

**MINUTES OF THE SUBCOMMITTEE OF THE
SENATE COMMITTEE ON JUDICIARY**

**Seventy-Eighth Session
May 14, 2015**

The subcommittee of the Senate Committee on Judiciary was called to order by Chair Greg Brower at 2:31 p.m. on Thursday, May 14, 2015, in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

SUBCOMMITTEE MEMBERS PRESENT:

Senator Greg Brower, Chair
Senator Aaron D. Ford
Senator Ruben J. Kihuen

GUEST LEGISLATORS PRESENT:

Assemblyman Ira Hansen, Assembly District No. 32

STAFF MEMBERS PRESENT:

Patrick Guinan, Policy Analyst
Nick Anthony, Counsel
Connie Westadt, Committee Secretary

OTHERS PRESENT:

Keith Logan, Sheriff, Eureka County
Bob Roshak, Nevada Sheriffs' and Chiefs' Association
Eric Spratley, Lieutenant, Sheriff's Office, Washoe County

Chair Brower:

We will open the hearing on Assembly Bill (A.B.) 283.

ASSEMBLY BILL 283 (2nd Reprint): Revises provisions relating to law enforcement. (BDR 14-397)

Assemblyman Ira Hansen (Assembly District No. 32):

I am here to present A.B. 283. In recent years, federal law enforcement agencies, specifically the land management agencies, have on occasion overstepped their authority and encroached on the rights of Nevada citizens. The federal government has no authority to enforce State laws on State lands without the permission of State and local law enforcement. Contrary to the claims of these federal agencies, we have received numerous complaints about federal officers enforcing State laws. To clarify the State's position on this matter, A.B. 283 specifically designates sheriffs as the primary law enforcement officers of the unincorporated areas of their respective counties and restricts federal law enforcement activities on State land unless consented to by the designated sheriff. Hopefully, A.B. 283 will rein in some of the activities being carried out by certain federal law enforcement agencies.

Sections 3 to 7 of A.B. 283 define the land, agencies and activities to which the provisions of the bill apply. Assembly Bill 283 applies to the U.S. Bureau of Land Management (BLM), the U.S. Forest Service, the National Park Service, the U.S. Fish and Wildlife Service, the U.S. Bureau of Reclamation, the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers. The bill specifically exempts the activities of the FBI, the U.S. Secret Service, the Drug Enforcement Administration, the U.S. Postal Inspector of the U.S. Postal Inspection Service and the Bureau of Indian Affairs.

Section 8 clarifies that we are not limiting the federal government's ability to enforce federal laws on federal land. Section 9 authorizes a State or local law enforcement agency to assist a federal agency with the enforcement of federal law if there is an agreement between local law enforcement and the federal agency.

Section 10, subsection 2 provides leeway in the case of an emergency to allow federal law enforcement agencies to conduct certain activities with the consent of the local law enforcement agency. Section 10 subsection 3, paragraphs (a) and (b) permit sheriffs to enter into cooperative agreements which authorize specific federal employees to enforce State or local laws for a term of not more than 2 years and require federal officers granted such authority to successfully complete an 80-hour course focusing on criminal law and procedure in Nevada approved by the Peace Officers' Standards and Training Commission. This will ensure that federal officers conduct themselves in accordance with the law enforcement standards and expectations of the State.

Section 11 prohibits a State or local government agency from allowing a federal agency to access or use State or local correctional and communication facilities and equipment without the express written consent of the appropriate official of the State or local law enforcement agency.

Section 13 designates the sheriffs of the counties as the primary law enforcement officers of unincorporated areas of their respective counties. In a county with a metropolitan police department, the sheriff is the primary law enforcement officer in the unincorporated areas of the county and in any incorporated city over which the sheriff has jurisdiction.

During the 2013 Legislative Session, I had a meeting with BLM agents who gave me a copy of their field guide for enforcing laws. To my surprise, the field guide lists the *Nevada Revised Statutes*. When I asked why, I was told that under the Assimilative Crimes Act, the federal government incorporates states' laws. I asked if that could be done without any State input. I was told it could.

Chair Brower:

That is correct.

Assemblyman Hansen:

The Assimilative Crimes Act recognizes that it does not trump acts of Congress or valid administrative orders. The Federal Land Policy and Management Act of 1976 clearly requires a cooperative arrangement.

Keith Logan (Sheriff, Eureka County):

I am speaking on behalf of the sheriffs of the State. We have discussed this matter at length over the last several months. That includes meeting with Assemblyman Hansen and attending Sheriffs' and Chiefs' Association meetings. Throughout the State, different problems of various types have occurred. There have been bad acts by individual federal law enforcement agents and mission creep in investigating crimes that would be handled more efficiently by the local sheriff. In addition, due process would be provided because the people charged with crimes would be brought before the local authorities and not be required to travel upwards of 300 miles to appear in one of only two federal courts in the State, which are in Reno and Las Vegas. The only areas of the State in support of this process are Washoe and Clark Counties.

The federal agencies that manage land in the State should manage their activities the way casinos manage security. Casinos have their own security, but when it comes to criminal matters, they call the local sheriff. We want these federal agencies to allow us to investigate crimes, use our expertise and bring criminal matters before the local court.

Bob Roshak (Nevada Sheriffs' and Chiefs' Association):

The membership of the Nevada Sheriffs' and Chiefs' Association discussed A.B. 283. The impacts of interactions with the federal agencies are not the same throughout the State. Some of the rural areas in the northeastern part of the State have significant issues with the BLM. Southern Nevada works very well with the BLM. Constituents brought issues to the Sheriffs' Association. The purpose of A.B. 283 is to clarify the sheriffs' authority so they can manage their areas of responsibility and the BLM can manage theirs.

Eric Spratley, Lieutenant (Sheriff's Office, Washoe County):

Sheriff Chuck Allen supports A.B. 283 and thanks Assemblyman Hansen for recognizing the sheriffs in Nevada counties and their authority.

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Chair Brower:

Do we have any district attorneys here? Do we have anyone from the Office of the Attorney General here? Do we have any lawyers in the room who support this bill? The lawyers on the Committee will have to evaluate the legality of A.B. 283. We will close the hearing on A.B. 283 and adjourn at 2:42 p.m.

RESPECTFULLY SUBMITTED:

Connie Westadt,
Committee Secretary

APPROVED BY:

Senator Greg Brower, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	3		Attendance Roster