

Section 13 of this bill provides that a constable or deputy constable has the powers of a peace officer: ~~only~~ (1) for the discharge of duties that are prescribed by law; (2) for the purpose of arresting a person in certain circumstances who has committed or attempted to commit a public offense in the presence of the constable or deputy constable; (3) in an area that is within the limits of an incorporated city, for the additional purposes authorized by and with the consent of the chief of police of the city; and (4) in an area that is not within the limits of an incorporated city, for the additional purposes authorized by and with the consent of the sheriff of the county. Additionally, **section 13** prohibits a constable or deputy constable from carrying a firearm in the performance of his or her duties unless: (1) the constable has adopted a written policy on the use of deadly force; and (2) ~~a copy of the policy has been filed in the office of the appropriate county recorder; and (3)~~ the constable and each deputy constable has received training regarding the policy. A constable or deputy constable authorized to carry a firearm pursuant to **section 13** must receive training approved by the Commission in the use of firearms at least once every 6 months. **Section 13** also requires a constable or deputy constable who wears a uniform in the performance of his or her duties to display prominently as part of that uniform a badge or nameplate clearly displaying the name or an identification number of the constable or deputy.

Existing law authorizes a constable who determines that a motor vehicle is not properly registered to issue a citation to the owner or driver, as appropriate, of the vehicle, and to charge and collect a fee of \$100 from the owner or driver. (NRS 258.070) **Section 13** authorizes a constable to charge and collect the fee only upon the imposition of punishment pursuant to NRS 482.385 on the person to whom the citation is issued.

Section 15 of this bill increases certain fees to which constables are entitled for their services. **Section 15** also authorizes a board of county commissioners to provide by ordinance for the fee to which a constable is entitled for providing a service authorized by law for which no fee is established by statute.

Existing law provides that the amount of certain fees which a constable is entitled to charge and collect must be calculated on the basis of the miles necessarily and actually traveled in providing a service. (NRS 258.125) **Section 15** authorizes a board of county commissioners to provide by ordinance for a constable to charge and collect, at the option of the person paying the fee, a flat fee for those travel costs instead of a fee calculated on the basis of the miles traveled.

Section 9 of this bill authorizes a constable to accept payment of fees by credit card, debit card or the electronic transfer of money and authorizes a constable to charge and collect a convenience fee for the acceptance of such forms of payment under certain circumstances.

Existing law generally authorizes the sale of liquor only under certain circumstances and only by a person who holds the appropriate license issued by the Department of Taxation. (Chapter 369 of NRS) **Sections 20-25** of this bill exempt from the licensure requirements of chapter 369 of NRS a sheriff or constable who sells or offers for sale liquor at a sale under execution. **Sections 20-25** also provide that a person licensed under chapter 369 of NRS is not prohibited from purchasing liquor at such a sale under execution.

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

Section 1. NRS 248.100 is hereby amended to read as follows:

248.100 ~~++~~ The sheriff shall:

~~(a)~~ 1. Except in a county whose population is 700,000 or more, attend in person, or by deputy, all sessions of the district court in his or her county.

~~(b)~~ 2. Obey all the lawful orders and directions of the district court in his or her county.

~~(c) Except as otherwise provided in subsection 2, execute~~

3. *Execute* the process, writs or warrants of courts of justice, judicial officers and coroners, when delivered to the sheriff for that purpose.

~~1 [2. The sheriff may authorize the constable of the appropriate township to
2 receive and execute the process, writs or warrants of courts of justice, judicial
3 officers and coroners.]~~

4 **Sec. 2.** NRS 248.120 is hereby amended to read as follows:

5 248.120 When any process, writ or order is delivered to the sheriff ~~1. or the~~
6 ~~constable as authorized pursuant to NRS 248.100.1~~ to be served or executed, the
7 sheriff ~~for constable~~ shall:

8 1. Forthwith endorse upon it the year, month, day and hour of its receipt.

9 2. Give to the person delivering it, if required, on payment of his or her fee, a
10 written memorandum signed by him or her, stating the names of the parties in the
11 process or order, the nature thereof and the time it was received. He or she shall
12 also deliver to the party served a copy thereof, if required so to do, without charge
13 to such party.

