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ASSEMBLY BILL NO. 11—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE DEPARTMENT OF CORRECTIONS)

PREFILED DECEMBER 13, 2010

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to the Department of Corrections. (BDR 14-452)

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.

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AN ACT relating to the Department of Corrections; authorizing the interception of certain communications relating to the escape of an offender; authorizing certain employees of the Department to seek the tracing of certain communications under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law authorizes the interception of wire or oral communications when  
2 such an interception may provide evidence of certain crimes. (NRS 179.460)  
3 **Section 1** of this bill expands the crimes for which such an interception is  
4 authorized to include the escape of an offender in the custody of the Department of  
5 Corrections.  
6 Additionally, existing law authorizes a court to issue an order that allows the  
7 use of a pen register or trap and trace device in accordance with the conditions  
8 provided in federal law, if the request for such an order is supported by an affidavit  
9 signed by a peace officer. (NRS 179.530) **Section 2** of this bill revises the  
10 definition of “peace officer,” as used in such a context, to include the Inspector  
11 General of the Department and the criminal investigators employed by the  
12 Department.



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

- 1       **Section 1.** NRS 179.460 is hereby amended to read as follows:  
2       179.460 1. The Attorney General or the district attorney of  
3 any county may apply to a Supreme Court justice or to a district  
4 judge in the county where the interception is to take place for an  
5 order authorizing the interception of wire or oral communications,  
6 and the judge may, in accordance with NRS 179.470 to 179.515,  
7 inclusive, grant an order authorizing the interception of wire or oral  
8 communications by investigative or law enforcement officers having  
9 responsibility for the investigation of the offense as to which the  
10 application is made, when the interception may provide evidence of  
11 the commission of murder, kidnapping, robbery, extortion, bribery,  
12 *escape of an offender in the custody of the Department of*  
13 *Corrections*, destruction of public property by explosives, a sexual  
14 offense against a child or the commission of any offense which is  
15 made a felony by the provisions of chapter 453 or 454 of NRS.  
16       2. A good faith reliance by a public utility on a court order  
17 shall constitute a complete defense to any civil or criminal action  
18 brought against the public utility on account of any interception  
19 made pursuant to the order.  
20       3. As used in this section, “sexual offense against a child”  
21 includes any act upon a child constituting:  
22       (a) Incest pursuant to NRS 201.180;  
23       (b) Lewdness with a child pursuant to NRS 201.230;  
24       (c) Sado-masochistic abuse pursuant to NRS 201.262;  
25       (d) Sexual assault pursuant to NRS 200.366;  
26       (e) Statutory sexual seduction pursuant to NRS 200.368;  
27       (f) Open or gross lewdness pursuant to NRS 201.210; or  
28       (g) Luring a child or a person with mental illness pursuant to  
29 NRS 201.560, if punished as a felony.  
30       **Sec. 2.** NRS 179.530 is hereby amended to read as follows:  
31       179.530 1. District courts of this state may issue orders  
32 authorizing the use of a pen register or trap and trace device upon  
33 the application of a district attorney, the Attorney General or their  
34 deputies, supported by an affidavit of a peace officer under the  
35 circumstances and upon the conditions prescribed by 18 U.S.C. §§  
36 3121-3127 as those provisions existed on July 1, 1989.  
37       2. As used in this section, “peace officer” means:  
38       (a) Sheriffs of counties and metropolitan police departments and  
39 their deputies;  
40       (b) Investigators, agents, officers and employees of the  
41 Investigation Division of the Department of Public Safety who have



- 1 the powers of peace officers pursuant to paragraph (d) of subsection  
2 1 of NRS 289.270;
- 3 (c) Police officers of cities and towns;
- 4 (d) Agents of the State Gaming Control Board who are  
5 investigating any violation of subsection 2 or 3 of NRS 463.360 or  
6 chapter 465 of NRS;
- 7 (e) Special investigators employed by the Attorney General who  
8 have the powers of peace officers pursuant to NRS 289.170; ~~and~~
- 9 (f) Investigators employed by a district attorney who have the  
10 powers of peace officers pursuant to NRS 289.170 ~~and~~; *and*
- 11 *(g) The Inspector General of the Department of Corrections*  
12 *and the criminal investigators employed by the Department who*  
13 *have the powers of peace officers pursuant to NRS 289.220.*
- 14 3. A public utility that relies, in good faith, upon an order of a  
15 district court authorizing the use of a pen register or trap and trace  
16 device is not liable in any civil or criminal action brought against  
17 the public utility for the use of the pen register or trap and trace  
18 device in accordance with the order of the court.
- 19 **Sec. 3.** This act becomes effective on July 1, 2011.

