

Committee Action:
Do Pass _____
Amend & Do Pass _____
Other _____

Assembly Committee on Government Affairs
This measure may be considered for action during today's work session.
April 11, 2013

ASSEMBLY BILL 103

Revises provisions relating to school police officers. (BDR 23-152)

Sponsored by: Assembly Members Carrillo, Fiore, Daly, et al.
Date Heard: March 6, 2013
Fiscal Impact: Effect on Local Government: May Have Fiscal Impact.
Effect on the State: No.

Assembly Bill 103 removes school police officers from the list of category II peace officers, making them category I peace officers with unrestricted duties. The measure removes the requirement that a school police officer, in a county whose population is 100,000 or more, must immediately notify, and transfer the investigation to, a primary law enforcement agency if the school police officer witnesses a category A felony being committed or attempted within the jurisdiction of the school police officer. The measure repeals the limitation on the jurisdiction of school police officers, so they have unlimited jurisdiction.

Amendments: Subsequent to the hearing on Assembly Bill 103, the Chair requested the attached mock-up with support from the bill sponsor.

MOCK-UP

PROPOSED AMENDMENT 8168 TO
ASSEMBLY BILL NO. 103

PREPARED FOR ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS
APRIL 10, 2013

PREPARED BY THE LEGAL DIVISION

**NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN
CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE
OFFICIAL AMENDMENT MAY DIFFER.**

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold* is newly added transitory language.

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

- 1 **Section 1.** NRS 289.190 is hereby amended to read as follows:
2 289.190 1. A person employed or appointed to serve as a school
3 police officer pursuant to subsection 8 of NRS 391.100
4 has the powers of a *Category I* peace officer ~~[-] [A school police officer~~
5 ~~shall perform the officer's duties in compliance with the provisions of~~
6 ~~NRS 171.1223.]~~ *when carrying out the duties prescribed by NRS*
7 *391.275, but otherwise has the powers of a Category II peace officer.*
8 *When acting as a Category II peace officer, a school police officer shall*
9 *perform the officer's duties in compliance with the provisions of NRS*
10 *171.1223.*
11 2. A person appointed pursuant to NRS 393.0718 by the board of
12 trustees of any school district has the powers of a peace officer to carry out
13 the intents and purposes of NRS 393.071 to 393.0719, inclusive.
14 3. Members of every board of trustees of a school district,
15 superintendents of schools, principals and teachers have concurrent power
16 with peace officers for the protection of children in school and on the way
17 to and from school, and for the enforcement of order and discipline among

1 such children, including children who attend school within one school
2 district but reside in an adjoining school district or adjoining state,
3 pursuant to the provisions of chapter 392 of NRS. This subsection must not
4 be construed so as to make it the duty of superintendents of schools,
5 principals and teachers to supervise the conduct of children while not on
6 the school property.

7 **Sec. 2.** NRS 289.470 is hereby amended to read as follows:

8 289.470 “Category II peace officer” means:

9 1. The bailiffs of the district courts, justice courts and municipal
10 courts whose duties require them to carry weapons and make arrests;

11 2. Constables and their deputies whose official duties require them to
12 carry weapons and make arrests;

13 3. Inspectors employed by the Nevada Transportation Authority who
14 exercise those powers of enforcement conferred by chapters 706 and 712
15 of NRS;

16 4. Special investigators who are employed full-time by the office of
17 any district attorney or the Attorney General;

18 5. Investigators of arson for fire departments who are specially
19 designated by the appointing authority;

20 6. The brand inspectors of the State Department of Agriculture who
21 exercise the powers of enforcement conferred by chapter 565 of NRS;

22 7. The field agents and inspectors of the State Department of
23 Agriculture who exercise the powers of enforcement conferred by NRS
24 561.225;

25 8. Investigators for the State Forester Firewarden who are specially
26 designated by the State Forester Firewarden and whose primary duties are
27 related to the investigation of arson;

28 9. ~~School police officers employed by the board of trustees of any~~
29 ~~county school district;~~

