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SENATE BILL NO. 279—SENATOR CARLTON

MARCH 23, 2005

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Referred to Committee on Judiciary

SUMMARY—Allows chief executive officers of certain law enforcement agencies of this State to certify peace officers under certain circumstances. (BDR 23-1243)

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.

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AN ACT relating to peace officers; allowing the chief executive officers of certain law enforcement agencies of this State to certify peace officers under certain circumstances; revising certain provisions of the Department of Public Safety; and providing other matters properly relating thereto.

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     *The provisions of NRS 289.560, 289.570 and 289.580 apply to a*  
4 *person who is certified as a peace officer by a chief executive*  
5 *officer of a law enforcement agency pursuant to subsection 3 of*  
6 *NRS 289.550.*  
7     **Sec. 2.** NRS 289.530 is hereby amended to read as follows:  
8     289.530 With the advice of the Commission, the Executive  
9 Director of the Commission may:  
10     1. Appoint employees, agents, consultants and other staff of the  
11 Commission and prescribe their duties;  
12     2. Administer and direct the daily operation of the staff and  
13 resources of the Commission;



- 1 3. Inspect academies for training peace officers, and issue and  
2 revoke certificates of approval to such academies;
- 3 4. Certify qualified instructors for approved courses of training  
4 for peace officers and issue appropriate certificates to instructors;
- 5 5. Certify peace officers who have satisfactorily completed  
6 courses of training for peace officers and , *except as otherwise*  
7 *provided in NRS 289.550*, issue basic, intermediate, advanced and  
8 management professional certificates to peace officers;
- 9 6. Make recommendations to the Commission concerning the  
10 issuance of executive certificates;
- 11 7. Cause annual audits to be made relating to the operation of  
12 academies for training peace officers;
- 13 8. Consult and cooperate with academies for training peace  
14 officers concerning the development of the basic and advanced  
15 training programs for peace officers;
- 16 9. Consult and cooperate with academies for training peace  
17 officers concerning the development of specialized courses of study  
18 in this State for peace officers in the areas of police science, police  
19 administration, corrections, probation, the social sciences and other  
20 related areas;
- 21 10. Consult and cooperate with other departments and agencies  
22 of this State and of local governments concerning the training of  
23 peace officers;
- 24 11. Report to the Commission at the regular meetings of the  
25 Commission and at such other times as the Commission may  
26 require, and recommend the denial, suspension or revocation of  
27 certification of a peace officer to the Commission as deemed  
28 necessary;
- 29 12. Execute contracts on behalf of the Commission; and
- 30 13. Perform any other acts necessary and appropriate to the  
31 carrying out of his duties.

32 **Sec. 3.** NRS 289.550 is hereby amended to read as follows:

33 289.550 1. Except as otherwise provided in ~~subsection 2,~~  
34 *subsections 2 and 3*, a person upon whom some or all of the powers  
35 of a peace officer are conferred pursuant to NRS 289.150 to  
36 289.360, inclusive, must be certified by the Commission within 1  
37 year after the date on which the person commences employment as a  
38 peace officer unless the Commission, for good cause shown, grants  
39 in writing an extension of time, which must not exceed 6 months, by  
40 which the person must become certified. A person who fails to  
41 become certified within the required time shall not exercise any of  
42 the powers of a peace officer after the time for becoming certified  
43 has expired.

44 2. The following persons are not required to be certified by the  
45 Commission:



- 1 (a) The Chief Parole and Probation Officer;
- 2 (b) The Director of the Department of Corrections;
- 3 (c) The State Fire Marshal;
- 4 (d) The Director of the Department of Public Safety, the deputy
- 5 directors of the Department, the chiefs of the divisions of the
- 6 Department other than the Investigation Division, and the members
- 7 of the State Disaster Identification Team of the Division of
- 8 Emergency Management of the Department;
- 9 (e) The Commissioner of Insurance and his chief deputy;
- 10 (f) Railroad policemen; ~~and~~
- 11 (g) California correctional officers ~~and~~; and
- 12 (h) *A person certified as a peace officer by a chief executive*
- 13 *officer pursuant to subsection 3.*

