

SENATE BILL NO. 88—COMMITTEE ON FINANCE

PREFILED JANUARY 27, 2017

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to the Contingency Account in the State General Fund. (BDR 23-105)

FISCAL NOTE: Effect on Local Government: No.
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 state financial administration; authorizing certain law enforcement agencies to request an allocation from the Contingency Account in the State General Fund to cover the cost of equipping peace officers employed by such an agency with portable event recording devices under certain circumstances; revising provisions relating to requests for allocations from the Contingency Account; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, each uniformed officer employed by the Nevada Highway
2 Patrol Division of the Department of Public Safety who routinely interacts with the
3 public is required to wear a portable event recording device while on duty. (NRS
4 480.365) Other law enforcement agencies are authorized by existing law to require
5 each peace officer employed by the agency to wear a portable event recording
6 device while on duty. (NRS 289.830) Existing law also creates the Contingency
7 Account in the State General Fund and authorizes the Interim Finance Committee
8 to make allocations from the Contingency Account: (1) for emergency use to
9 supplement regular legislative appropriations which fail to cover unforeseen
10 expenses; (2) to meet expenses pursuant to the requirements of a law; or (3) as
11 provided by specific statute. (NRS 353.266, 353.268, 353.269)

12 If a city or county law enforcement agency in a county whose population is less
13 than 100,000 (currently all counties other than Clark and Washoe Counties) is
14 required to mandate that uniformed peace officers employed by the agency wear
15 portable event recording devices while on duty, **section 1** of this bill authorizes the
16 law enforcement agency to request an allocation from the Contingency Account to
17 cover the cost of equipping its officers with portable event recording devices and
18 other related expenses.

19 Under existing law, money in the Contingency Account is authorized to be
20 allocated and expended for the following purposes: (1) for emergency use to



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21 supplement regular legislative appropriations which fail to cover unforeseen
22 expenses; (2) to meet expenses pursuant to the requirements of the law; or (3) as
23 provided by specific statute. (NRS 353.266) **Section 2** of this bill clarifies the
24 circumstances under which the State Board of Examiners is required to consider for
25 recommendation a request for an allocation from the Contingency Account to
26 specifically include requests for all the purposes for which an allocation is
27 authorized to be made under existing law.

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

1 **Section 1.** NRS 289.830 is hereby amended to read as follows:

2 289.830 1. A law enforcement agency may require uniformed
3 peace officers that it employs to wear a portable event recording
4 device while on duty. If a law enforcement agency so requires, the
5 law enforcement agency shall adopt policies and procedures
6 governing the use of portable event recording devices, which must
7 include, without limitation:

8 (a) Except as otherwise provided in paragraph (d), requiring
9 activation of a portable event recording device whenever a peace
10 officer is responding to a call for service or at the initiation of any
11 other law enforcement or investigative encounter between a
12 uniformed peace officer and a member of the public;

13 (b) Except as otherwise provided in paragraph (d), prohibiting
14 deactivation of a portable event recording device until the
15 conclusion of a law enforcement or investigative encounter;

16 (c) Prohibiting the recording of general activity;

17 (d) Protecting the privacy of persons:

18 (1) In a private residence;

19 (2) Seeking to report a crime or provide information
20 regarding a crime or ongoing investigation anonymously; or

21 (3) Claiming to be a victim of a crime;

22 (e) Limiting the period for which a video recorded by a portable
23 event recording device must be retained; and

24 (f) Establishing disciplinary rules for peace officers who:

25 (1) Fail to operate a portable event recording device in
26 accordance with any departmental policies;

27 (2) Manipulate a video recorded by a portable event
28 recording device; or

29 (3) Prematurely erase a video recorded by a portable event
30 recording device.

31 2. Any record made by a portable event recording device
32 pursuant to this section is a public record which may be:

33 (a) Requested only on a per incident basis; and



(b) Available for inspection only at the location where the record is held if the record contains confidential information that may not otherwise be redacted.

3. *If a local law enforcement agency in a county whose population is less than 100,000 is required to mandate that the uniformed peace officers employed by the local law enforcement agency wear portable event recording devices while on duty, the local law enforcement agency may request an allocation from the Contingency Account in the State General Fund pursuant to NRS 353.266, 353.268 and 353.269 to cover the cost of the portable event recording devices and any additional expenses incurred by the local law enforcement agency to carry out the requirement.*

4. As used in this section:

(a) "Law enforcement agency" means:

- (1) ~~The sheriff's office of a county;~~
- ~~(2) A metropolitan police department;~~
- ~~(3) A police department of an incorporated city;~~ *local law enforcement agency;* or
- ~~(4)~~ (2) The Nevada Highway Patrol.

(b) *"Local law enforcement agency" means:*

- (1) The sheriff's office of a county;*
- (2) A metropolitan police department; or*
- (3) A police department of an incorporated city.*

(c) "Portable event recording device" means a device issued to a peace officer by a law enforcement agency to be worn on his or her body and which records both audio and visual events occurring during an encounter with a member of the public while performing his or her duties as a peace officer.

Sec. 2. NRS 353.268 is hereby amended to read as follows:

353.268 1. When any state agency or officer, at a time when the Legislature is not in session, finds that circumstances for which the Legislature has made no other provision require an expenditure during the biennium of money in excess of the amount appropriated by the Legislature for the biennium for the support of that agency or officer, or for any program, including the State Distributive School Account in the State General Fund, the agency or officer shall submit a request to the State Board of Examiners for an allocation by the Interim Finance Committee from the Contingency Account.

2. The State Board of Examiners shall consider ~~the~~ *a* request ~~for an allocation by the Interim Finance Committee from the Contingency Account authorized pursuant to NRS 353.266 and~~ may require from the requester such additional information as ~~they deem~~ *it deems* appropriate. ~~It, and shall, if~~ *If* it finds that an allocation should be made, *the State Board of Examiners shall* recommend the amount of the allocation to the Interim Finance



- 1 Committee for its independent evaluation and action. The Interim
- 2 Finance Committee is not bound to follow the recommendation of
- 3 the State Board of Examiners.
- 4 **Sec. 3.** This act becomes effective on July 1, 2017.

