
SENATE BILL NO. 176—SENATORS FORD, ATKINSON, SPEARMAN;
ANCELA, MANENDO, PARKS AND RATTI

PREFILED FEBRUARY 13, 2017

JOINT SPONSORS: ASSEMBLYMEN FRIERSON, NEAL, THOMPSON;
CARRILLO, FLORES, FUMO, JAUREGUI, JOINER, MCCURDY
II, MILLER, MONROE-MORENO, OHRENSCHALL, SPIEGEL
AND YEAGER

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to public safety.
(BDR 23-666)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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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; requiring certain peace officers to wear a portable event recording device while on duty; requiring certain law enforcement agencies to adopt policies and procedures governing the use of portable event recording devices; revising provisions relating to the imposition and maximum amount of a surcharge which may be collected in certain counties used for the enhancement of the telephone system for reporting an emergency; providing that such a surcharge may also be used for the purpose of purchasing and maintaining portable event recording devices and vehicular event recording devices; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law: (1) authorizes certain peace officers to wear a portable event
2 recording device while on duty; and (2) requires certain law enforcement agencies
3 to adopt policies and procedures governing the use of portable event recording
4 devices. (NRS 289.830) Existing law also requires: (1) certain peace officers
5 employed by the Nevada Highway Patrol to wear a portable event recording device



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6 while on duty; and (2) the Nevada Highway Patrol to adopt policies and procedures
7 governing the use of portable event recording devices. (NRS 480.365)

8 **Section 1** of this bill requires rather than authorizes certain peace officers to
9 wear a portable event recording device while on duty. **Section 1** also requires
10 certain law enforcement agencies to adopt policies and procedures governing the
11 use of portable event recording devices. **Section 5** of this bill repeals NRS 480.365,
12 the provision pertaining to the use of portable event recording devices by peace
13 officers employed by the Nevada Highway Patrol, as that section is no longer
14 necessary because the Nevada Highway Patrol is included within the definition of
15 "law enforcement agency" for the purposes of **section 1**.

16 Existing law: (1) authorizes the board of county commissioners of all counties
17 whose population is less than 700,000 (currently all counties other than Clark
18 County) to impose a surcharge to be used for the enhancement of the telephone
19 system for reporting an emergency in the county; and (2) sets forth the
20 requirements relating to the imposition of such a surcharge. (NRS 244A.7641-
21 244A.7647) **Sections 2-4** of this bill: (1) provide that the surcharge may be
22 imposed in all counties in this State; (2) increase the maximum amount of the
23 surcharge that may be imposed; and (3) authorize the surcharge to also be used for
24 the purpose of purchasing and maintaining portable event recording devices and
25 vehicular event recording devices.

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

1 **Section 1.** NRS 289.830 is hereby amended to read as follows:
2 289.830 1. A law enforcement agency ~~may~~ *shall* require
3 uniformed peace officers that it employs *and who routinely interact*
4 *with the public* to wear a portable event recording device while on
5 duty. ~~If a law enforcement agency so requires, the~~ *Each* law
6 enforcement agency shall adopt policies and procedures governing
7 the use of portable event recording devices, which must include,
8 without limitation:

9 (a) Except as otherwise provided in paragraph (d), requiring
10 activation of a portable event recording device whenever a peace
11 officer is responding to a call for service or at the initiation of any
12 other law enforcement or investigative encounter between a
13 uniformed peace officer and a member of the public;

14 (b) Except as otherwise provided in paragraph (d), prohibiting
15 deactivation of a portable event recording device until the
16 conclusion of a law enforcement or investigative encounter;

17 (c) Prohibiting the recording of general activity;

18 (d) Protecting the privacy of persons:

19 (1) In a private residence;

20 (2) Seeking to report a crime or provide information
21 regarding a crime or ongoing investigation anonymously; or

22 (3) Claiming to be a victim of a crime;