14 **Sec. 3.** NRS 248.130 is hereby amended to read as follows:

15 248.130 A sheriff ~~1. or a constable authorized pursuant to NRS 248.100.1~~ to
16 whom any process, writ, order or paper is delivered shall:

17 1. Execute the same with diligence, according to its command, or as required
18 by law.

19 2. Return it without delay to the proper court or officer, with his or her
20 certificate endorsed thereon of the manner of its service or execution, or, if not
21 served or executed, the reasons for his or her failure.

22 ➤ For a failure so to do, he or she shall be liable to the party aggrieved for all
23 damages sustained by the party on account of such neglect.

24 **Sec. 4.** NRS 248.150 is hereby amended to read as follows:

25 248.150 ~~1. Except as otherwise provided in NRS 248.100, if~~ If the sheriff to
26 whom a writ of execution or writ of attachment is delivered shall neglect or refuse,
27 after being required by the creditor or the creditor's attorney to attach, or to levy
28 upon or sell, any property of the party charged in the writ which is liable to be
29 attached or levied upon and sold, the sheriff shall be liable on his or her official
30 bond to the creditor for the value of such property.

31 **Sec. 5.** Chapter 258 of NRS is hereby amended by adding thereto the
32 provisions set forth as sections 6 to 9, inclusive, of this act.

33 **Sec. 6.** *When any process, writ or order is delivered to the constable to be
34 served or executed, the constable shall:*

35 1. *Forthwith endorse upon it the year, month, day and hour of its receipt.*

36 2. *Give to the person delivering it, if required, on payment of his or her fee,
37 a written memorandum signed by him or her, stating the names of the parties in
38 the process or order, the nature thereof and the time it was received. He or she
39 shall deliver to the party served a copy thereof, if required to do so, without
40 charge to such party.*

41 **Sec. 7.** 1. *A constable to whom any process, writ, order or paper is
42 delivered shall:*

43 (a) *Execute the same with diligence, according to its command or as required
44 by law.*

45 (b) *Return it without delay to the proper court or officer, with his or her
46 certificate endorsed thereon of the manner of its service or execution, or, if not
47 served or executed, the reasons for his or her failure.*

48 2. *A constable who fails to comply with subsection 1 is liable to the party
49 aggrieved for all damages sustained by the party on account of such neglect.*

50 **Sec. 8.** *If the constable to whom a writ of execution or writ of attachment is
51 delivered neglects or refuses, after being required by the creditor or the creditor's
52 attorney to attach, or to levy upon or sell, any property of the party charged in the*

writ which is liable to be attached or levied upon and sold, the constable is liable on his or her official bond to the creditor for the value of such property.

Sec. 9. 1. A constable may enter into contracts with issuers of credit cards or debit cards or operators of systems that provide for the electronic transfer of money to provide for the acceptance of credit cards, debit cards or electronic transfers of money by the constable for the payment of fees to which the constable is entitled.

2. If the issuer or operator charges the constable a fee for each use of a credit card or debit card or for each electronic transfer of money, the constable may require the cardholder or the person requesting the electronic transfer of money to pay a convenience fee. The total convenience fees charged by the constable in a fiscal year must not exceed the total amount of fees charged to the constable by the issuer or operator in that fiscal year.

3. As used in this section:

(a) "Cardholder" means the person or organization named on the face of a credit card or debit card to whom or for whose benefit the credit card or debit card is issued by an issuer.

(b) "Convenience fee" means a fee paid by a cardholder or person requesting the electronic transfer of money to a constable for the convenience of using the credit card or debit card or the electronic transfer of money to make such payment.

(c) "Credit card" means any instrument or device, whether known as a credit card or credit plate or by any other name, issued with or without a fee by an issuer for the use of the cardholder in obtaining money, property, goods, services or anything else of value on credit.

(d) "Debit card" means any instrument or device, whether known as a debit card or by any other name, issued with or without a fee by an issuer for the use of the cardholder in depositing, obtaining or transferring funds.

(e) "Electronic transfer of money" has the meaning ascribed to it in NRS 463.01473.

(f) "Issuer" means a business organization, financial institution or authorized agent of a business organization or financial institution that issues a credit card or debit card.

