

Senate Bill No. 433—Committee on Judiciary

CHAPTER.....

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 have concurrent jurisdiction to arrest, prosecute and try offenders for certain prohibited conduct committed on Lake Tahoe or Topaz Lake. (NRS 171.077) **Section 2** of this bill extends the concurrent jurisdiction to investigate and arrest offenders on any land mass not more than 5 air miles from Lake Tahoe or Topaz Lake for certain prohibited conduct committed on the body of water. **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.

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

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

Section 1. (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 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 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,}~~ :

(a) *Arrest*, prosecute and try offenders for the prohibited conduct committed anywhere on the body of water forming a boundary between the two states ~~{}~~; and

(b) *Investigate and arrest offenders on any land mass not more than 5 air miles from Lake Tahoe or Topaz Lake for the prohibited conduct committed anywhere on the body of water forming a boundary between the two states.*

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

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

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

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

2. Section 2 of this act becomes effective upon proclamation by the Governor of this State of the enactment by the State of California of amendments that are substantially similar to the Compact contained in section 2 of this act.

