
ASSEMBLY BILL NO. 133—ASSEMBLYMEN PIERCE, BOBZIEN;
BENITEZ-THOMPSON, DIAZ, EISEN, HOGAN, HORNE AND NEAL

FEBRUARY 18, 2013

JOINT SPONSOR: SENATOR PARKS

Referred to Committee on Judiciary

SUMMARY—Makes various changes to criminal law.
(BDR 14-423)

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 the administration of justice; restricting the use of strip and visual body cavity searches of persons who are arrested for a misdemeanor and children who are detained in custody; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 **Section 1** of this bill prohibits the conduct of a strip search or visual body
2 cavity search of a person who is arrested for a misdemeanor offense that does not
3 involve a dangerous or deadly weapon, a controlled substance or violence, unless a
4 peace officer determines, based on specific and articulable facts, that the person is
5 concealing a weapon or other contraband. **Section 1** also provides that a strip
6 search or visual body cavity search must not be conducted unless the supervising
7 officer on duty authorizes the search in writing which states the facts and
8 circumstances authorizing the search. **Section 1** further requires that a person
9 conducting or present during a strip search or visual body cavity search be of the
10 same sex as the person being searched and that the search be conducted in a private
11 area of the jail or detention facility.

12 **Section 2** of this bill applies the same prohibitions and requirements on the use
13 of a strip search or visual body cavity search to a child who is taken into custody
14 and detained in a juvenile detention facility based on an allegation that the child is
15 in need of supervision or has committed certain delinquent acts.



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

1 **Section 1.** Chapter 171 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *A person who is arrested for violating a county, city or*
4 *town ordinance or state law which is punishable as a*
5 *misdemeanor and which does not involve a controlled substance,*
6 *the possession, use or threatened use of a dangerous or deadly*
7 *weapon or the use or threatened use of force or violence against*
8 *the victim must not be subjected to a strip search or visual body*
9 *cavity search before being placed in the general population of a*
10 *county, city or town jail or detention facility, unless a peace officer*
11 *determines, based on specific and articulable facts, that*
12 *reasonable suspicion exists that:*

13 (a) *The person is concealing a weapon or contraband; and*

14 (b) *A strip search or visual body cavity search will result in the*
15 *discovery of the weapon or contraband.*

16 2. *A strip search or visual body cavity search must not be*
17 *conducted unless the supervising officer who is on duty at the time*
18 *of the search has authorized the search in writing. The written*
19 *authorization must state the specific and articulable facts and the*
20 *circumstances which authorize the strip search or visual body*
21 *cavity search.*

22 3. *Any person conducting or otherwise present during a strip*
23 *search or visual body cavity search must be of the same sex as the*
24 *person being searched, except for a physician or any licensed*
25 *medical personnel.*

26 4. *All strip searches and visual body cavity searches must be*
27 *conducted in an area of privacy so that the search cannot be*
28 *observed by any person not participating in the search. A person is*
29 *considered to be participating in the search if his or her official*
30 *duties relative to search procedure require him or her to be*
31 *present at the time the search is conducted.*

32 5. *As used in this section:*

33 (a) *“Body cavity” means the stomach or rectal cavity of a*
34 *person, and the vagina of a female person.*

35 (b) *“Contraband” means materials, articles or goods that are*
36 *prohibited in a county, city or town jail or detention facility*
37 *because the materials, articles or goods present a risk to the health*
38 *or welfare of a person or to the safety or security of the jail or*
39 *detention facility.*

40 (c) *“Strip search” means a search which requires a person to*
41 *remove or arrange some or all of his or her clothing so as to allow*



1 *a visual inspection of the person's underclothing, breasts, buttocks*
2 *or genitalia.*

3 *(d) "Visual body cavity search" means the visual inspection of*
4 *a body cavity.*

5 **Sec. 2.** Chapter 62C of NRS is hereby amended by adding
6 thereto a new section to read as follows:

7 *1. A child who is taken into custody and detained because the*
8 *child is alleged to be delinquent or in need of supervision and who*
9 *is not alleged to have committed an unlawful act which would*
10 *have been a felony if committed by an adult or which involves a*
11 *controlled substance, the possession, use or threatened use of a*
12 *dangerous or deadly weapon or the use or threatened use of force*
13 *or violence against the victim must not be subjected to a strip*
14 *search or visual body cavity search before being placed in any*
15 *facility for the detention of children, unless a peace officer*
16 *determines, based on specific and articulable facts, that*
17 *reasonable suspicion exists that:*

18 *(a) The child is concealing a weapon or contraband; and*

19 *(b) A strip search or visual body cavity search will result in the*
20 *discovery of the weapon or contraband.*

21 *2. A strip search or visual body cavity search must not be*
22 *conducted unless the supervising officer who is on duty at the time*
23 *of the search has authorized the search in writing. The written*
24 *authorization must state the specific and articulable facts and the*
25 *circumstances which authorize the strip search or visual body*
26 *cavity search.*

27 *3. Any person conducting or otherwise present during a strip*
28 *search or visual body cavity search must be of the same sex as the*
29 *person being searched, except for a physician or any licensed*
30 *medical personnel.*

31 *4. All strip searches and visual body cavity searches must be*
32 *conducted in an area of privacy so that the search cannot be*
33 *observed by any person not participating in the search. A person is*
34 *considered to be participating in the search if his or her official*
35 *duties relative to search procedure require him or her to be*
36 *present at the time the search is conducted.*

37 *5. As used in this section:*

38 *(a) "Body cavity" means the stomach or rectal cavity of a*
39 *person, and the vagina of a female person.*

40 *(b) "Contraband" means materials, articles or goods that are*
41 *prohibited in a facility for the detention of children because the*
42 *materials, articles or goods present a risk to the health or welfare*
43 *of a person or to the safety or security of the facility.*

44 *(c) "Strip search" means a search which requires a person to*
45 *remove or arrange some or all of his or her clothing so as to allow*



- 1 *a visual inspection of the person’s underclothing, breasts, buttocks*
- 2 *or genitalia.*
- 3 *(d) “Visual body cavity search” means the visual inspection of*
- 4 *a body cavity.*

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