

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 authorizes the Supreme Court, or a majority thereof, to designate
2 as Bailiff of the Supreme Court: (1) certain law clerks employed by the Supreme
3 Court; or (2) the Sheriff of Carson City. (NRS 2.290) **Section 2.5** of this bill
4 removes such provisions and instead authorizes the Supreme Court, or a majority
5 thereof, to designate as Bailiff of the Supreme Court certain persons who are
6 appointed and employed by the Supreme Court to provide for the safety and
7 security of the justices and employees of the Supreme Court and to carry out certain
8 police duties at the direction of the Chief Justice of the Supreme Court. **Section 2.7**
9 of this bill provides that such persons appointed and employed by the Supreme
10 Court have the powers of a category I peace officer when carrying out duties
11 prescribed by the Chief Justice.

12 **Section 5** of this bill authorizes certain personnel of the Capitol Police Division
13 of the Department of Public Safety to provide, under certain circumstances, security
14 services to the justices of the Supreme Court while such justices are working at any
15 location in the State of Nevada. **Section 6** of this bill authorizes the Supreme Court
16 to contract with independent contractors to provide security services for any facility
17 or building that is owned by or leased to the Supreme Court and occupied by its
18 employees. **Section 7** of this bill specifies that nothing in this bill may be construed
19 to abrogate or alter certain existing provisions of law that relate to the jurisdiction
20 of the Chief of the Buildings and Grounds Division of the Department of
21 Administration and the functions and responsibilities of the Capitol Police Division.



* A B 1 2 1 R 1 *

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

1 **Section 1.** (Deleted by amendment.)

2 **Sec. 2.** (Deleted by amendment.)

3 **Sec. 2.3.** Chapter 2 of NRS is hereby amended by adding
4 thereto a new section to read as follows:

5 *The Supreme Court, or a majority thereof, is authorized to*
6 *appoint and employ one or more persons to provide for the safety*
7 *and security of the justices and employees of the Supreme Court*
8 *and to carry out any necessary police duties at the direction of the*
9 *Chief Justice to maintain safe and reasonable access to justice for*
10 *residents of Nevada.*

11 **Sec. 2.5.** NRS 2.290 is hereby amended to read as follows:

12 2.290 The Supreme Court, or a majority thereof, is authorized
13 to designate ~~†~~

14 ~~1. One of the law clerks employed pursuant to NRS 2.300 to~~
15 ~~act as Bailiff of the Supreme Court without additional~~
16 ~~compensation; or~~

17 ~~2. The Sheriff of Carson City to act as Bailiff of the Supreme~~
18 ~~Court. For his or her services as Bailiff, either in person or by~~
19 ~~deputy, the Sheriff shall receive from the State, in full payment for~~
20 ~~such services, the sum of \$50 per calendar month when actually in~~
21 ~~attendance upon the Court, such sum to be paid by the State~~
22 ~~Treasurer out of the biennial appropriation therefor. The Sheriff, as~~
23 ~~Bailiff, shall retain to his or her own use all moneys received under~~
24 ~~the provisions of this subsection.]~~ *any person appointed and*
25 *employed pursuant to section 2.3 of this act to act as Bailiff of the*
26 *Supreme Court.*

27 **Sec. 2.7.** Chapter 289 of NRS is hereby amended by adding
28 thereto a new section to read as follows:

29 *Any person appointed and employed by the Supreme Court*
30 *pursuant to section 2.3 of this act has the powers of a peace officer*
31 *pursuant to NRS 289.460 when the person is carrying out duties*
32 *prescribed by the Chief Justice.*

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

34 289.470 "Category II peace officer" means:

35 1. ~~†The Bailiff of the Supreme Court;~~

36 ~~—2.]~~ The bailiffs of the district courts, justice courts and
37 municipal courts whose duties require them to carry weapons and
38 make arrests;

39 ~~†3.]~~ 2. Constables and their deputies whose official duties
40 require them to carry weapons and make arrests;