Sec. 10. NRS 258.007 is hereby amended to read as follows:

258.007 1. Each constable of a township whose population is ~~15,000~~ 100,000 or more ~~for~~ and which is located in a county whose population is 700,000 or more, and each constable of a township ~~that has within its boundaries a city~~ whose population is ~~15,000~~ 250,000 or more and which is located in a county whose population is less than 700,000, shall become certified by the Peace Officers' Standards and Training Commission as a ~~category I or~~ category II peace officer within 1 year after the date on which the constable commences his or her term of office or appointment unless the Commission, for good cause shown, grants in writing an extension of time, which must not exceed 6 months.

2. If a constable does not comply with the provisions of subsection 1, the constable forfeits his or her office and a vacancy is created which must be filled in accordance with NRS 258.030.

Sec. 11. NRS 258.010 is hereby amended to read as follows:

258.010 1. Except as otherwise provided in subsections 2 and 3:

(a) Constables must be elected by the qualified electors of their respective townships.

(b) The constables of the several townships of the State must be chosen at the general election of 1966, and shall enter upon the duties of their offices on the first

Monday of January next succeeding their election, and hold their offices for the term of 4 years thereafter, until their successors are elected and qualified.

(c) Constables must receive certificates of election from the boards of county commissioners of their respective counties.

2. In a county which includes only one township, the board of county commissioners may, by resolution, appoint the sheriff ex officio constable to serve without additional compensation. The resolution must not become effective until the completion of the term of office for which a constable may have been elected.

3. In a county whose population:

(a) Is less than 700,000, *which includes more than one township*, if the board of county commissioners determines that the office of constable is not necessary in one or more townships within the county, it may, by ordinance, abolish the office of constable in those townships.

(b) Is 700,000 or more, if the board of county commissioners determines that the office of constable is not necessary in one or more townships within the county, it may, by ordinance, abolish the office in those townships. ~~It, but the abolition does not become effective as to a particular township until the constable incumbent on May 28, 1979, does not seek, or is defeated for, reelection.~~

➤ For a township in which the office of constable has been abolished, the board of county commissioners may, by resolution, appoint the sheriff ex officio constable to serve without additional compensation.

Sec. 12. NRS 258.060 is hereby amended to read as follows:

258.060 1. All constables may appoint deputies, who are authorized to transact all official business pertaining to the office to the same extent as their principals. A person must not be appointed as a deputy constable unless the person has been a resident of the State of Nevada for at least 6 months before the date of the appointment. A person who is appointed as a deputy constable in a township whose population is ~~15,000~~ 100,000 or more *and which is located in a county whose population is 700,000 or more or a deputy constable of a township that has within its boundaries a city* whose population is ~~15,000~~ 250,000 or more *and which is located in a county whose population is less than 700,000* may not commence employment as a deputy constable until the person is certified by the Peace Officers' Standards and Training Commission as a ~~category I or~~ category II peace officer. The appointment of a deputy constable must not be construed to confer upon that deputy policymaking authority for the office of the county constable or the county by which the deputy constable is employed.

2. Constables are responsible for the compensation of their deputies and are responsible on their official bonds for all official malfeasance or nonfeasance of the same. Bonds for the faithful performance of their official duties may be required of the deputies by the constables.

3. All appointments of deputies under the provisions of this section must be in writing and must, together with the oath of office of the deputies, be filed and recorded within 30 days after the appointment in a book provided for that purpose in the office of the recorder of the county within which the constable legally holds and exercises his or her office. Revocations of such appointments must also be filed and recorded as provided in this section within 30 days after the revocation of the appointment. From the time of the filing of the appointments or revocations therein, persons shall be deemed to have notice of the same.

Sec. 12.5. NRS 258.065 is hereby amended to read as follows:

258.065 1. The constable of a township may, subject to the approval of the board of county commissioners, appoint such clerical and operational staff as the work of the constable requires. The compensation of any person so appointed must be fixed by the board of county commissioners.

2. A person who is employed as clerical or operational staff of a constable:
(a) Does not have the powers of a peace officer; and
(b) May not possess a weapon or carry a concealed firearm, regardless of whether the person possesses a permit to carry a concealed firearm issued pursuant to NRS 202.3653 to 202.369, inclusive, while performing the duties of the office of the constable.

3. *The board of county commissioners may appoint for the constable of a township a reasonable number of clerks. The compensation of any clerk so appointed must be fixed by the board of county commissioners.*

4. A constable's clerk shall take the constitutional oath of office and give bond in the sum of \$2,000 for the faithful discharge of the duties of the office, and in the same manner as is or may be required of other officers of that township and county.

