

Amendment No. 507

Senate Amendment to Senate Bill No. 279	(BDR 23-1023)
Proposed by: Senate Committee on Government Affairs	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

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. 279—SENATORS PAZINA; CANNIZZARO, CRUZ-CRAWFORD,
DOÑATE, OHRENSCHALL AND SCHEIBLE

MARCH 5, 2025

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to law enforcement. (BDR 23-1023)

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; requiring that a peace officer compelled to appear as a witness in certain investigations receive written notice within a certain time of the obligation to appear for an interview; requiring that ~~such notice state~~ ***a peace officer compelled to appear as the subject of an investigation receive written notice that states*** certain matters with specificity; ~~providing that representatives chosen by a peace officer who is the subject of or a witness in certain investigations are not required to be in the same bargaining unit as the peace officer;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a law enforcement agency to conduct an investigation of a peace officer in response to a complaint or allegation that the peace officer engaged in activities which may result in punitive action. (NRS 289.057) If a law enforcement agency initiates an investigation of a peace officer, existing law requires that written notice be provided to the peace officer not later than 48 hours before any interrogation or hearing and that the written notice include a summary of the peace officer's alleged misconduct. (NRS 289.060) **Section 1** of this bill requires that the written notice ~~set~~ ***include a summary that sets*** forth with specificity ~~all~~ the alleged ~~facts to be addressed during the interrogation or hearing and the rule, regulation, policy, procedure or other standard which the peace officer is alleged to have violated;~~ ***acts or omissions constituting the misconduct and the date, time and location of the alleged misconduct. If the date, time or location is unknown, the summary must specify that the date, time or location is unknown.*** Existing law also requires that an investigating agency provide written notice before compelling a peace officer to appear and be interviewed as a witness in connection with an investigation. (NRS 289.060) **Section 1** prohibits a law enforcement agency from interviewing a peace officer as a witness on less than 48 hours' written notice. **Section 1** specifies that such notice must be provided not later than 48 hours before the peace officer must appear and be interviewed.

~~Finally, existing law authorizes a peace officer who is the subject of or a witness in an investigation conducted in response to a complaint or allegation of misconduct to have two representatives present during an interrogation, hearing or interview. (NRS 289.080) Section 2 of this bill provides that chosen representatives are not required to be in the same bargaining unit as the peace officer.~~

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

Section 1. NRS 289.060 is hereby amended to read as follows:

289.060 1. Except as otherwise provided in this subsection, a law enforcement agency shall, not later than 48 hours before any interrogation or hearing is held relating to an investigation conducted pursuant to NRS 289.057, provide a written notice to the peace officer who is the subject of the investigation. If the law enforcement agency believes that any other peace officer has any knowledge of any fact relating to the complaint or allegation against the peace officer who is the subject of the investigation, the law enforcement agency shall , **not later than 48 hours before the peace officer must appear and be interviewed in connection with the investigation conducted pursuant to NRS 289.057,** provide a written notice to the peace officer advising the peace officer that he or she must appear and be interviewed as a witness in connection with the investigation. Any peace officer who serves as a witness during an interview must be allowed a reasonable opportunity to arrange for the presence and assistance of a representative authorized by NRS 289.080. Any peace officer specified in this subsection may waive the notice required pursuant to this section.

2. The notice provided to the peace officer who is the subject of the investigation must include:

(a) A description of the nature of the investigation . ~~{ }~~

(b) A summary of alleged misconduct of the peace officer ~~{ }~~ **setting forth with specificity ~~{ }~~**

~~(1) All facts to be addressed during the interrogation or hearing, including, without limitation, the alleged acts or omissions constituting the misconduct and the date, ~~and~~ time and location of the alleged misconduct. ~~{ }~~~~

~~(2) The rule, regulation, policy, procedure or other standard which the peace officer is alleged to have violated. ~~{ }~~ If the date, time or location of the alleged misconduct is unknown, the summary must specify that the date, time or location is unknown. If there are multiple allegations of misconduct, the summary must describe each allegation of misconduct.~~

(c) The date, time and place of the interrogation or hearing . ~~{ }~~

(d) The name and rank of the officer in charge of the investigation and the officers who will conduct any interrogation or hearing . ~~{ }~~

(e) The name of any other person who will be present at any interrogation or hearing . ~~{ ; and }~~

(f) A statement setting forth the provisions of subsection 1 of NRS 289.080.