- 1 ~~[4.]~~ 3. Inspectors employed by the Nevada Transportation
2 Authority who exercise those powers of enforcement conferred by
3 chapters 706 and 712 of NRS;
- 4 ~~[5.]~~ 4. Parole and probation officers;
- 5 ~~[6.]~~ 5. Special investigators who are employed full-time by
6 the office of any district attorney or the Attorney General;
- 7 ~~[7.]~~ 6. Investigators of arson for fire departments who are
8 specially designated by the appointing authority;
- 9 ~~[8.]~~ 7. The assistant and deputies of the State Fire Marshal;
- 10 ~~[9.]~~ 8. The brand inspectors of the State Department of
11 Agriculture who exercise the powers of enforcement conferred by
12 chapter 565 of NRS;
- 13 ~~[10.]~~ 9. The field agents and inspectors of the State
14 Department of Agriculture who exercise the powers of enforcement
15 conferred by NRS 561.225;
- 16 ~~[11.]~~ 10. Investigators for the State Forester Firewarden who
17 are specially designated by the State Forester Firewarden and whose
18 primary duties are related to the investigation of arson;
- 19 ~~[12.]~~ 11. School police officers employed by the board of
20 trustees of any county school district;
- 21 ~~[13.]~~ 12. Agents of the State Gaming Control Board who
22 exercise the powers of enforcement specified in NRS 289.360,
23 463.140 or 463.1405, except those agents whose duties relate
24 primarily to auditing, accounting, the collection of taxes or license
25 fees, or the investigation of applicants for licenses;
- 26 ~~[14.]~~ 13. Investigators and administrators of the Division of
27 Compliance Enforcement of the Department of Motor Vehicles who
28 perform the duties specified in subsection 2 of NRS 481.048;
- 29 ~~[15.]~~ 14. Officers and investigators of the Section for the
30 Control of Emissions From Vehicles and the Enforcement of
31 Matters Related to the Use of Special Fuel of the Department
32 of Motor Vehicles who perform the duties specified in subsection 3
33 of NRS 481.0481;
- 34 ~~[16.]~~ 15. Legislative police officers of the State of Nevada;
- 35 ~~[17.]~~ 16. The personnel of the Capitol Police Division of the
36 Department of Public Safety appointed pursuant to subsection 2 of
37 NRS 331.140;
- 38 ~~[18.]~~ 17. Parole counselors of the Division of Child and
39 Family Services of the Department of Health and Human Services;
- 40 ~~[19.]~~ 18. Juvenile probation officers and deputy juvenile
41 probation officers employed by the various judicial districts in the
42 State of Nevada or by a department of juvenile justice services
43 established by ordinance pursuant to NRS 62G.210 whose official
44 duties require them to enforce court orders on juvenile offenders and
45 make arrests;



- 1 ~~[20.]~~ 19. Field investigators of the Taxicab Authority;
2 ~~[21.]~~ 20. Security officers employed full-time by a city or
3 county whose official duties require them to carry weapons and
4 make arrests;
5 ~~[22.]~~ 21. The chief of a department of alternative sentencing
6 created pursuant to NRS 211A.080 and the assistant alternative
7 sentencing officers employed by that department;
8 ~~[23.]~~ 22. Criminal investigators who are employed by the
9 Secretary of State; and
10 ~~[24.]~~ 23. The Inspector General of the Department of
11 Corrections and any person employed by the Department as a
12 criminal investigator.

13 **Sec. 4.** NRS 289.480 is hereby amended to read as follows:
14 289.480 “Category III peace officer” means a peace officer
15 whose authority is limited to correctional services, including the
16 superintendents and correctional officers of the Department of
17 Corrections. The term does not include a person described in
18 subsection ~~[24.]~~ 23 of NRS 289.470.

19 **Sec. 5.** NRS 331.140 is hereby amended to read as follows:
20 331.140 1. The Chief shall take proper care to prevent any
21 unlawful activity on or damage to any state property under the
22 supervision and control of the Chief, and to protect the safety of any
23 persons on that property.

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

31 *3. Personnel of the Capitol Police Division who are assigned
32 to protect the safety of the justices of the Supreme Court have the
33 authority to provide any necessary security services, at the request
34 of the Court Administrator, to the justices of the Supreme Court
35 while the justices are performing work duties at any location in
36 this State. No money may be expended from the Buildings and
37 Grounds Operating Fund for such security services unless the
38 money has been specifically appropriated for such a purpose.*

39 **Sec. 6.** NRS 333.710 is hereby amended to read as follows:
40 333.710 1. If personnel of the Capitol Police Division of the
41 Department of Public Safety are not available to provide security
42 services for a building, office or other facility of a using agency, the
43 using agency may, pursuant to NRS 333.700, contract with one or
44 more independent contractors to provide such services.



1 2. *If the Chief Justice of the Supreme Court determines that*
2 *additional security is needed for the safe operation of any facility*
3 *or building that is owned by or leased to the Supreme Court and*
4 *occupied by its employees, the Supreme Court may contract with*
5 *one or more independent contractors to provide security services*
6 *for the facility or building. Any contractor with whom the*
7 *Supreme Court contracts for these services is subject to*
8 *the oversight of a peace officer who provides security services for*
9 *the Supreme Court and who is designated and directed by the*
10 *Chief Justice.*

11 3. An independent contractor with whom a using agency
12 contracts pursuant to subsection 1 must:

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

15 (b) Possess the skills required of and meet the same physical
16 requirements as law enforcement personnel certified by the Peace
17 Officers' Standards and Training Commission created pursuant to
18 NRS 289.500.

19 4. *An independent contractor with whom the Supreme Court*
20 *contracts pursuant to subsection 2 must be licensed as a private*
21 *patrol officer pursuant to chapter 648 of NRS or employed by a*
22 *person so licensed.*

23 **Sec. 6.5.** Nothing in this act may be construed to abrogate or
24 alter the provisions of NRS 331.070 or 480.140.

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