~~4.4~~ 5. A constable's clerk shall do all clerical work in connection with keeping the records and files of the office, and shall perform such other duties in connection with the office as the constable shall prescribe.

Sec. 13. NRS 258.070 is hereby amended to read as follows:

258.070 1. Subject to the provisions of ~~subsection 2,~~ *subsections 2 and 3*, each constable shall:

(a) Be a peace officer. ~~in his or her township.~~

(b) ~~Serve all mesne and final process issued by a court of competent jurisdiction.~~

~~(c) Execute the process, writs or warrants that the constable is authorized to receive pursuant to NRS 248.100.~~

~~(d) of courts of justice, judicial officers and coroners, when delivered to the constable for that purpose.~~

(c) Discharge such other duties as are or may be prescribed by law.

2. ~~4.4~~ *Subject to the provisions of subsection 3, a constable or deputy constable selected or appointed in a township whose population is less than 15,000 or a township that has within its boundaries a city whose population is less than 15,000 may not arrest any person while carrying out the duties of the office of constable unless he or she is certified by the Peace Officers' Standards and Training Commission as a category I or category II peace officer.* *has the powers of a peace officer; ~~only~~*

(a) *For the discharge of duties as are or may be prescribed by law;*

(b) *For the purpose of arresting a person for a public offense committed or attempted in the presence of the constable or deputy constable, if the constable or deputy constable has reasonable cause to believe that the arrest is necessary to prevent harm to other persons or the escape of the person who committed or attempted the public offense; and*

(c) *In addition to the circumstances described in paragraphs (a) and (b):*

(1) In an area within the limits of an incorporated city, for the purposes authorized by and with the consent of the chief of police of the city; and

~~4.4~~ *(2) In an area that is not within the limits of an incorporated city, for the purposes authorized by and with the consent of the sheriff of the county.*

3. *The constable and each deputy constable of a township shall not carry a firearm in the performance of his or her duties unless:*

(a) *The constable has adopted a written policy on the use of deadly force by the constable and each deputy constable; and*

(b) ~~1~~ *A copy of the policy adopted pursuant to paragraph (a) has been filed in the office of the county recorder of the county in which the township is located; and*

~~(c)~~ The constable and each deputy constable has received training regarding the policy.

4. A constable or deputy constable authorized to carry a firearm pursuant to subsection 3 must receive training approved by the Peace Officers' Standards and Training Commission in the use of firearms at least once every 6 months.

5. A constable or deputy constable who wears a uniform in the performance of his or her duties shall display prominently as part of that uniform a badge, nameplate or other uniform piece which clearly displays the name or an identification number of the constable or deputy constable.

6. Pursuant to the procedures and subject to the limitations set forth in chapters 482 and 484A to 484E, inclusive, of NRS, a constable may issue a citation to an owner or driver, as appropriate, of a vehicle which is located in his or her township at the time the citation is issued and which is required to be registered in this State if the constable determines that the vehicle is not properly registered.

~~[[The]]~~ Upon the imposition of punishment pursuant to NRS 482.385 on the person to whom the citation is issued, the constable ~~shall, upon the issuance of such citation,~~ is entitled to charge and collect a fee of \$100 from the person to whom the citation is issued, which may be retained by the constable as compensation.

~~[[4]]~~ 7. If a sheriff or the sheriff's deputy in any county in this State arrests a person charged with a criminal offense or in the commission of an offense, the sheriff or the sheriff's deputy shall serve all process, whether mesne or final, and attend the court executing the order thereof in the prosecution of the person so arrested, whether in a justice court or a district court, to the conclusion, and whether the offense is an offense of which a justice of the peace has jurisdiction, or whether the proceeding is a preliminary examination or hearing. The sheriff or the sheriff's deputy shall collect the same fees and in the same manner therefor as the constable of the township in which the justice court is held would receive for the same service.

Sec. 14. NRS 258.110 is hereby amended to read as follows:

258.110 ~~[[Unless, pursuant to subsection 2 of NRS 258.070, a constable is prohibited from making an arrest, any]]~~ Any constable who willfully refuses to ~~receive or~~ arrest any person charged with a criminal offense is guilty of a gross misdemeanor and shall be removed from office.