- 1 (e) ~~Limiting the period for which a~~ **Requiring that any** video
2 recorded by a portable event recording device must be retained ~~4~~
3 **by the law enforcement agency for not less than 15 days;** and
4 (f) Establishing disciplinary rules for peace officers who:
5 (1) Fail to operate a portable event recording device in
6 accordance with any departmental policies;
7 (2) ~~Manipulate~~ **Intentionally manipulate** a video recorded
8 by a portable event recording device; or
9 (3) Prematurely erase a video recorded by a portable event
10 recording device.
- 11 2. Any record made by a portable event recording device
12 pursuant to this section is a public record which may be:
13 (a) Requested only on a per incident basis; and
14 (b) Available for inspection only at the location where the
15 record is held if the record contains confidential information that
16 may not otherwise be redacted.
- 17 3. As used in this section:
18 (a) "Law enforcement agency" means:
19 (1) The sheriff's office of a county;
20 (2) A metropolitan police department;
21 (3) A police department of an incorporated city; or
22 (4) The Nevada Highway Patrol.
23 (b) "Portable event recording device" means a device issued to a
24 peace officer by a law enforcement agency to be worn on his or her
25 body and which records both audio and visual events occurring
26 during an encounter with a member of the public while performing
27 his or her duties as a peace officer.
- 28 **Sec. 2.** NRS 244A.7641 is hereby amended to read as follows:
29 244A.7641 As used in NRS 244A.7641 to 244A.7647,
30 inclusive, unless the context otherwise requires:
31 1. "Mobile telephone service" means cellular or other service
32 to a telephone installed in a vehicle or which is otherwise portable.
33 2. "Place of primary use" has the meaning ascribed to it in 4
34 U.S.C. § 124(8), as that section existed on August 1, 2002.
35 3. **"Portable event recording device" has the meaning**
36 **ascribed to it in NRS 289.830.**
37 4. "Supplier" means a person authorized by the Federal
38 Communications Commission to provide mobile telephone service.
39 ~~4~~ 5. "Telephone system" means a system for transmitting
40 information between or among points specified by the user that does
41 not change the form or content of the information regardless of the
42 technology, facilities or equipment used. A telephone system may
43 include, without limitation:
44 (a) Wireless or Internet technology, facilities or equipment; and



1 (b) Technology, facilities or equipment used for transmitting
2 information from an emergency responder to the user or from the
3 user to an emergency responder.

4 **6. “Vehicular event recording device” means a device which**
5 **is affixed to a marked vehicle of a law enforcement agency, as**
6 **defined in NRS 289.830, and which records both audio and visual**
7 **events.**

8 **Sec. 3.** NRS 244A.7643 is hereby amended to read as follows:

9 244A.7643 1. Except as otherwise provided in this section,
10 the board of county commissioners ~~in~~ of a county ~~whose~~
11 ~~population is 100,000 or more but less than 700,000~~ may by
12 ordinance, for the enhancement of the telephone system for
13 reporting an emergency in the county ~~and~~ **and for the purpose of**
14 **purchasing and maintaining portable event recording devices and**
15 **vehicular event recording devices,** impose a surcharge on:

16 (a) Each access line or trunk line of each customer to the local
17 exchange of any telecommunications provider providing those lines
18 in the county; and

19 (b) The mobile telephone service provided to each customer of
20 that service whose place of primary use is in the county.

21 ~~2. Except as otherwise provided in this section, the board of~~
22 ~~county commissioners in a county whose population is less than~~
23 ~~100,000 may by ordinance, for the enhancement or improvement of~~
24 ~~the telephone system for reporting an emergency in the county,~~
25 ~~impose a surcharge on:~~

26 ~~—(a) Each access line or trunk line of each customer to the local~~
27 ~~exchange of any telecommunications provider providing those lines~~
28 ~~in the county; and~~

29 ~~—(b) The mobile telephone service provided to each customer of~~
30 ~~that service whose place of primary use is in the county.~~

