

Amendment No. 322

Senate Amendment to Senate Bill No. 433	(BDR 14-439)
<b>Proposed by:</b> Senate Committee on Judiciary	
<b>Amends:</b> Summary: No Title: No 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.





## SENATE BILL NO. 433—COMMITTEE ON JUDICIARY

MARCH 25, 2019

Referred to Committee on Judiciary

SUMMARY—Revises the provisions of the California-Nevada Compact for Jurisdiction on Interstate Waters. (BDR 14-439)

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 the California-Nevada Compact for Jurisdiction on Interstate Waters; revising and extending the provisions of the Compact; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law sets forth the California-Nevada Compact for Jurisdiction on Interstate Waters, an interstate agreement between the States of California and Nevada pursuant to which courts and law enforcement officers in either state ~~may~~ **have concurrent jurisdiction to arrest, prosecute and try offenders for certain prohibited conduct committed on Lake Tahoe or Topaz Lake.** (NRS 171.077)

~~Sections 1 and 2 of this bill change the name of the California Nevada Compact for Jurisdiction on Interstate Waters to the California Nevada Compact for Jurisdiction on Lake Tahoe and Topaz Lake. Section 2 of this bill: (1) extends the concurrent jurisdiction to arrest, prosecute and try offenders for certain prohibited conduct committed on the shoreline of Lake Tahoe or Topaz Lake; and (2) grants law enforcement officers of the States of California or Nevada~~ concurrent jurisdiction to arrest offenders for certain prohibited conduct on any land mass ~~within 10~~ **not more than 5 air miles off** from Lake Tahoe or Topaz Lake. **Section 2** provides that certain claims brought against officers or employees of the States of California or Nevada or an agency or political subdivision thereof are subject to the conditions and limitations on civil actions established by the state of that officer or employee. **Section 4** of this bill provides that these changes become effective if the State of California enacts amendments to the Compact that are substantially identical.

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

**Section 1.** ~~NRS 171.076 is hereby amended to read as follows:  
171.076 The California Nevada Compact for Jurisdiction on Interstate Waters, Lake Tahoe and Topaz Lake, set forth in full in NRS 171.077, is hereby enacted into law. (Deleted by amendment.)~~

**Sec. 2.** NRS 171.077 is hereby amended to read as follows:

171.077 The California-Nevada Compact for Jurisdiction on **Interstate Waters** ~~[Lake Tahoe and Topaz Lake]~~ is as follows:

## ARTICLE I—Purpose and Policy

1. The Legislature finds that law enforcement has been impaired in sections of Lake Tahoe and Topaz Lake forming an interstate boundary between California and Nevada because of difficulty in determining precisely where a criminal act was committed.

2. *The Legislature declares that it is imperative for California and Nevada to maintain concurrent jurisdiction on Lake Tahoe and Topaz Lake to promote public safety.*

3. The Legislature intends that a person committing an act which is illegal in both states not be freed merely because neither state could establish that a crime was committed within its boundaries.

~~[3.]~~ 4. The California-Nevada Compact for Jurisdiction on Interstate Waters ~~[Lake Tahoe and Topaz Lake]~~ is enacted to provide for enforcement of the laws of this state with regard to certain acts committed on Lake Tahoe or Topaz Lake, on either side of the boundary line between California and Nevada.

## ARTICLE II—Definitions

As used in this compact, unless the context otherwise requires, “party state” means a state which has enacted this compact.

## ARTICLE III—Concurrent Jurisdiction

1. If conduct is prohibited by the party states, courts and law enforcement officers in either state who have jurisdiction over criminal offenses committed in a county where Lake Tahoe or Topaz Lake forms a common interstate boundary have concurrent jurisdiction to arrest, prosecute and try offenders for the prohibited conduct committed anywhere on the body of water or shoreline forming a boundary between the two states ~~[.]~~ *and concurrent jurisdiction to arrest offenders for the prohibited conduct committed on any land mass [within 10] not more than 5 air miles [off] from Lake Tahoe or Topaz Lake.*

2. This compact does not authorize:

(a) Prosecution of any person for conduct which is lawful in the state where it was committed.

(b) Any conduct prohibited by a party state.

3. *If any claim, including, without limitation, a counterclaim or a cross-claim, is brought in a civil action which is filed in a party state and which is:*

(a) *Brought against a present or former law enforcement officer or employee of the other party state or an agency or political subdivision of the other party state; and*

(b) *Based on any alleged act or omission that is related to the official duties or employment of the present or former officer or employee and conducted under the authority of this compact,*

*the claim is subject to the conditions and limitations on civil actions, including, without limitation, the provisions regarding sovereign immunity, established by the party state in which that officer or employee is or was an officer or employee.*

## ARTICLE IV—Ratification

1 This compact is ratified by enactment of the language of this compact, or  
2 substantially similar language expressing the same purpose, by the State of  
3 California and the State of Nevada.

4 **Sec. 3.** The Secretary of State shall transmit a certified copy of this act to the  
5 Governor of the State of California, and two certified copies of this act to the  
6 Secretary of State of the State of California for delivery to the respective houses of  
7 its Legislature. The Director of the Legislative Counsel Bureau shall transmit  
8 copies of this act to the Vice President of the United States as presiding officer of  
9 the Senate, the Speaker of the House of Representatives and each member of the  
10 Nevada Congressional Delegation.

11 **Sec. 4.** 1. This section and section 3 of this act become effective on July 1,  
12 2019.

13 2. ~~{Sections 1 and }~~ Section 2 of this act ~~{become}~~ becomes effective upon  
14 proclamation by the Governor of this State of the enactment by the State of  
15 California of amendments that are substantially similar to the Compact contained in  
16 section 2 of this act.