3. The law enforcement agency shall:

(a) Interview or interrogate the peace officer during the peace officer's regular working hours, if reasonably practicable, or revise the peace officer's work schedule to allow any time that is required for the interview or interrogation to be deemed a part of the peace officer's regular working hours. Any such time must be calculated based on the peace officer's regular wages for his or her regularly scheduled working hours. If the peace officer is not interviewed or interrogated during his or her regular working hours or if his or her work schedule is not revised pursuant to this paragraph and the law enforcement agency notifies the peace officer to appear at a time when he or she is off duty, the peace officer must be compensated for appearing at the interview or interrogation based on the wages and any other benefits the peace officer is entitled to receive for appearing at the time set forth in the notice.

(b) Immediately before any interrogation or hearing begins, inform the peace officer who is the subject of the investigation orally on the record that:

(1) The peace officer is required to provide a statement and answer questions related to the peace officer's alleged misconduct; and

(2) If the peace officer fails to provide such a statement or to answer any such questions, the agency may charge the peace officer with insubordination.

(c) Limit the scope of the questions during the interrogation or hearing to the alleged misconduct of the peace officer who is the subject of the investigation. If any evidence is discovered during the course of an investigation or hearing which establishes or may establish any other possible misconduct engaged in by the peace officer, the law enforcement agency shall notify the peace officer of that fact and shall not conduct any further interrogation of the peace officer concerning the possible misconduct until a subsequent notice of that evidence and possible misconduct is provided to the peace officer pursuant to this chapter.

(d) Allow the peace officer who is the subject of the investigation or who is a witness in the investigation to explain an answer or refute a negative implication which results from questioning during an interview, interrogation or hearing.

4. If a peace officer provides a statement or answers a question relating to the alleged misconduct of a peace officer who is the subject of an investigation pursuant to NRS 289.057 after the peace officer is informed that failing to provide the statement or answer may result in punitive action against him or her, the statement or answer must not be used against the peace officer who provided the statement or answer in any subsequent criminal proceeding.

Sec. 2. ~~NRS 289.080 is hereby amended to read as follows:~~

~~289.080 1. Except as otherwise provided in subsection 5, a peace officer who is the subject of an investigation conducted pursuant to NRS 289.057 may upon request have two representatives of the peace officer's choosing present with the peace officer during any phase of an interrogation or hearing relating to the investigation, including, without limitation, a lawyer, a representative of a labor union or another peace officer. The representatives chosen by the peace officer pursuant to this subsection are not required to be in the same bargaining unit as the peace officer.~~

~~2. Except as otherwise provided in subsection 5, a peace officer who is a witness in an investigation conducted pursuant to NRS 289.057 may upon request have two representatives of the peace officer's choosing present with the peace officer during an interview relating to the investigation, including, without limitation, a lawyer, a representative of a labor union or another peace officer. The presence of the second representative must not create an undue delay in either the scheduling or conducting of the interview. The representatives chosen by the peace officer pursuant to this subsection are not required to be in the same bargaining unit as the peace officer.~~

~~3. A representative of a peace officer must assist the peace officer during the interview, interrogation or hearing.~~

~~4. The law enforcement agency conducting the interview, interrogation or hearing shall allow a representative of the peace officer to explain an answer provided by the peace officer or refute a negative implication which results from questioning of the peace officer but may require such explanation to be provided after the agency has concluded its initial questioning of the peace officer.~~

~~5. A representative must not otherwise be connected to, or the subject of, the same investigation.~~

~~6. Any information that a representative obtains from the peace officer who is a witness concerning the investigation is confidential and must not be disclosed.~~

~~7. Any information that a representative obtains from the peace officer who is the subject of the investigation is confidential and must not be disclosed except upon the:~~

~~(a) Request of the peace officer; or~~

~~(b) Lawful order of a court of competent jurisdiction.~~

~~➔ A law enforcement agency shall not take punitive action against a representative for the representative's failure or refusal to disclose such information.~~

~~8. The peace officer, any representative of the peace officer or the law enforcement agency may make a stenographic, digital or magnetic record of the interview, interrogation or hearing. If the agency records the proceedings, the agency shall at the peace officer's request and expense provide a copy of the:~~

~~(a) Stenographic transcript of the proceedings; or~~

~~(b) Recording on the digital or magnetic tape.~~

~~9. After the conclusion of the investigation, if a law enforcement agency intends to recommend that punitive action be imposed against the peace officer who was the subject of the investigation, the law enforcement agency must notify the peace officer of such fact and give the peace officer or any representative of the peace officer a reasonable opportunity to inspect any evidence in the possession of the law enforcement agency and submit a response. The law enforcement agency must consider any such response before making a recommendation to impose punitive action against the peace officer. If the law enforcement agency recommends punitive action be imposed against the peace officer and the peace officer appeals the recommendation to impose punitive action, the peace officer or any representative of the peace officer may review and copy the entire file concerning the internal investigation, including, without limitation, any evidence, recordings, notes, transcripts of interviews and documents contained in the file.]~~

(Deleted by amendment.)