

ASSEMBLY BILL NO. 189—ASSEMBLYMEN MARTINEZ, CARRILLO;  
BILBRAY-AXELROD, DURAN, FLORES, GORELOW, MUNK,  
NGUYEN, SWANK, TORRES AND WATTS

FEBRUARY 18, 2019

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to warrants for the search  
of a person. (BDR 14-958)

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 criminal procedure; prohibiting a law  
enforcement officer conducting a search of a person from  
performing a body cavity search unless the search warrant  
contains specific authorization to perform a body cavity  
search; and providing other matters properly relating  
thereto.

**Legislative Counsel's Digest:**

Existing law authorizes the issuance of a search warrant to search a place or a  
person for: (1) any property that is stolen or embezzled; (2) any property that is  
designed or intended for use or which is or has been used as the means of  
committing a criminal offense; or (3) any property when the property consists of  
any item or constitutes any evidence which tends to show that a criminal offense  
has been committed or that a particular person has committed a criminal offense.  
(NRS 179.035) This bill prohibits a law enforcement officer conducting a search of  
a person pursuant to a search warrant from performing a body cavity search unless  
the search warrant contains specific authorization to perform a body cavity search.

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

**Section 1.** Chapter 179 of NRS is hereby amended by adding  
thereto a new section to read as follows:

***1. An officer conducting a search of a person pursuant to a  
warrant shall not perform a body cavity search of the person  
unless the warrant contains specific authorization from the***



\* A B 1 8 9 \*

1 *magistrate who issued the warrant to perform a body cavity search*  
2 *of the person. Such specific authorization must set forth the*  
3 *reasons for the necessity of a body cavity search of the person.*

4 2. As used in this section:

5 (a) “Body cavity” means, with respect to:

6 (1) A male person, the rectum.

7 (2) A female person, the rectum or vagina.

8 (b) “Body cavity search” means the touching or probing of a  
9 body cavity of a person, regardless of whether or not there is  
10 actual penetration of that body cavity.

11 **Sec. 2.** NRS 179.015 is hereby amended to read as follows:

12 179.015 As used in NRS 179.015 to 179.115, inclusive, *and*  
13 *section 1 of this act*, the term “property” includes documents,  
14 books, papers and any other tangible objects.

15 **Sec. 3.** The amendatory provisions of this act apply to a  
16 warrant issued on or after October 1, 2019.

