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A.B. 30

ASSEMBLY BILL NO. 30—COMMITTEE
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE CITY OF NORTH LAS VEGAS)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to the employment of peace officers. (BDR 23-414)

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; authorizing the employment as peace officers of persons who are legally authorized to work in the United States under federal law; prohibiting the Peace Officers' Standards and Training Commission from adopting certain regulations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

With certain exceptions, existing law requires any officer of the State of Nevada or any political subdivision of the State or any person acting under or for such an officer in any office or department of the State or political subdivision of the State to employ only citizens or wards of the United States. (NRS 281.060) **Section 1** of this bill creates an exception to this limitation, effective on January 1, 2024, by authorizing the employment as peace officers of persons who are legally authorized to work in the United States under federal law and who satisfy all other applicable limitations on or requirements relating to the employment of peace officers.

Existing law requires the Peace Officers' Standards and Training Commission to adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. (NRS 289.510) **Section 2** of this bill prohibits the Commission from adopting regulations that require citizenship of the United States for the appointment of a person as a peace officer, if the person is legally authorized to work in the United States under federal law. **Section 3** of this bill voids any existing regulations that conflict with this change.



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

- 1 **Section 1.** NRS 281.060 is hereby amended to read as follows:
2 281.060 1. ~~Only~~ *Except as otherwise provided in*
3 *subsection 3, only* citizens or wards of the United States or persons
4 who have been honorably discharged from the military service of
5 the United States may be employed by any officer of the State of
6 Nevada, by any political subdivision of the State, or by any person
7 acting under or for such an officer in any office or department of the
8 State of Nevada or political subdivision of the State.
9 2. In all cases where persons are so employed, preference must
10 be given, if the qualifications of the applicants are equal:
11 (a) First: To honorably discharged military personnel of the
12 United States who are citizens of the State of Nevada.
13 (b) Second: To other citizens of the State of Nevada.
14 3. Nothing in this section prevents:
15 (a) The working of prisoners by the State of Nevada or by any
16 political subdivision of the State, on street or road work or other
17 public work.
18 (b) The employment of aliens, who have not forfeited their right
19 to citizenship by claiming exemption from military service, as
20 common laborers in the construction of public roads, when it can be
21 shown that citizens or wards of the United States or persons who
22 have been honorably discharged from the military service of the
23 United States are not available for such employment. Any alien so
24 employed must be replaced by a citizen, ward or ex-service person
25 of the United States applying for employment.
26 (c) The employment of any teacher, instructor or professor
27 authorized to teach in the United States under the teacher-exchange
28 programs as authorized by federal laws enacted by the Congress of
29 the United States.
30 (d) Except as otherwise provided in this paragraph, the
31 employment of aliens by the Nevada System of Higher Education in
32 the technical, graduate assistant and student categories. Except in
33 the foreign language departments, not more than 5 percent of the
34 total number of persons employed in the technical, graduate
35 assistant and student categories may be aliens.
36 (e) Employment of aliens in any state or political subdivision
37 hospital.
38 (f) *Employment as peace officers of persons who are legally*
39 *authorized to work in the United States under federal law and who*
40 *satisfy all other applicable limitations on or requirements relating*
41 *to the employment of peace officers imposed pursuant to chapter*



289 of NRS. As used in this paragraph, "peace officer" has the meaning ascribed to it in NRS 289.010.

4. Subject to the exceptions contained in this section, money must not be paid out of the State Treasury or out of the treasury of any political subdivision of the State to any person employed on any of the work mentioned in this section unless the person is a citizen or ward or naturalized citizen of the United States.

5. Any officer of the State of Nevada, or of any political subdivision of the State, or any person acting under or for such an officer, or any other person who violates any of the provisions of this section is guilty of a misdemeanor. The penalties provided for in this section do not apply where the violations result from misrepresentations made by the employee by the production of fraudulent papers evidencing citizenship in the United States.

Sec. 2. NRS 289.510 is hereby amended to read as follows:

289.510 1. The Commission:

(a) Shall meet at the call of the Chair, who must be elected by a majority vote of the members of the Commission.

(b) Shall provide for and encourage the training and education of persons whose primary duty is law enforcement to ensure the safety of the residents of and visitors to this State.

(c) Shall adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. The regulations must establish:

(1) Requirements for evaluations to be conducted during the recruitment and selection of peace officers, which must identify implicit bias on the part of a peace officer on the basis of race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression;

(2) Requirements for basic training for category I, category II and category III peace officers and reserve peace officers;

(3) Standards for programs for the continuing education of peace officers, including minimum courses of study and requirements concerning attendance, which must require that all peace officers annually complete not less than 12 hours of continuing education in courses that address:

(I) Racial profiling;

(II) Mental health, including, without limitation, crisis intervention;

(III) The well being of officers;

(IV) Implicit bias recognition;

(V) De-escalation;

(VI) Human trafficking; and

(VII) Firearms.

(4) Qualifications for instructors of peace officers;



(5) Requirements for the certification of a course of training;
and

(6) Standards for an annual behavioral wellness visit for peace officers to aid in preserving the emotional and mental health of the peace officer and assessing conditions that may affect the performance of duties by the peace officer.

(d) Shall, when necessary, present courses of training and continuing education courses for category I, category II and category III peace officers and reserve peace officers.

(e) May make necessary inquiries to determine whether the agencies of this State and of the local governments are complying with standards set forth in its regulations.

(f) Shall carry out the duties required of the Commission pursuant to NRS 432B.610 and 432B.620.

(g) May perform any other acts that may be necessary and appropriate to the functions of the Commission as set forth in NRS 289.450 to 289.680, inclusive.

(h) May enter into an interlocal agreement with an Indian tribe to provide training to and certification of persons employed as police officers by that Indian tribe.

(i) Shall develop and approve a standard curriculum of certified training programs in crisis intervention, which may be made available in an electronic format, and which address specialized responses to persons with mental illness and train peace officers to identify the signs and symptoms of mental illness, to de-escalate situations involving persons who appear to be experiencing a behavioral health crisis and, if appropriate, to connect such persons to treatment. A peace officer who completes any program developed pursuant to this paragraph must be issued a certificate of completion.

2. Regulations adopted by the Commission:

(a) Apply to all agencies of this State and of local governments in this State that employ persons as peace officers;

(b) Must require that all peace officers receive training in the handling of cases involving abuse or neglect of children or missing children;

(c) Must require that all peace officers receive training in the handling of cases involving abuse, neglect, exploitation, isolation and abandonment of older persons or vulnerable persons; ~~and~~

(d) May require that training be carried on at institutions which it approves in those regulations ~~H~~; and

(e) Must not require citizenship of the United States as a standard for appointment of a person as a peace officer if the person is legally authorized to work in the United States under federal law and satisfies all other applicable limitations on or



1 *requirements relating to the employment of peace officers imposed*
2 *pursuant to this chapter.*

3 **Sec. 3.** Any provision of a regulation adopted by the Peace
4 Officers' Standards and Training Commission that conflicts with the
5 amendatory provisions of this act is void. The Legislative Counsel
6 shall remove any such provision of a regulation adopted by the
7 Commission as soon as practicable after January 1, 2024.

8 **Sec. 4.** This act becomes effective on January 1, 2024.

