

Amendment No. 664

Senate Amendment to Assembly Bill No. 396	(BDR 15-1042)
Proposed by: Senate Committee on Judiciary	
Amends: Summary: No Title: Yes 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.



ASSEMBLY BILL NO. 396—COMMITTEE ON JUDICIARY

MARCH 24, 2021

Referred to Committee on Judiciary

SUMMARY—Makes various changes relating to the use of deadly force.
(BDR 15-1042)

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 peace officers; ~~revising provisions relating to justifiable homicide;~~ revising provisions relating to the use of deadly force to effectuate an arrest; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes an officer, if necessary to prevent the escape of a person and after giving a warning, if feasible, to use deadly force to effectuate the arrest of the person if there is probable cause to believe that the person: (1) has committed a felony involving the infliction or threat of serious bodily harm or the use of deadly force; or (2) poses a threat of serious bodily harm to the officer or others. (NRS 171.1455) **Section 2** of this bill: **(1)** limits the persons authorized to use deadly force to effectuate an arrest to a peace officer, rather than an officer, ~~and defines the term "peace officer" for such purposes. Section 2 also requires the peace officer to have probable cause to believe that the person: (1) has committed a felony involving the infliction or threat of serious bodily harm or the use of deadly force; and (2) poses an imminent threat of serious bodily harm to the peace officer or others.~~

~~Existing law provides that homicide committed by a public officer, or a person acting under the command and in aid of the public officer, is justifiable: (1) in obedience to the judgment of a court; (2) when necessary to overcome actual resistance to the execution of the legal process, mandate or order of a court or officer, or in the discharge of a legal duty; (3) when necessary to retake an escaped or rescued prisoner who has been committed, arrested for or convicted of a felony; (4) when necessary in attempting to apprehend or arrest a person; (5) when necessary to lawfully suppress a riot or preserve the peace; or (6) in protecting against an imminent threat to the life of a person. (NRS 200.140) Existing law defines "public officer" for such purposes as: (1) any officer, member or employee of this State or any political subdivision thereof; (2) any officer, member or employee of any special district, public corporation or quasi-public corporation of this State; (3) any officer, member or employee of any agency, board or commission established by this State or any political subdivision thereof; and (4) all other persons exercising or assuming to exercise the powers or functions of a public officer. (NRS 193.019)~~

~~Section 1 of this bill revises the persons who are authorized to assert that a homicide was justifiable to include peace officers and persons acting under the command and in the aid of a peace officer, rather than public officers and persons acting under the command and in the aid of a public officer. Section 1 also limits the circumstances under which a homicide committed by any such person is justifiable to those circumstances where the homicide: (1) is committed in obedience of the judgment of a court; or (2) results from the use of deadly force by a peace~~

~~officer in accordance with section 2.] ; and (2) requires that for deadly force to be used, the threat of serious bodily harm must be imminent.~~

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

Section 1. ~~[NRS 200.140 is hereby amended to read as follows:~~

~~200.140. 1. Homicide is justifiable when committed by a [public] peace officer, or person acting under the command and in the aid of the [public] peace officer, in the following cases:~~

~~[1.] (a) In obedience to the judgment of a competent court [.] ; or~~

~~[2.] (b) When [necessary to overcome actual resistance to the execution of the legal process, mandate or order of a court or officer, or in the discharge of a legal duty,~~

~~3. When necessary;~~

~~(a) In retaking an escaped or rescued prisoner who has been committed, arrested for, or convicted of a felony;~~

~~(b) In attempting, by lawful ways or means, to apprehend or arrest a person;~~

~~(c) In lawfully suppressing a riot or preserving the peace; or~~

~~(d) In protecting against an imminent threat to the life of a person.] the homicide results from the use of deadly force by the peace officer in accordance with NRS 171.1455.~~

~~2. As used in this section, "peace officer" has the meaning ascribed to it in NRS 169.125.] (Deleted by amendment.)~~

Sec. 2. NRS 171.1455 is hereby amended to read as follows:

171.1455 If necessary to prevent escape, ~~[an]~~ a peace officer may, after giving a warning, if feasible, use deadly force to effect the arrest of a person only if there is probable cause to believe that the person:

1. Has committed a felony which involves the infliction or threat of serious bodily harm or the use of deadly force; ~~or [and]~~

2. Poses ~~[a]~~ an imminent threat of serious bodily harm to the peace officer or to others.

Sec. 3. This act becomes effective on July 1, 2021.