Sec. 15. NRS 258.125 is hereby amended to read as follows:

258.125 1. Constables are entitled to the following fees for their services:

| | |
|--|------------------|
| For serving a summons or other process by which a suit is commenced in civil cases | \$17 |
| For summoning a jury before a justice of the peace | 7 |
| For taking a bond or undertaking | 5 |
| For serving an attachment against the property of a defendant | 14 15 |
| For serving subpoenas, for each witness | 15 |
| For a copy of any writ, process or order or other paper, when demanded or required by law, per folio | 3 |
| For drawing and executing every constable's deed, to be paid by the grantee, who must also pay for the acknowledgment thereof | 20 |
| For each certificate of sale of real property under execution | 5 |
| For levying any writ of execution or writ of garnishment, or executing an order of arrest in civil cases, or order for delivery of personal property, with traveling fees as for summons | 14 15 |

| | |
|---|------------------|
| For serving one notice required by law before the commencement of a proceeding for any type of eviction | 26 |
| For serving not fewer than 2 nor more than 10 such notices to the same location, each notice | 20 |
| For serving not fewer than 11 nor more than 24 such notices to the same location, each notice | 17 |
| For serving 25 or more such notices to the same location, each notice | 15 |
| For <i>Except as otherwise provided in subsection 3, for</i> mileage in serving such a notice, for each mile necessarily and actually traveled in going only | 2 |
| But if two or more notices are served at the same general location during the same period, mileage may only be charged for the service of one notice. | |
| For each service in a summary eviction, except service of any notice required by law before commencement of the proceeding, and for serving notice of and executing a writ of restitution | 21 |
| For making and posting notices, and advertising property for sale on execution, not to include the cost of publication in a newspaper | 19 15 |
| For each warrant lawfully executed , <i>unless a higher amount is established by the board of county commissioners</i> | 48 |
| For <i>Except as otherwise provided in subsection 3, for</i> mileage in serving summons, attachment, execution, order, venire, subpoena, notice, summary eviction, writ of restitution or other process in civil suits, for each mile necessarily and actually traveled, in going only | 2 |
| But when two or more persons are served in the same suit, mileage may only be charged for the most distant, if they live in the same direction. | |
| For <i>Except as otherwise provided in subsection 3, for</i> mileage in making a diligent but unsuccessful effort to serve a summons, attachment, execution, order, venire, subpoena or other process in civil suits, for each mile necessarily and actually traveled, in going only | 2 |
| But mileage may not exceed \$20 for any unsuccessful effort to serve such process. | |

2. A constable is also entitled to receive:

(a) For receiving and taking care of property on execution, attachment or order, *and for executing an order of arrest in civil cases*, the constable's actual necessary expenses, to be allowed by the court which issued the writ or order, upon the affidavit of the constable that the charges are correct and the expenses necessarily incurred.

(b) For collecting all sums on execution or writ, to be charged against the defendant, on the first \$3,500, 2 percent thereof, and on all amounts over that sum, one-half of 1 percent.

(c) For service in criminal cases, ~~except for execution of warrants,~~ the same fees as are allowed sheriffs for like services, to be allowed, audited and paid as are other claims against the county.

(d) For removing or causing the removal of, pursuant to NRS 487.230, a vehicle that has been abandoned on public property, \$100.

(e) For providing any other service authorized by law for which no fee is established by this chapter, the fee provided for by ordinance by the board of county commissioners.

3. *For each service for which a constable is otherwise entitled pursuant to subsection 1 to a fee based on the mileage necessarily and actually traveled in performing the service, a board of county commissioners may provide by ordinance for the constable to be entitled, at the option of the person paying the fee, to a flat fee for the travel costs of that service.*

4. Deputy sheriffs acting as constables are not entitled to retain for their own use any fees collected by them, but the fees must be paid into the county treasury on or before the fifth working day of the month next succeeding the month in which the fees were collected.

~~4-4~~ 5. Constables shall, on or before the fifth working day of each month, account for and pay to the county treasurer all fees collected during the preceding month, except fees which may be retained as compensation.

Sec. 16. NRS 171.124 is hereby amended to read as follows:

171.124 1. Except as otherwise provided in subsection 3 and NRS 33.070 ~~and 33.320~~, ~~and 258.070~~, a peace officer or an officer of the Drug Enforcement Administration designated by the Attorney General of the United States for that purpose may make an arrest in obedience to a warrant delivered to him or her, or may, without a warrant, arrest a person:

(a) For a public offense committed or attempted in the officer's presence.

