

ASSEMBLY BILL NO. 121—COMMITTEE ON JUDICIARY

PREFILED FEBRUARY 3, 2011

Referred to Committee on Judiciary

SUMMARY—Revises certain provisions relating to the security of court facilities. (BDR 1-653)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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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 courts; revising certain provisions relating to the security of court facilities; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law imposes various duties on the Court Administrator regarding the
2 courts of this State. (NRS 1.360) **Section 1** of this bill expands such duties by
3 requiring the Court Administrator to perform duties specifically relating to the
4 security of the courts of this State. Additionally, **section 6** of this bill authorizes the
5 Supreme Court to employ or appoint persons or to contract with independent
6 contractors to provide security services for the Supreme Court.

7 Existing law also provides that certain security officers have the powers of
8 peace officers in certain circumstances. (NRS 289.160) **Section 2** of this bill
9 specifies that a security officer who is appointed or employed by the Supreme
10 Court has the powers of a peace officer when the security officer is carrying out
11 certain court-related duties, and **section 3** of this bill revises the definition of a
12 category II peace officer to include such security officers.

13 **Section 5** of this bill authorizes certain personnel of the Capitol Police Division
14 of the Department of Public Safety to provide, under certain circumstances, security
15 services to the justices and employees of the Supreme Court while such justices and
16 employees are working at locations outside the grounds of the Supreme Court
17 building.

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

1 **Section 1.** NRS 1.360 is hereby amended to read as follows:
2 1.360 Under the direction of the Supreme Court, the Court
3 Administrator shall:



* A B 1 2 1 *

- 1 1. Examine the administrative procedures employed in the
2 offices of the judges, clerks, court reporters and employees of all
3 courts of this State and make recommendations, through the Chief
4 Justice, for the improvement of those procedures;
- 5 2. *Examine the condition of the physical security of all courts*
6 *of this State, assess any threats that endanger the public, court*
7 *facilities or judicial officers and employees and make*
8 *recommendations to and carry out the directions of the Chief*
9 *Justice to ensure and maintain security for all persons accessing*
10 *judicial services;*
- 11 3. Examine the condition of the dockets of the courts and
12 determine the need for assistance by any court;
- 13 ~~[3-]~~ 4. Make recommendations to and carry out the directions
14 of the Chief Justice relating to the assignment of district judges
15 where district courts are in need of assistance;
- 16 ~~[4-]~~ 5. Develop a uniform system for collecting and compiling
17 statistics and other data regarding the operation of the State Court
18 System and transmit that information to the Supreme Court so that
19 proper action may be taken in respect thereto;
- 20 ~~[5-]~~ 6. Prepare and submit a budget of state appropriations
21 necessary for the maintenance and operation of the State Court
22 System and make recommendations in respect thereto;
- 23 ~~[6-]~~ 7. Develop procedures for accounting, internal auditing,
24 procurement and disbursement for the State Court System;
- 25 ~~[7-]~~ 8. Collect statistical and other data and make reports
26 relating to the expenditure of all public money for the maintenance
27 and operation of the State Court System and the offices connected
28 therewith;
- 29 ~~[8-]~~ 9. Compile statistics from the information required to be
30 maintained by the clerks of the district courts pursuant to NRS 3.275
31 regarding criminal and civil cases and make reports as to the cases
32 filed in the district courts;
- 33 ~~[9-]~~ 10. Formulate and submit to the Supreme Court
34 recommendations of policies or proposed legislation for the
35 improvement of the State Court System;
- 36 ~~[10-]~~ 11. On or before January 1 of each year, submit to the
37 Director of the Legislative Counsel Bureau a written report
38 compiling the information submitted to the Court Administrator
39 pursuant to NRS 3.243, 4.175 and 5.045 during the immediately
40 preceding fiscal year;
- 41 ~~[11-]~~ 12. On or before January 1 of each odd-numbered year,
42 submit to the Director of the Legislative Counsel Bureau a written
43 report concerning:



1 (a) The distribution of money deposited in the special account
2 created pursuant to NRS 176.0613 to assist with funding and
3 establishing specialty court programs;