30 ~~—10. Except as otherwise provided in NRS 289.190, school police~~
31 ~~officers employed by the board of trustees of any county school district;~~

32 10. Agents of the State Gaming Control Board who exercise the
33 powers of enforcement specified in NRS 289.360, 463.140 or 463.1405,
34 except those agents whose duties relate primarily to auditing, accounting,
35 the collection of taxes or license fees, or the investigation of applicants for
36 licenses;

37 11. ~~10.~~ Investigators and administrators of the Division of
38 Compliance Enforcement of the Department of Motor Vehicles who
39 perform the duties specified in subsection 2 of NRS 481.048;

40 12. ~~11.~~ Officers and investigators of the Section for the Control of
41 Emissions From Vehicles and the Enforcement of Matters Related to the
42 Use of Special Fuel of the Department
43 of Motor Vehicles who perform the duties specified in subsection 3 of
44 NRS 481.0481;

45 13. ~~12.~~ Legislative police officers of the State of Nevada;

1 ~~14. ~~13.7~~~~ Parole counselors of the Division of Child and Family
2 Services of the Department of Health and Human Services;

3 ~~15. ~~14.7~~~~ Juvenile probation officers and deputy juvenile probation
4 officers employed by the various judicial districts in the State of Nevada or
5 by a department of juvenile justice services established by ordinance
6 pursuant to NRS 62G.210 whose official duties require them to enforce
7 court orders on juvenile offenders and make arrests;

8 ~~16. ~~15.7~~~~ Field investigators of the Taxicab Authority;

9 ~~17. ~~16.7~~~~ Security officers employed full-time by a city or county
10 whose official duties require them to carry weapons and make arrests;

11 ~~18. ~~17.7~~~~ The chief of a department of alternative sentencing created
12 pursuant to NRS 211A.080 and the assistant alternative sentencing officers
13 employed by that department;

14 ~~19. ~~18.7~~~~ Criminal investigators who are employed by the Secretary
15 of State; and

16 ~~20. ~~19.7~~~~ The Inspector General of the Department of Corrections and
17 any person employed by the Department as a criminal investigator.

18 **Sec. 3.** NRS 289.480 is hereby amended to read as follows:

19 289.480 “Category III peace officer” means a peace officer whose
20 authority is limited to correctional services, including the superintendents
21 and correctional officers of the Department of Corrections. The term does
22 not include a person described in subsection ~~20 ~~19.7~~~~ of NRS 289.470.

23 **Sec. 4.** NRS 171.1223 is hereby amended to read as follows:

24 171.1223 1. Except as otherwise provided in subsection 3, in a
25 county whose population is 100,000 or more, a peace officer with limited
26 jurisdiction who witnesses a category A felony being committed or
27 attempted in the officer’s presence, or has reasonable cause for believing a
28 person has committed or attempted to commit a category A felony in an
29 area that is within the officer’s jurisdiction, shall immediately notify the
30 primary law enforcement agency in the city or county, as appropriate,
31 where the offense or attempted offense was committed.

32 2. Upon arrival of an officer from the primary law enforcement
33 agency notified pursuant to subsection 1, a peace officer with limited
34 jurisdiction shall immediately transfer the investigation of the offense or
35 attempted offense to the primary law enforcement agency.

36 3. The provisions of subsection 1 do not:

37 (a) Apply to an offense or attempted offense that is a misdemeanor,
38 gross misdemeanor or felony other than a category A felony;

39 (b) Apply to an officer of the Nevada Highway Patrol, a member of the
40 police department of the Nevada System of Higher Education, an agent of
41 the Investigation Division of the Department of Public Safety or a ranger
42 of the Division of State Parks of the State Department of Conservation and
43 Natural Resources;

44 (c) Apply to a peace officer with limited jurisdiction if an interlocal
45 agreement between the officer’s employer and the primary law

1 enforcement agency in the city or county in which a category A felony was
2 committed or attempted authorizes the peace officer with limited
3 jurisdiction to respond to and investigate the felony without immediately
4 notifying the primary law enforcement agency; or

