

SENATE BILL NO. 136—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE DEPARTMENT OF WILDLIFE)

FEBRUARY 25, 2005

Referred to Committee on Judiciary

SUMMARY—Revises provisions of Interstate Compact for Jurisdiction on the Colorado River. (BDR 14-402)

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 Interstate Compact for Jurisdiction on the Colorado River; revising the provisions of the Compact to grant certain law enforcement officers concurrent jurisdiction to arrest offenders for prohibited conduct in certain circumstances; providing that certain claims brought against officers or employees of a party state or agency or political subdivision of a party state are subject to the conditions and limitations on civil actions established by the party state of that officer or employee; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Under existing law, the Interstate Compact for Jurisdiction on the Colorado  
2 River gives courts and law enforcement officers in adjoining states that have  
3 enacted the Compact concurrent jurisdiction to arrest, prosecute and try offenders  
4 for prohibited conduct committed anywhere on the Colorado River, or any lake  
5 formed by or a part of the Colorado River, if such conduct is prohibited in both  
6 adjoining states. (NRS 171.079)

7 This bill gives law enforcement officers in adjoining states concurrent  
8 jurisdiction to arrest offenders for prohibited conduct committed on any land within  
9 5 air miles of the Colorado River or any lake formed by or a part of the Colorado  
10 River. This bill also provides that any claim which is brought in one party state  
11 against a present or former officer or employee of another party state or an agency  
12 or political subdivision of that other party state and which is based on any alleged  
13 act or omission related to his official duties or employment and conducted under  
14 the authority of the Compact is subject to the conditions and limitations on civil  
15 actions established by the party state of that officer or employee.



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

1       **Section 1.** NRS 171.079 is hereby amended to read as follows:  
2       171.079 The Interstate Compact for Jurisdiction on the  
3 Colorado River is as follows:

4  
5                               **ARTICLE I—Purpose and Policy**  
6

7       1. The legislature finds that law enforcement has been impaired  
8 in sections of the Colorado River forming an interstate boundary  
9 because of difficulty in determining precisely where a criminal act  
10 was committed.

11       2. The legislature intends that a person committing an act  
12 which is illegal in both states not be freed merely because neither  
13 state could establish that a crime was committed within its  
14 boundaries.

15       3. The Interstate Compact for Jurisdiction on the Colorado  
16 River is enacted to provide for enforcement of the laws of this state  
17 with regard to certain acts committed on the Colorado River, or any  
18 lake formed by or a part of the Colorado River, on either side of the  
19 boundary line with an adjoining state.  
20

21                               **ARTICLE II—Definitions**  
22

23       As used in this compact, unless the context otherwise requires,  
24 “party state” means a state which has enacted this compact.  
25

26                               **ARTICLE III—Concurrent Jurisdiction**  
27

28       1. If conduct is prohibited by two adjoining party states, courts  
29 and law enforcement officers in either state who have jurisdiction  
30 over criminal offenses committed in a county where the Colorado  
31 River, or any lake formed by or a part of the Colorado River, forms  
32 a common interstate boundary have concurrent jurisdiction to arrest,  
33 prosecute and try offenders for the prohibited conduct committed  
34 anywhere on the body of water forming a boundary between the two  
35 states ***and concurrent jurisdiction to arrest offenders for the***  
36 ***prohibited conduct committed on any land mass within 5 air miles***  
37 ***of the Colorado River or any lake formed by or a part of the***  
38 ***Colorado River.***

39       2. This compact does not authorize:



1 (a) Prosecution of any person for conduct which is lawful in the  
2 state where it was committed.

3 (b) Any conduct prohibited by a party state.

4 **3. *If any claim, including a counterclaim or cross-claim, is***  
5 ***brought in a civil action which is filed in a party state and which***  
6 ***is:***

7 (a) *Brought against a present or former officer or employee of*  
8 *another party state or an agency or political subdivision of that*  
9 *other party state; and*

10 (b) *Based on any alleged act or omission that is related to his*  
11 *official duties or employment and conducted under the authority*  
12 *of this compact,*

13 *↳ the claim is subject to the conditions and limitations on civil*  
14 *actions, including, without limitation, the provisions regarding*  
15 *sovereign immunity, established by the party state in which that*  
16 *officer or employee is or was an officer or employee.*

17  
18 **ARTICLE IV—Ratification**

19  
20 This compact is ratified by enactment of the language of this  
21 compact, or substantially similar language expressing the same  
22 purpose, by at least two states of which the Colorado River forms a  
23 common boundary.

24 **Sec. 2.** The Governor shall notify the appropriate officers in  
25 the states that are a party to the Interstate Compact for Jurisdiction  
26 on the Colorado River of the amendment and ratification by this  
27 State of that compact.