4 (b) The current status of any specialty court programs to which
5 money from the account was allocated since the last report;

6 (c) Statistics compiled from information required to be
7 maintained by clerks of the district courts pursuant to NRS 3.275
8 concerning specialty courts, including, without limitation, the
9 number of participants in such programs, the nature of the criminal
10 charges that were filed against participants, the number of
11 participants who have completed the programs and the disposition
12 of the cases; and

13 (d) Such other related information as the Court Administrator
14 deems appropriate;

15 ~~12.~~ **13.** On or before February 15 of each odd-numbered
16 year, submit to the Governor and to the Director of the Legislative
17 Counsel Bureau for transmittal to the next regular session of the
18 Legislature a written report compiling the information submitted by
19 clerks of courts to the Court Administrator pursuant to NRS 630.307
20 and 633.533 which includes only aggregate information for
21 statistical purposes and excludes any identifying information related
22 to a particular person; and

23 ~~13.~~ **14.** Attend to such other matters as may be assigned by
24 the Supreme Court or prescribed by law.

25 **Sec. 2.** NRS 289.160 is hereby amended to read as follows:

26 289.160 1. A security officer employed:

27 (a) Pursuant to NRS 244.167 by a board of county
28 commissioners; or

29 (b) Pursuant to NRS 266.323 by the governing body of a city,
30 ➔ has the powers of a peace officer when the security officer is
31 carrying out duties prescribed by ordinance.

32 2. *A security officer appointed or employed by the Supreme
33 Court pursuant to subsection 2 of NRS 333.710 has the powers of
34 a peace officer when the security officer is carrying out duties
35 prescribed by the Court Administrator.*

36 3. A person appointed pursuant to subsection 1 of NRS
37 269.235 by a town board or board of county commissioners has the
38 powers of a peace officer.

39 ~~13.~~ **4.** Police officers and special police officers appointed
40 pursuant to subsection 5 of NRS 269.240 have, within the limits of
41 the unincorporated town, the powers of making arrests which are
42 exercised by a peace officer according to the laws of this State.

43 **Sec. 3.** NRS 289.470 is hereby amended to read as follows:

44 289.470 "Category II peace officer" means:

45 1. The Bailiff of the Supreme Court;



1 2. The bailiffs of the district courts, justice courts and
2 municipal courts whose duties require them to carry weapons and
3 make arrests;

4 3. *Security officers appointed or employed by the Supreme*
5 *Court who perform the duties prescribed by the Court*
6 *Administrator;*

7 4. Constables and their deputies whose official duties require
8 them to carry weapons and make arrests;

9 ~~{4}~~ 5. Inspectors employed by the Nevada Transportation
10 Authority who exercise those powers of enforcement conferred by
11 chapters 706 and 712 of NRS;

12 ~~{5}~~ 6. Parole and probation officers;

13 ~~{6}~~ 7. Special investigators who are employed full-time by the
14 office of any district attorney or the Attorney General;

15 ~~{7}~~ 8. Investigators of arson for fire departments who are
16 specially designated by the appointing authority;

17 ~~{8}~~ 9. The assistant and deputies of the State Fire Marshal;

18 ~~{9}~~ 10. The brand inspectors of the State Department of
19 Agriculture who exercise the powers of enforcement conferred by
20 chapter 565 of NRS;

21 ~~{10}~~ 11. The field agents and inspectors of the State
22 Department of Agriculture who exercise the powers of enforcement
23 conferred by NRS 561.225;

24 ~~{11}~~ 12. Investigators for the State Forester Firewarden who
25 are specially designated by the State Forester Firewarden and whose
26 primary duties are related to the investigation of arson;

27 ~~{12}~~ 13. School police officers employed by the board of
28 trustees of any county school district;

29 ~~{13}~~ 14. Agents of the State Gaming Control Board who
30 exercise the powers of enforcement specified in NRS 289.360,
31 463.140 or 463.1405, except those agents whose duties relate
32 primarily to auditing, accounting, the collection of taxes or license
33 fees, or the investigation of applicants for licenses;

34 ~~{14}~~ 15. Investigators and administrators of the Division of
35 Compliance Enforcement of the Department of Motor Vehicles who
36 perform the duties specified in subsection 2 of NRS 481.048;

