

Amendment No. 447

Senate Amendment to Senate Bill No. 250	(BDR 20-947)
Proposed by: Senate Committee on Government Affairs	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

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.

MAS/BAW



Date: 4/20/2017

S.B. No. 250—Revises the certification requirements for constables in certain townships. (BDR 20-947)



SENATE BILL NO. 250—SENATOR DENIS

MARCH 8, 2017

Referred to Committee on Government Affairs

SUMMARY—Revises the certification requirements for constables in certain townships. (BDR 20-947)

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 constables; requiring a person seeking election or appointment to the office of constable in certain townships to complete certain training as a peace officer before declaring or accepting candidacy for or accepting appointment to the office; repealing the requirement that constables hired in certain townships be certified by the Peace Officers' Standards and Training Commission as a category II peace officer; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each constable of a township whose population is 100,000 or more and which is located in a county whose population is 700,000 or more (currently only Clark County), and each constable of a township whose population is 250,000 or more and which is located in a county whose population is less than 700,000 (currently all counties other than Clark County), to be certified by the Peace Officers' Standards and Training Commission as a category II peace officer within 1 year after the constable's date of hire. (NRS 258.007) ~~This~~ Sections 1.3 and 3 of this bill ~~repeals the~~ repeal the category II certification requirement for such constables ~~and~~ and instead require a person who seeks election or appointment to the office of constable in a township in which a city is located whose population is 220,000 or more (currently the cities of Las Vegas, Henderson and Reno) to complete certain certification or training programs before he or she declares or accepts candidacy for the office or accepts appointment to the office. Section 1.7 of this bill removes the requirements that: (1) the chief of police of the city authorize and consent to a constable's power as a peace officer when the constable is acting in an incorporated city; and (2) the sheriff of the county authorize and consent to a constable's power as a peace officer when the constable is acting in an area that is not within the limits of an incorporated city.

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

Section 1. 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. Subject to the provisions of NRS 258.070, ~~constables and their deputies;~~
deputy constables.

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;

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

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

15. 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. Field investigators of the Taxicab Authority;

17. Security officers employed full-time by a city or county whose official 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. 1.3. NRS 258.005 is hereby amended to read as follows:

258.005 1. No person is eligible to the office of constable unless the person:

(a) Will have attained the age of 21 years on the date he or she would take office if so elected or appointed. ~~[- and]~~

(b) Is a qualified elector.

(c) If the person is seeking election or appointment to the office of constable in a township in which is located a city whose population is 220,000 or more, before the time of his or her declaration of candidacy, acceptance of candidacy or appointment to the office:

(1) Is certified as a category I or category II peace officer by the Peace Officers' Standards and Training Commission;

(2) Is certified as a category I or category II officer or its equivalent by the certifying authority of another state that imposes requirements for certification substantially similar to the requirements imposed by this State, as determined by the Commission; or

(3) Has successfully completed a federal law enforcement training program that is approved by the Commission.

2. A person who has been convicted of a felony in this state or any other state is not qualified to be a candidate for or elected or appointed to the office of constable regardless of whether the person has been restored to his or her civil rights.

Sec. 1.7. NRS 258.070 is hereby amended to read as follows:

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

(a) Be a peace officer.

(b) Execute the process, writs or warrants 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. Subject to the provisions of subsection 3, a constable or deputy constable has the powers of a peace officer:

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

(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~~

~~— (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) 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,

1 nameplate or other uniform piece which clearly displays the name or an
2 identification number of the constable or deputy constable.

3 6. Pursuant to the procedures and subject to the limitations set forth in
4 chapters 482 and 484A to 484E, inclusive, of NRS, a constable may issue a citation
5 to an owner or driver, as appropriate, of a vehicle which is located in his or her
6 township at the time the citation is issued and which is required to be registered in
7 this State if the constable determines that the vehicle is not properly registered.
8 Upon the imposition of punishment pursuant to NRS 482.385 on the person to
9 whom the citation is issued, the constable is entitled to charge and collect a fee of
10 \$100 from the person to whom the citation is issued, which may be retained by the
11 constable as compensation.

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

22 **Sec. 2.** NRS 289.550 is hereby amended to read as follows:

23 289.550 1. Except as otherwise provided in subsection 2 and NRS 3.310,
24 4.353, ~~258.007~~ **258.005** and 258.060, a person upon whom some or all of the
25 powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360,
26 inclusive, must be certified by the Commission within 1 year after the date on
27 which the person commences employment as a peace officer unless the
28 Commission, for good cause shown, grants in writing an extension of time, which
29 must not exceed 6 months, by which the person must become certified. A person
30 who fails to become certified within the required time shall not exercise any of the
31 powers of a peace officer after the time for becoming certified has expired.

32 2. The following persons are not required to be certified by the Commission:

33 (a) The Chief Parole and Probation Officer;

34 (b) The Director of the Department of Corrections;

35 (c) The Director of the Department of Public Safety, the deputy directors of the
36 Department, the chiefs of the divisions of the Department other than the
37 Investigation Division and the Nevada Highway Patrol, and the members of the
38 State Disaster Identification Team of the Division of Emergency Management of
39 the Department;

40 (d) The Commissioner of Insurance and the chief deputy of the Commissioner
41 of Insurance;

42 (e) Railroad police officers; **and**

43 (f) ~~Constables~~ **and**

44 ~~(g)~~ California correctional officers.

45 **Sec. 3.** NRS 258.007 is hereby repealed.

46 **Sec. 4.** This act becomes effective on July 1, 2017.

TEXT OF REPEALED SECTION

258.007 Certification as category II peace officer required in certain townships; forfeiture of office.

1. Each constable of a township whose population is 100,000 or more and which is located in a county whose population is 700,000 or more, and each constable of a township whose population is 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 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.