(b) When a person arrested has committed a felony or gross misdemeanor, although not in the officer's presence.

(c) When a felony or gross misdemeanor has in fact been committed, and the officer has reasonable cause for believing the person arrested to have committed it.

(d) On a charge made, upon a reasonable cause, of the commission of a felony or gross misdemeanor by the person arrested.

(e) When a warrant has in fact been issued in this State for the arrest of a named or described person for a public offense, and the officer has reasonable cause to believe that the person arrested is the person so named or described.

2. A peace officer or an officer of the Drug Enforcement Administration designated by the Attorney General of the United States for that purpose may also, at night, without a warrant, arrest any person whom the officer has reasonable cause for believing to have committed a felony or gross misdemeanor, and is justified in making the arrest, though it afterward appears that a felony or gross misdemeanor has not been committed.

3. An officer of the Drug Enforcement Administration may only make an arrest pursuant to subsections 1 and 2 for a violation of chapter 453 of NRS.

Sec. 17. NRS 212.150 is hereby amended to read as follows:

212.150 1. A person shall not visit, or in any manner communicate with, any prisoner convicted of or charged with any felony, imprisoned in the county jail, other than the officer having such prisoner in charge, the prisoner's attorney or the district attorney, unless the person has a written permission so to do, signed by the district attorney, or has the consent of the Director of the Department of Corrections or the ~~constable or~~ sheriff having such prisoner in charge.

2. Any person violating, aiding in, conniving at or participating in the violation of this section is guilty of a gross misdemeanor.

Sec. 18. NRS 289.150 is hereby amended to read as follows:

289.150 The following persons have the powers of a peace officer:

1 1. Sheriffs of counties and of metropolitan police departments, their deputies
2 and correctional officers.

3 2. Marshals, police officers and correctional officers of cities and towns.

4 3. The bailiff of the Supreme Court.

5 4. The bailiffs and deputy marshals of the district courts, justice courts and
6 municipal courts whose duties require them to carry weapons and make arrests.

7 5. ~~{Constables}~~ *Subject to the provisions of NRS 258.070, constables* and
8 their deputies . ~~{whose official duties require them to carry weapons and make~~
9 ~~arrests.}~~

10 **Sec. 19.** NRS 289.470 is hereby amended to read as follows:
11 289.470 "Category II peace officer" means:

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

14 2. ~~{Constables}~~ *Subject to the provisions of NRS 258.070, constables* and
15 their deputies ; ~~{whose official duties require them to carry weapons and make~~
16 ~~arrests.}~~

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

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

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

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

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

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

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

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

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

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

43 13. Legislative police officers of the State of Nevada;

44 14. Parole counselors of the Division of Child and Family Services of the
45 Department of Health and Human Services;

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

51 16. Field investigators of the Taxicab Authority;

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

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

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

Sec. 20. Chapter 369 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The provisions of this chapter which authorize the possession or sale of liquor only by a person who holds a license issued under this chapter do not apply to an officer or an officer's deputy who sells or offers for sale liquor at a sale under execution held pursuant to NRS 21.150.

2. It is not a violation of the provisions of this chapter if a person who holds a license issued under this chapter purchases any liquor at a sale under execution held pursuant to NRS 21.150.

Sec. 21. NRS 369.388 is hereby amended to read as follows:

369.388 ~~1A~~ *Except as otherwise provided in subsection 2 of section 20 of this act,* a person who holds an importer's license or permit may purchase a liquor only from the supplier of that liquor.

Sec. 22. NRS 369.486 is hereby amended to read as follows:

369.486 1. ~~1A~~ *Except as otherwise provided in subsection 2 of section 20 of this act,* a wholesaler who is not the importer designated by the supplier pursuant to NRS 369.386 may purchase liquor only from:

(a) The importer designated by the supplier pursuant to NRS 369.386 to import that liquor; or

(b) A wholesaler who purchased the liquor from the importer designated by the supplier pursuant to NRS 369.386 to import that liquor.

2. As used in this section, "supplier" means the brewer, distiller, manufacturer, producer, vintner or bottler of liquor, any subsidiary or affiliate of the supplier, or his or her designated agent.

