
SENATE BILL NO. 16—COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS

(ON BEHALF OF THE DEPARTMENT OF
PUBLIC SAFETY, DIRECTOR’S OFFICE)

PREFILED DECEMBER 19, 2012

Referred to Committee on Legislative Operations and Elections

SUMMARY—Authorizes the issuance of administrative subpoenas
by state law enforcement agencies. (BDR 23-334)

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 law enforcement; authorizing the chief executive officer of a state law enforcement agency, or a designated command officer, to issue a subpoena requiring the production of books, papers and other tangible items to further an administrative investigation of a person employed by a state law enforcement agency; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law imposes certain conditions on the conduct of certain
2 administrative investigations of state employees suspected of misconduct. (NRS
3 284.387) This bill provides that if the employee who is the subject of an
4 administrative investigation is employed by a state law enforcement agency, the
5 chief executive officer of the state law enforcement agency that is conducting the
6 investigation, or a command officer designated by the chief executive officer, may
7 issue a subpoena requiring the production of books, papers and other tangible items
8 that may be relevant to the investigation.



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

1 **Section 1.** Chapter 284 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *Except as otherwise provided by specific statute:*

4 (a) *To further an administrative investigation to determine*
5 *whether a person employed by a state law enforcement agency has*
6 *violated or is about to violate this chapter or a regulation or order*
7 *of the Commission, the chief executive officer of the state law*
8 *enforcement agency that is conducting the investigation, or a*
9 *command officer designated by the chief executive officer, may*
10 *issue a subpoena requiring the production of books, papers and*
11 *other tangible items that may be relevant to the investigation.*

12 (b) *A subpoena issued pursuant to this section must:*

13 (1) *Contain a statement that the subpoena is made to*
14 *further an administrative investigation being conducted by the*
15 *state law enforcement agency; and*

16 (2) *Be signed by the chief executive officer of the state law*
17 *enforcement agency or the command officer designated by the*
18 *chief executive officer.*

19 (c) *If a person or entity named in a subpoena issued pursuant*
20 *to this section fails or refuses to produce any book, paper or other*
21 *tangible item required by the subpoena, the chief executive officer*
22 *or the command officer who issued the subpoena may apply to the*
23 *district court for the judicial district in which the investigation is*
24 *being carried out for the enforcement of the subpoena in the*
25 *manner provided by law for the enforcement of a subpoena in a*
26 *civil action.*

27 (d) *A state law enforcement agency that employs a person who*
28 *is the subject of an administrative investigation must, if requested,*
29 *reimburse a person or entity for the actual expenses incurred by*
30 *the person or entity to comply with a subpoena issued pursuant to*
31 *this section.*

32 2. *As used in this section, "command officer" means an*
33 *officer in charge of a department, division or bureau of a state law*
34 *enforcement agency.*

35 **Sec. 2.** This act becomes effective upon passage and approval.

