

SENATE BILL NO. 182—SENATOR PARKS

FEBRUARY 18, 2019

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to peace officers.
(BDR 23-561)

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 law enforcement; conferring the powers of a peace officer on certain law enforcement personnel relating to Indian tribes under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing federal law, Congress delegated limited authority relating to Indian tribes to the states, authorizing certain states, including Nevada, to exercise broad criminal jurisdiction and limited civil jurisdiction over tribal lands within those states. Existing state law, however, prohibits this State from assuming such jurisdiction unless the affected Indian tribe consents to the delegation of authority. (Pub. Law No. 83-280, 25 U.S.C. §§ 1321-1326; NRS 41.430)

Existing law recognizes certain persons as peace officers. (NRS 289.150-289.360) **Section 1** of this bill confers the same powers of a peace officer on persons employed by Indian tribes as law enforcement officers under certain circumstances. **Section 1** requires such an officer to receive the equivalent to a category I peace officer certification from the Peace Officers' Standards and Training Commission. Additionally, **section 1** limits the authority of the officer acting as a peace officer to within the boundaries of the Indian reservation or Indian colony, unless the Indian tribe executes a written agreement with a law enforcement agency setting forth the nature of the relationship between the Indian tribe and the law enforcement agency, including the authority of the officer to act outside of the Indian reservation or Indian colony and within the jurisdictional boundaries of the law enforcement agency. Finally, **section 1** provides that nothing in this section impairs or affects the sovereignty of the Indian tribe. **Section 3** of this bill makes a conforming change.



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

1 **Section 1.** Chapter 289 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *In accordance with the provisions of NRS 41.430 and*
4 *194.040, a person employed as a police officer by an Indian tribe*
5 *may exercise the powers of a peace officer.*

6 2. *Before any officer pursuant to subsection 1 shall exercise*
7 *the powers of a peace officer, he or she must receive a*
8 *certification, equivalent to that of a category I peace officer, from*
9 *the Peace Officers' Standards and Training Commission.*

10 3. *The authority of an officer pursuant to subsection 1 to*
11 *exercise the powers of a peace officer is limited within the*
12 *boundaries of the Indian reservation or Indian colony, unless a*
13 *law enforcement agency and the Indian tribe execute a written*
14 *agreement setting forth their respective rights and responsibilities,*
15 *including, without limitation, the authority of the officer to act*
16 *within the jurisdictional boundaries of the law enforcement*
17 *agency.*

18 4. *Nothing in this section impairs or affects the existing*
19 *status and sovereignty of an Indian tribe as established under the*
20 *laws of the United States.*

21 5. *As used in this section:*

22 (a) *"Category I peace officer" has the meaning ascribed to it*
23 *in NRS 289.460.*

24 (b) *"Indian tribe" means any tribe, band, nation or other*
25 *organized group or community of Indians which is recognized as*
26 *eligible for the special programs and services provided by the*
27 *United States to native Indians because of their status as native*
28 *Indians and has executed a written agreement with the Peace*
29 *Officers' Standards and Training Commission.*

30 (c) *"Written agreement" includes, without limitation, an*
31 *interlocal agreement or memorandum of understanding executed*
32 *between a law enforcement agency and an Indian tribe.*

33 **Sec. 2.** NRS 289.010 is hereby amended to read as follows:

34 289.010 As used in this chapter, unless the context otherwise
35 requires:

36 1. "Administrative file" means any file of a peace officer
37 containing information, comments or documents about the peace
38 officer. The term does not include any file relating to an
39 investigation conducted pursuant to NRS 289.057 or a criminal
40 investigation of a peace officer.

41 2. "Choke hold" means the holding of a person's neck in a
42 manner specifically intended to restrict the flow of oxygen or blood



1 to the person's lungs or brain. The term includes the arm-bar
2 restraint, carotid restraint and lateral vascular neck restraint.

3 3. "Peace officer" means any person upon whom some or all of
4 the powers of a peace officer are conferred pursuant to NRS
5 289.150 to 289.360, inclusive ~~§~~, *and section 1 of this act.*

6 4. "Punitive action" means any action which may lead to
7 dismissal, demotion, suspension, reduction in salary, written
8 reprimand or transfer of a peace officer for purposes of punishment.

9 **Sec. 3.** NRS 171.1255 is hereby amended to read as follows:

10 171.1255 1. Except as otherwise provided in subsection 2, an
11 officer or agent of the Bureau of Indian Affairs or a person
12 employed as a police officer by an Indian tribe may make an arrest
13 in obedience to a warrant delivered to him or her, or may, without a
14 warrant, arrest a person:

15 (a) For a public offense committed or attempted in the officer or
16 agent's presence.

17 (b) When a person arrested has committed a felony or gross
18 misdemeanor, although not in the officer or agent's presence.

19 (c) When a felony or gross misdemeanor has in fact been
20 committed, and the officer or agent has reasonable cause for
21 believing the person arrested to have committed it.

22 (d) On a charge made, upon a reasonable cause, of the
23 commission of a felony or gross misdemeanor by the person
24 arrested.

25 (e) When a warrant has in fact been issued in this State for the
26 arrest of a named or described person for a public offense, and the
27 officer or agent has reasonable cause to believe that the person
28 arrested is the person so named or described.

29 (f) When the peace officer has probable cause to believe that the
30 person to be arrested has committed a battery upon that person's
31 spouse and the peace officer finds evidence of bodily harm to the
32 spouse.

33 2. Such an officer or agent may make an arrest pursuant to
34 subsection 1 only:

35 (a) Within the boundaries of an Indian reservation or Indian
36 colony for an offense committed on that reservation or colony; or

37 (b) Outside the boundaries of an Indian reservation or Indian
38 colony if the officer or agent is ~~§~~:

39 *(1) Acting under an agreement pursuant to subsection 3 of*
40 *section 1 of this act; or*

41 *(2) In* fresh pursuit of a person who is reasonably believed
42 by the officer or agent to have committed a felony within the
43 boundaries of the reservation or colony or has committed, or
44 attempted to commit, any criminal offense within those boundaries
45 in the presence of the officer or agent.



- 1 ↪ For the purposes of this subsection, “fresh pursuit” has the
2 meaning ascribed to it in NRS 171.156.
3 **Sec. 4.** This act becomes effective on July 1, 2019.