5 (d) Prohibit a peace officer with limited jurisdiction from:
6 (1) Contacting a primary law enforcement agency for assistance
7 with an offense that is a misdemeanor, gross misdemeanor or felony that is
8 not a category A felony; or

9 (2) Responding to a category A felony until the appropriate primary
10 law enforcement agency arrives at the location where the felony was
11 allegedly committed or attempted, including, without limitation, taking any
12 appropriate action to provide assistance to a victim of the felony, to
13 apprehend the person suspected of committing or attempting to commit the
14 felony, to secure the location where the felony was allegedly committed or
15 attempted and to protect the life and safety of the peace officer and any
16 other person present at that location.

17 4. As used in this section:

18 (a) "Peace officer with limited jurisdiction" means:

19 (1) ~~["A school police officer who is appointed or employed pursuant~~
20 ~~to subsection 8 of NRS 391.100;~~

21 ~~—(2)]~~ Except as otherwise provided in NRS 289.190, a school police
22 officer who is appointed or employed pursuant to subsection 8 of NRS
23 391.100;

24 (2) An airport guard or police officer who is appointed pursuant to
25 NRS 496.130;

26 (3) ~~[(2)]~~ A person employed to provide police services for an
27 airport authority created by a special act of the Legislature; and

28 (4) ~~[(3)]~~ A marshal or park ranger who is part of a unit of
29 specialized law enforcement established pursuant to NRS 280.125.

30 (b) "Primary law enforcement agency" means:

31 (1) A police department of an incorporated city;

32 (2) The sheriff's office of a county; or

33 (3) If the county is within the jurisdiction of a metropolitan police
34 department, the metropolitan police department.

35 **Sec. 4.5. NRS 391.275 is hereby amended to read as follows:**

36 391.275 1. The jurisdiction of each school police officer of a school
37 district extends to all school property, buildings and facilities within the
38 school district for the purpose of:

39 (a) Protecting school district personnel, pupils, or real or personal
40 property; or

41 (b) Cooperating with local law enforcement agencies in matters
42 relating to personnel, pupils or real or personal property of the school
43 district.

44 2. In addition to the jurisdiction set forth in subsection 1, a school
45 police officer of a school district has jurisdiction:

1 (a) Beyond the school property, buildings and facilities when in hot
2 pursuit of a person believed to have committed a crime;

3 (b) While en route between properties, buildings and facilities of the
4 school district when the school police officer witnesses a crime in
5 progress;

6 (c) At activities or events sponsored by the school district that are in a
7 location other than the school property, buildings or facilities within the
8 school district; and

9 ~~(e)~~ (d) When authorized by the superintendent of schools of the
10 school district, on the streets that are adjacent to the school property,
11 buildings and facilities within the school district for the purpose of issuing
12 traffic citations for violations of traffic laws and ordinances during the
13 times that the school is in session or school-related activities are in
14 progress.

15 **Sec. 5.** ~~[NRS 391.275 is hereby repealed.]~~ **(Deleted by amendment.)**

16 **Sec. 6.** This act becomes effective on July 1, 2013.

TEXT OF REPEALED SECTION

391.275 Jurisdiction of school police officers.

1. The jurisdiction of each school police officer of a school district extends to all school property, buildings and facilities within the school district for the purpose of:

(a) Protecting school district personnel, pupils, or real or personal property; or

(b) Cooperating with local law enforcement agencies in matters relating to personnel, pupils or real or personal property of the school district.

2. In addition to the jurisdiction set forth in subsection 1, a school police officer of a school district has jurisdiction:

(a) Beyond the school property, buildings and facilities when in hot pursuit of a person believed to have committed a crime;

(b) At activities or events sponsored by the school district that are in a location other than the school property, buildings or facilities within the school district; and

(c) When authorized by the superintendent of schools of the school district, on the streets that are adjacent to the school property, buildings and facilities within the school district for the purpose of issuing traffic citations for violations of traffic laws and ordinances during the times that the school is in session or school-related activities are in progress.

H