
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.

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; revising the provisions pertaining to the offenses for which a person halted by a peace officer may, in the discretion of the peace officer, be given a traffic citation or be taken before a magistrate; 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 various other traffic-related offenses to the list of offenses for
- 4 which a peace officer may make a warrantless arrest.
- 5 Existing law provides that when a person is halted by a peace officer for a
- 6 violation of chapter 484 of NRS and is not required to be taken before a magistrate,
- 7 the person may, in the discretion of the peace officer, either be given a traffic
- 8 citation or be taken before a magistrate. (NRS 484.795)
- 9 This bill would require that when a person is halted by a peace officer for a
- 10 violation of chapter 482, 483, 485 or 486 of NRS and is not required to be taken



11 before a magistrate, the person may, in the discretion of the peace officer, either be
12 given a traffic citation or be taken before a magistrate.

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) *Failure or refusal to comply with any signal of an*
16 *authorized flagman in violation of NRS 484.254;*
17 (h) *Altering, defacing, injuring, knocking down or removing*
18 *any official traffic-control device or railroad sign or signal in*
19 *violation of NRS 484.289;*
20 (i) *Failure to yield the right-of-way to a blind person in*
21 *violation of NRS 484.328;*
22 (j) *Overtaking or proceeding past a school bus that is stopped*
23 *to receive or discharge pupils in violation of NRS 484.357;*
24 (k) *Proceeding or traveling through an administrative*
25 *roadblock or a temporary roadblock or disobeying the lawful*
26 *orders or directions of a police officer at an administrative*
27 *roadblock or a temporary roadblock in violation of NRS 484.3595;*
28 (l) *Speeding in a school zone or school crossing zone in*
29 *violation of NRS 484.366, if any pupil is endangered by the*
30 *violation;*
31 (m) *A violation for which a person may be subject to the*
32 *additional penalty set forth in NRS 484.3667, if any worker who is*
33 *performing the construction, maintenance or repair of a highway*
34 *in a temporary traffic control zone is endangered by the violation;*
35 (n) *Aggressive driving in violation of NRS 484.3765;*
36 (o) *Operating a motor vehicle without a required device to*
37 *prevent a person who has consumed alcohol from starting the*



1 *motor vehicle or tampering with such a device in violation of*
2 *NRS 484.3945;*

3 *(p) Drinking an alcoholic beverage while driving a motor*
4 *vehicle or having an open container of an alcoholic beverage*
5 *within the passenger area of a motor vehicle in violation of*
6 *NRS 484.448;*

7 *(q) Throwing or depositing upon a highway any glass bottle,*
8 *glass, nails, tacks, wire, cans or any other substance likely to*
9 *injure any person, animal or vehicle, or failing to remove any*
10 *destructive or injurious material, any glass or any injurious*
11 *substance that is dropped on the highway in violation of*
12 *NRS 484.465;*

13 *(r) Driving a motor vehicle on a highway or on premises to*
14 *which the public has access at a time when his driver's license has*
15 *been cancelled, revoked or suspended; or*

16 ~~[(h)]~~ *(s) Driving a motor vehicle in any manner in violation of*
17 *the restrictions imposed in a restricted license issued to him*
18 *pursuant to NRS 483.490.*

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

25 **Sec. 2.** NRS 484.795 is hereby amended to read as follows:

26 484.795 Whenever any person is halted by a peace officer for
27 any violation of this chapter *or chapter 482, 483, 485 or 486 of*
28 *NRS* and is not required to be taken before a magistrate, the person
29 may, in the discretion of the peace officer, either be given a traffic
30 citation ~~[(j)]~~ or be taken without unnecessary delay before the proper
31 magistrate. He must be taken before the magistrate in any of the
32 following cases:

33 1. When the person does not furnish satisfactory evidence of
34 identity or when the peace officer has reasonable and probable
35 grounds to believe the person will disregard a written promise to
36 appear in court;

37 2. When the person is charged with a violation of NRS
38 484.701, relating to the refusal of a driver of a vehicle to submit the
39 vehicle to an inspection and test;

40 3. When the person is charged with a violation of NRS
41 484.755, relating to the failure or refusal of a driver of a vehicle to
42 submit the vehicle and load to a weighing or to remove excess
43 weight therefrom; or



1 4. When the person is charged with a violation of NRS
2 484.379, unless he is incapacitated and is being treated for injuries
3 at the time the peace officer would otherwise be taking him before
4 the magistrate.

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