37 ~~{15}~~ 16. Officers and investigators of the Section for the
38 Control of Emissions From Vehicles and the Enforcement of
39 Matters Related to the Use of Special Fuel of the Department
40 of Motor Vehicles who perform the duties specified in subsection 3
41 of NRS 481.0481;

42 ~~{16}~~ 17. Legislative police officers of the State of Nevada;

43 ~~{17}~~ 18. The personnel of the Capitol Police Division of the
44 Department of Public Safety appointed pursuant to subsection 2 of
45 NRS 331.140 ~~{~~



~~18.~~ *or acting pursuant to subsection 3 of that section;*

19. Parole counselors of the Division of Child and Family Services of the Department of Health and Human Services;

~~19.~~ 20. Juvenile probation officers and deputy juvenile probation officers employed by the various judicial districts in the State of Nevada or by a department of juvenile justice services established by ordinance pursuant to NRS 62G.210 whose official duties require them to enforce court orders on juvenile offenders and make arrests;

~~20.~~ 21. Field investigators of the Taxicab Authority;

~~21.~~ 22. Security officers employed full-time by a city or county whose official duties require them to carry weapons and make arrests;

~~22.~~ 23. The chief of a department of alternative sentencing created pursuant to NRS 211A.080 and the assistant alternative sentencing officers employed by that department;

~~23.~~ 24. Criminal investigators who are employed by the Secretary of State; and

~~24.~~ 25. The Inspector General of the Department of Corrections and any person employed by the Department as a criminal investigator.

Sec. 4. NRS 289.480 is hereby amended to read as follows:

289.480 “Category III peace officer” means a peace officer whose authority is limited to correctional services, including the superintendents and correctional officers of the Department of Corrections. The term does not include a person described in subsection ~~24~~ 25 of NRS 289.470.

Sec. 5. NRS 331.140 is hereby amended to read as follows:

331.140 1. The Chief shall take proper care to prevent any unlawful activity on or damage to any state property under the supervision and control of the Chief, and to protect the safety of any persons on that property.

2. The Director of the Department of Public Safety shall appoint to the Capitol Police Division of that Department such personnel as may be necessary to assist the Chief of the Buildings and Grounds Division in the enforcement of subsection 1. The salaries and expenses of the personnel appointed pursuant to this subsection must, within the limits of legislative authorization, be paid out of the Buildings and Grounds Operating Fund.

3. Personnel of the Capitol Police Division who are assigned to protect the safety of persons in the Supreme Court building and the justices and employees of the Supreme Court have the authority to provide security services, under the direction of the Court Administrator, to the justices and employees of the Supreme Court while the justices and employees are performing work duties



1 *at locations outside the grounds of the Supreme Court building.*
2 *No money may be expended from the Buildings and Grounds*
3 *Operating Fund for such security services.*

4 **Sec. 6.** NRS 333.710 is hereby amended to read as follows:

5 333.710 1. If personnel of the Capitol Police Division of the
6 Department of Public Safety are not available to provide security
7 services for a building, office or other facility of a using agency, the
8 using agency may, pursuant to NRS 333.700, contract with one or
9 more independent contractors to provide such services.

10 2. *If the Court Administrator determines that additional*
11 *security is needed for the Supreme Court pursuant to the*
12 *provisions of subsection 2 of NRS 1.360, the Supreme Court may*
13 *employ or appoint one or more persons or contract with one or*
14 *more independent contractors to provide security services for the*
15 *Supreme Court and to serve under the direction of the Court*
16 *Administrator.*

17 3. An independent contractor with whom a using agency *or the*
18 *Supreme Court* contracts pursuant to ~~subsection 1~~ *this section*
19 must:

20 (a) Be licensed as a private patrol officer pursuant to chapter 648
21 of NRS or employed by a person so licensed; and

22 (b) Possess the skills required of and meet the same physical
23 requirements as law enforcement personnel certified by the Peace
24 Officers' Standards and Training Commission created pursuant to
25 NRS 289.500.

26 **Sec. 7.** This act becomes effective on July 1, 2011.

