

ASSEMBLY BILL NO. 383—ASSEMBLYMAN OHRENSCHALL

MARCH 20, 2017

Referred to Committee on Government Affairs

SUMMARY—Requires peace officers to be trained in the constitutional and lawful use of force. (BDR 23-1077)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. 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 peace officers; requiring peace officers to be trained in the constitutional and lawful use of force; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires the Peace Officers’ Standards and Training Commission
2 to provide for and encourage the training and education of persons whose primary
3 duty is law enforcement to ensure the safety of the residents of and visitors to this
4 State. (NRS 289.510) This bill mandates the Commission to require, as a condition
5 of the certification of each peace officer, that the peace officer be trained in the
6 constitutional and lawful use of force. This bill also requires the Commission to
7 make available legal and practical training and informational materials regarding
8 the use of force and sets forth certain subjects which such training and materials
9 must include. Finally, this bill requires the Commission to work with state and local
10 agencies to ensure the most effective use of resources in providing the required
11 training.

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

1 **Section 1.** Chapter 289 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. As a condition of the certification of a peace officer, the*
4 *Commission shall require the peace officer to be trained in the*
5 *constitutional and lawful use of force, including, without*
6 *limitation:*



1 (a) *Best practices in reducing use of force by a peace officer;*
2 *and*

3 (b) *The legal foundations and limitations on the authority of a*
4 *peace officer under the Constitution and laws of the United States*
5 *and the Constitution and laws of this State.*

6 2. *The Commission may provide:*

7 (a) *Technology which integrates legal training on the*
8 *constitutional and lawful use of force by peace officers;*

9 (b) *Best practices regarding responses by peace officers to*
10 *threatening situations;*

11 (c) *Tactical training of peace officers, including, without*
12 *limitation, training conducted by means of a simulator;*

13 (d) *For the investigation of an incident involving the use of*
14 *force by a peace officer; and*

15 (e) *Legal documentation of an incident involving the use of*
16 *force by a peace officer.*

17 3. *The Commission shall make available legal and practical*
18 *training for peace officers in this State and informational*
19 *materials regarding the constitutional and lawful use of force by*
20 *peace officers and related subjects. The training and materials*
21 *must include, without limitation, programs and information which*
22 *are specifically designed to address:*

23 (a) *The recognition of potential resistance to law enforcement*
24 *and options for responses by peace officers that do not involve the*
25 *use of force;*

26 (b) *Decision-making skills regarding the use of force;*

27 (c) *The management of stress experienced by peace officers*
28 *during threatening situations;*

29 (d) *Tactical disengagement;*

30 (e) *The sanctity and preservation of life;*

31 (f) *The investigation and critique of an incident involving the*
32 *use of force by a peace officer; and*

33 (g) *The legal foundations and limitations on the authority of a*
34 *peace officer under the Constitution and laws of the United States*
35 *and the Constitution and laws of this State.*

36 4. *The Commission shall work with state and local agencies*
37 *to ensure the most effective use of resources in providing training*
38 *for peace officers throughout the State.*

39 **Sec. 2.** NRS 289.450 is hereby amended to read as follows:

40 289.450 As used in NRS 289.450 to 289.600, inclusive, *and*
41 *section 1 of this act*, unless the context otherwise requires, the
42 words and terms defined in NRS 289.460 to 289.490, inclusive,
43 have the meanings ascribed to them in those sections.

44 **Sec. 3.** NRS 289.510 is hereby amended to read as follows:

45 289.510 1. The Commission:



- 1 (a) Shall meet at the call of the Chair, who must be elected by a
2 majority vote of the members of the Commission.
- 3 (b) Shall provide for and encourage the training and education
4 of persons whose primary duty is law enforcement to ensure the
5 safety of the residents of and visitors to this State.
- 6 (c) Shall adopt regulations establishing minimum standards for
7 the certification and decertification, recruitment, selection and
8 training of peace officers. The regulations must establish:
- 9 (1) Requirements for basic training for category I, category II
10 and category III peace officers and reserve peace officers;
- 11 (2) Standards for programs for the continuing education of
12 peace officers, including minimum courses of study and
13 requirements concerning attendance;
- 14 (3) Qualifications for instructors of peace officers; and
15 (4) Requirements for the certification of a course of training.
- 16 (d) Shall, when necessary, present courses of training and
17 continuing education courses for category I, category II and
18 category III peace officers and reserve peace officers.
- 19 (e) May make necessary inquiries to determine whether the
20 agencies of this State and of the local governments are complying
21 with standards set forth in its regulations.
- 22 (f) Shall carry out the duties required of the Commission
23 pursuant to NRS 432B.610 and 432B.620.
- 24 (g) May perform any other acts that may be necessary and
25 appropriate to the functions of the Commission as set forth in NRS
26 289.450 to 289.600, inclusive **H**, and *section 1 of this act*.
- 27 (h) May enter into an interlocal agreement with an Indian tribe
28 to provide training to and certification of persons employed as
29 police officers by that Indian tribe.
- 30 2. Regulations adopted by the Commission:
- 31 (a) Apply to all agencies of this State and of local governments
32 in this State that employ persons as peace officers;
- 33 (b) Must require that all peace officers receive training in the
34 handling of cases involving abuse or neglect of children or missing
35 children;
- 36 (c) Must require that all peace officers receive training in the
37 handling of cases involving abuse, neglect, exploitation, isolation
38 and abandonment of older persons; and
- 39 (d) May require that training be carried on at institutions which
40 it approves in those regulations.