Sec. 23. NRS 369.487 is hereby amended to read as follows:

369.487 Except as otherwise provided in NRS 369.4865 and 597.240, *and subsection 2 of section 20 of this act,* no retailer or retail liquor dealer may purchase any liquor from other than a state-licensed wholesaler.

Sec. 24. NRS 369.488 is hereby amended to read as follows:

369.488 1. Except as otherwise provided in NRS 369.4865, *and subsection 2 of section 20 of this act,* a retailer may purchase liquor only from:

(a) The importer designated by the supplier pursuant to NRS 369.386 to import that liquor if that importer is also a wholesaler; or

(b) A wholesaler who purchased liquor from the importer designated by the supplier pursuant to NRS 369.386 to import that liquor.

2. As used in this section, "supplier" means the brewer, distiller, manufacturer, producer, vintner or bottler of liquor, or his or her designated agent.

Sec. 25. NRS 369.490 is hereby amended to read as follows:

369.490 1. Except as otherwise provided in subsection 2, *and section 20 of this act,* a person shall not directly or indirectly, himself or herself or by his or her clerk, agent or employee, offer, keep or possess for sale, furnish or sell, or solicit the purchase or sale of any liquor in this State, or transport or import or cause to be transported or imported any liquor in or into this State for delivery, storage, use or sale therein, unless the person:

(a) Has complied fully with the provisions of this chapter; and

(b) Holds an appropriate, valid license, permit or certificate issued by the Department.

2. Except as otherwise provided in subsection 3, the provisions of this chapter do not apply to a person:

(a) Entering this State with a quantity of alcoholic beverage for household or personal use which is exempt from federal import duty;

(b) Who imports 1 gallon or less of alcoholic beverage per month from another state for his or her own household or personal use;

(c) Who:

(1) Is a resident of this State;

(2) Is 21 years of age or older; and

(3) Imports 12 cases or less of wine per year for his or her own household or personal use; or

(d) Who is lawfully in possession of wine produced on the premises of an instructional wine-making facility for his or her own household or personal use and who is acting in a manner authorized by NRS 597.245.

3. The provisions of subsection 2 do not apply to a supplier, wholesaler or retailer while he or she is acting in his or her professional capacity.

4. A person who accepts liquor shipped into this State pursuant to paragraph (b) or (c) of subsection 2 must be 21 years of age or older.

Sec. 26. NRS 482.231 is hereby amended to read as follows:

482.231 1. Except as otherwise provided in subsection 3, the Department shall not register a motor vehicle if a local authority has filed with the Department a notice stating that the owner of the motor vehicle:

(a) Was cited by a constable pursuant to subsection ~~¶~~ 6 of NRS 258.070 for failure to comply with the provisions of NRS 482.385; and

(b) ~~Has~~ *After the imposition of punishment pursuant to NRS 482.385, has* failed to pay the fee charged by the constable pursuant to subsection ~~¶~~ 6 of NRS 258.070.

2. The Department shall, upon request, furnish to the owner of the motor vehicle a copy of the notice of nonpayment described in subsection 1.

3. The Department may register a motor vehicle for which the Department has received a notice of nonpayment described in subsection 1 if:

(a) The Department receives:

(1) A receipt from the owner of the motor vehicle which indicates that the owner has paid the fee charged by the constable; or

(2) Notification from the applicable local authority that the owner of the motor vehicle has paid the fee charged by the constable; and

(b) The owner of the motor vehicle otherwise complies with the requirements of this chapter for the registration of the motor vehicle.

Sec. 27. NRS 258.072 is hereby repealed.

Sec. 28. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

258.072 Accident reports and related materials: Provision upon receipt of reasonable fee; exceptions. A constable shall, within 7 days after receipt of a written request of a person who claims to have sustained damages as a result of an accident, or the person's legal representative or insurer, and upon receipt of a reasonable fee to cover the cost of reproduction, provide the person, the person's legal representative or insurer, as applicable, with a copy of the accident report and

all statements by witnesses and photographs in the possession or under the control of the constable's office that concern the accident, unless:

1. The materials are privileged or confidential pursuant to a specific statute;
- or
2. The accident involved:
 - (a) The death or substantial bodily harm of a person;
 - (b) Failure to stop at the scene of an accident; or
 - (c) The commission of a felony.