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SENATE BILL NO. 13—COMMITTEE ON TRANSPORTATION  
AND HOMELAND SECURITY

(ON BEHALF OF THE NEVADA DISTRICT  
ATTORNEY’S ASSOCIATION)

PREFILED FEBRUARY 1, 2005

Referred to Committee on Transportation and Homeland Security

**SUMMARY**—Revises provisions governing authority of peace officers to make arrests for certain offenses. (BDR 43-363)

**FISCAL NOTE:** Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.  
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.

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AN ACT relating to public safety; allowing a peace officer to arrest without a warrant if there is reasonable cause to believe that a person has committed certain offenses relating to traffic laws; requiring a peace officer to arrest a person charged with certain offenses if there is cause to believe that the person poses a danger to himself or others or that the person will continue to repeat such offenses; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

- 1 Existing law authorizes a peace officer to make an arrest without a warrant for
- 2 certain traffic-related offenses. (NRS 484.791)
- 3 This bill adds failure to stop at a roadblock and aggressive driving to the list of
- 4 traffic-related offenses for which a peace officer may make a warrantless arrest.
- 5 Existing law requires a person halted by a peace officer to be taken before the
- 6 magistrate under certain circumstances. (NRS 484.795)
- 7 This bill requires a person halted by a peace officer to be taken before the
- 8 magistrate when the person is charged with a violation relating to vehicle licensing
- 9 and registration, drivers’ licenses, traffic laws, motorcycles, motor vehicle
- 10 insurance or motor carriers and the peace officer has reasonable and probable



11 grounds to believe that the person poses a danger to himself or others or that the  
12 person will continue to repeat the violation.

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

1       **Section 1.** NRS 484.791 is hereby amended to read as follows:  
2       484.791 1. Any peace officer may, without a warrant, arrest a  
3 person if the officer has reasonable cause for believing that the  
4 person has committed any of the following offenses:

- 5       (a) Homicide by vehicle;
- 6       (b) A violation of NRS 484.379;
- 7       (c) A violation of NRS 484.3795;
- 8       (d) Failure to stop, give information or render reasonable  
9 assistance in the event of an accident resulting in death or personal  
10 injuries in violation of NRS 484.219 or 484.223;
- 11       (e) Failure to stop or give information in the event of an accident  
12 resulting in damage to a vehicle or to other property legally upon or  
13 adjacent to a highway in violation of NRS 484.221 or 484.225;
- 14       (f) Reckless driving;
- 15       (g) *A violation of NRS 484.3595;*
- 16       (h) *A violation of NRS 484.3765;*
- 17       (i) Driving a motor vehicle on a highway or on premises to  
18 which the public has access at a time when his driver's license has  
19 been cancelled, revoked or suspended; or
- 20       ~~(h)~~ (j) Driving a motor vehicle in any manner in violation of  
21 the restrictions imposed in a restricted license issued to him  
22 pursuant to NRS 483.490.

23       2. Whenever any person is arrested as authorized in this  
24 section, he must be taken without unnecessary delay before the  
25 proper magistrate as specified in NRS 484.803, except that in the  
26 case of ~~either of the offenses~~ *the offense* designated in ~~paragraphs~~  
27 ~~(e) and (f)~~ *paragraph (e)* of subsection 1 , a peace officer has the  
28 same discretion as is provided in other cases in NRS 484.795.

29       **Sec. 2.** NRS 484.795 is hereby amended to read as follows:  
30       484.795 Whenever any person is halted by a peace officer for  
31 any violation of this chapter and is not required to be taken before a  
32 magistrate, the person may, in the discretion of the peace officer,  
33 either be given a traffic citation ~~(c)~~ or be taken without unnecessary  
34 delay before the proper magistrate. He must be taken before the  
35 magistrate in any of the following cases:

- 36       1. When the person does not furnish satisfactory evidence of  
37 identity or when the peace officer has reasonable and probable



1 grounds to believe the person will disregard a written promise to  
2 appear in court;

3 2. When the person is charged with a violation of NRS  
4 484.701, relating to the refusal of a driver of a vehicle to submit the  
5 vehicle to an inspection and test;

6 3. When the person is charged with a violation of NRS  
7 484.755, relating to the failure or refusal of a driver of a vehicle to  
8 submit the vehicle and load to a weighing or to remove excess  
9 weight therefrom; ~~or~~

10 4. When the person is charged with a violation of NRS  
11 484.379, unless he is incapacitated and is being treated for injuries  
12 at the time the peace officer would otherwise be taking him before  
13 the magistrate ~~or~~; or

14 5. *When the person is charged with a violation of this chapter*  
15 *or chapter 482, 483, 485, 486 or 706 of NRS and the peace officer*  
16 *has reasonable and probable grounds to believe that the person*  
17 *poses a danger to himself or others or that the person will*  
18 *continue to repeat the violation.*



