

**PROPOSED REGULATION OF THE PEACE OFFICERS’
STANDARDS AND TRAINING COMMISSION**

LCB File No. R004-23

July 17, 2023

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

AUTHORITY: §1, NRS 289.510.

A REGULATION relating to peace officers; revising provisions concerning standards for the appointment of peace officers; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law creates the Peace Officers’ Standards and Training Commission and requires the Commission to adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. (NRS 289.500, 289.510) Existing regulations prohibit a person from being appointed to perform the duties of a peace officer if the person has, among other things, been convicted of an offense involving moral turpitude or the unlawful use, sale or possession of a controlled substance. (NAC 289.110, as amended by section 1 of Adopted Reg. of Peace Officers’ Standards & Training Comm’m, LCB File No. R078-21) This regulation exempts from this prohibition a person who has been convicted of an offense involving the unlawful use, sale or possession of marijuana if the offense is not unlawful at the time the person submits an application for certification as a peace officer.

Section 1. NAC 289.110 is hereby amended to read as follows:

289.110 1. No person may be appointed to perform the duties of a peace officer unless he or she:

- (a) Has undergone a complete and documented investigation of his or her background which verifies that the person has good moral character and meets the minimum standards established by the Commission;
- (b) Is a citizen of the United States;

(c) Is at least 21 years of age at the time of the appointment;

(d) Has:

(1) Graduated from high school;

(2) Passed the General Educational Development Test or another high school equivalency assessment approved by the State Board of Education; or

(3) Passed a high school equivalency assessment approved by an appropriate authority in another state; and

(e) Has undergone a medical examination performed by a licensed physician who confirms in writing that no physical condition exists which would adversely affect his or her performance of the duties of a peace officer. The employing agency shall inform the examining physician of the specific functions required by the position to be filled.

2. The investigation of the background of a person required pursuant to subsection 1 must include, without limitation:

(a) An investigation of the current and past employment history of the person, including, without limitation, an examination of the duties that have been assigned to the person and any performance evaluations of the person;

(b) An inquiry into the criminal history of the person in the State of Nevada and in any other state where the person is known to have resided, which must include, without limitation, any warrants issued for the person and the submission of the person's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(c) An inquiry to the Department of Motor Vehicles and the appropriate entity in each other state in which the person is known to have resided regarding any driver's licenses the person has held and the driving record of the person;

(d) A financial history of the person;

(e) The educational background of the person;

(f) The history of any military service of the person;

(g) A history of each physical address where the person has resided;

(h) A drug screening test;

(i) A psychological evaluation;

(j) The use of a lie detector as defined in NRS 613.440 for a peace officer being appointed as a category I, category II or reserve peace officer; and

(k) An evaluation to identify any implicit bias the person may have on the basis of race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression.

3. The investigation of the background of a person required pursuant to subsection 1 may include the use of a lie detector as defined in NRS 613.440 for a peace officer being appointed as a category III peace officer.

4. ~~A~~ *Except as otherwise provided in subsection 5, a* person may not be appointed to perform the duties of a peace officer if he or she has:

(a) Been convicted of a felony in this State or of any offense which would be a felony if committed in this State;

(b) Been convicted of an offense involving moral turpitude or the unlawful use, sale or possession of a controlled substance;

(c) A documented history of physical violence; or

(d) Resigned in lieu of termination or been terminated from any civil service employment for substantiated misconduct involving dishonesty, and has not been reinstated as a result of a judicial action or any available appeal or remedy relating to the resignation or termination, including, without limitation, any civil service appeal, direct administrative appeal or collective bargaining remedy. For purposes of this paragraph, “dishonesty” includes untruthfulness, deception, misrepresentation, falsification, and dishonesty by admission or omission.

5. The provisions of subsection 4 do not apply to a person who has been convicted of an offense involving the unlawful use, sale or possession of marijuana if the offense is not unlawful at the time the person submits an application for certification as a peace officer.