14 **3.** *The chief executive officer of a law enforcement agency of*

15 *this State that operates an academy for training peace officers may*

16 *certify any peace officer who has been previously certified by the*

17 *certifying entity of another state or has successfully completed a*

18 *training program in a federal law enforcement training center if*

19 *the chief executive officer determines that the peace officer and*

20 *the training received by the peace officer meet or exceed the*

21 *standards and requirements of the Commission. Upon certification*

22 *by the chief executive officer, the Executive Director of the*

23 *Commission shall issue the peace officer a basic certificate. The*

24 *certification of a peace officer pursuant to this subsection has the*

25 *same force and effect and is subject to the same requirements and*

26 *regulations as the certification of a peace officer by the*

27 *Commission.*

28 **Sec. 4.** NRS 480.140 is hereby amended to read as follows:

29 480.140 The primary functions and responsibilities of the

30 divisions of the Department are as follows:

31 1. The Administrative Services Division shall furnish fiscal,

32 accounting and other administrative services to the Director and the

33 various divisions, and advise and assist the Director and the various

34 divisions in carrying out their functions and responsibilities.

35 2. The Investigation Division shall:

36 (a) Execute, administer and enforce the provisions of chapter

37 453 of NRS relating to controlled substances and chapter 454 of

38 NRS relating to dangerous drugs;

39 (b) Assist the Secretary of State in carrying out an investigation

40 pursuant to NRS 293.124; and

41 (c) Perform such duties and exercise such powers as may be

42 conferred upon it pursuant to this chapter and any other specific

43 statute.

44 3. The Nevada Highway Patrol Division shall, in conjunction

45 with the Department of Motor Vehicles, execute, administer and



1 enforce the provisions of chapter 484 of NRS and perform such  
2 duties and exercise such powers as may be conferred upon it  
3 pursuant to NRS 480.360 and any other specific statute.

4 4. The Division of Emergency Management shall execute,  
5 administer and enforce the provisions of chapter 414 of NRS and  
6 perform such duties and exercise such powers as may be conferred  
7 upon it pursuant to chapter 414 of NRS and any other specific  
8 statute.

9 5. The State Fire Marshal Division shall execute, administer  
10 and enforce the provisions of chapter 477 of NRS and perform such  
11 duties and exercise such powers as may be conferred upon it  
12 pursuant to chapter 477 of NRS and any other specific statute.

13 6. The Division of Parole and Probation shall execute,  
14 administer and enforce the provisions of chapters 176A and 213 of  
15 NRS relating to parole and probation and perform such duties and  
16 exercise such powers as may be conferred upon it pursuant to those  
17 chapters and any other specific statute.

18 7. The Capitol Police Division shall assist the Chief of the  
19 Buildings and Grounds Division of the Department of  
20 Administration in the enforcement of subsection 1 of NRS 331.140.

21 8. The Training Division shall provide training to the  
22 employees of the Department ~~and~~ *and evaluate other courses of*  
23 *training in support of the powers of the Director pursuant to*  
24 *subsection 3 of NRS 289.550.*

25 **Sec. 5.** NRS 480.150 is hereby amended to read as follows:

26 480.150 1. The Director shall:

27 (a) Direct and supervise all administrative and technical  
28 activities of the Department.

29 (b) Formulate the policies of the Department and the various  
30 divisions thereof.

31 (c) Coordinate the activities of the various divisions of the  
32 Department.

33 (d) Adopt such regulations as he deems necessary for the  
34 operation of the Department and the enforcement of all laws  
35 administered by the Department.

36 2. The Director may delegate to the officers and employees of  
37 the Department such authorities and responsibilities not otherwise  
38 delegated by a specific statute as he deems necessary for the  
39 efficient conduct of the business of the Department.

40 *3. The Director may exercise his powers pursuant to*  
41 *subsection 3 of NRS 289.550.*

42 **Sec. 6.** 1. This act becomes effective upon passage and  
43 approval.

44 2. Section 1 of this act expires by limitation on the date on  
45 which the provisions of 42 U.S.C. § 666 requiring each state to



- 1 establish procedures under which the state has authority to withhold
- 2 or suspend, or to restrict the use of professional, occupational and
- 3 recreational licenses of persons who:
- 4 (a) Have failed to comply with a subpoena or warrant relating to
- 5 a proceeding to determine the paternity of a child or to establish or
- 6 enforce an obligation for the support of a child; or
- 7 (b) Are in arrears in the payment for the support of one or more
- 8 children,
- 9 → are repealed by the Congress of the United States.