31 ~~3.~~ A board of county commissioners may not impose a
32 surcharge pursuant to this section unless the board first adopts a 5-
33 year master plan for the enhancement ~~for improvement, as~~
34 ~~applicable,~~ of the telephone system for reporting emergencies in the
35 county ~~and~~ **and for the purpose of purchasing and maintaining**
36 **portable event recording devices and vehicular event recording**
37 **devices, as applicable.** The master plan must include an estimate of
38 the cost of the enhancement ~~for improvement, as applicable,~~ of the
39 telephone system **or of the cost of purchasing and maintaining**
40 **portable event recording devices and vehicular event recording**
41 **devices, as applicable,** and all proposed sources of money for
42 funding those costs. For the duration of the imposition of the
43 surcharge, the board shall, at least annually, review and, if
44 necessary, update the master plan.



1 ~~{4}~~ 3. The surcharge imposed by a board of county
2 commissioners pursuant to this section:

3 (a) For each access line to the local exchange of a
4 telecommunications provider, must not exceed ~~{25-cents}~~ \$1 each
5 month;

6 (b) For each trunk line to the local exchange of a
7 telecommunications provider, must equal 10 times the amount of the
8 surcharge imposed for each access line to the local exchange of a
9 telecommunications provider pursuant to paragraph (a); and

10 (c) For each telephone number assigned to a customer by a
11 supplier of mobile telephone service, must equal the amount of the
12 surcharge imposed for each access line to the local exchange of a
13 telecommunications provider pursuant to paragraph (a).

14 ~~{5}~~ 4. A telecommunications provider which provides access
15 lines or trunk lines in a county which imposes a surcharge pursuant
16 to this section or a supplier which provides mobile telephone service
17 to a customer in such a county shall collect the surcharge from its
18 customers each month. Except as otherwise provided in NRS
19 244A.7647, the telecommunications provider or supplier shall remit
20 the surcharge it collects to the treasurer of the county in which the
21 surcharge is imposed not later than the 15th day of the month after
22 the month it receives payment of the surcharge from its customers.

23 ~~{6}~~ 5. An ordinance adopted pursuant to ~~{subsection 1 or 2}~~
24 *this section* may include a schedule of penalties for the delinquent
25 payment of amounts due from telecommunications providers or
26 suppliers pursuant to this section. Such a schedule:

27 (a) Must provide for a grace period of not less than 90 days after
28 the date on which the telecommunications provider or supplier must
29 otherwise remit the surcharge to the county treasurer; and

30 (b) Must not provide for a penalty that exceeds 5 percent of the
31 cumulative amount of surcharges owed by a telecommunications
32 provider or a supplier.

33 ~~{7}~~ 6. As used in this section, "trunk line" means a line which
34 provides a channel between a switchboard owned by a customer of a
35 telecommunications provider and the local exchange of the
36 telecommunications provider.

37 **Sec. 4.** NRS 244A.7645 is hereby amended to read as follows:

38 244A.7645 1. If a surcharge is imposed pursuant to NRS
39 244A.7643 in a county whose population is 100,000 or more , ~~But~~
40 ~~less than 700,000.~~ the board of county commissioners of that
41 county shall establish by ordinance an advisory committee
42 to develop a plan to enhance the telephone system for reporting an
43 emergency in that county and to oversee any money allocated for
44 that purpose. The advisory committee must ~~{consist}~~ :

45 (a) *Consist* of not less than five members who:



- 1 ~~[(a)]~~ (1) Are residents of the county;
- 2 ~~[(b)]~~ (2) Possess knowledge concerning telephone systems for
- 3 reporting emergencies; and
- 4 ~~[(c)]~~ (3) Are not elected public officers.

5 *(b) Subject to the provisions of subparagraph (3) of paragraph*
6 *(a), include the chief law enforcement officer or his or her*
7 *designee from each office of the county sheriff, metropolitan*
8 *police department and police department of an incorporated city*
9 *within the county, as applicable.*

10 2. If a surcharge is imposed pursuant to NRS 244A.7643 in a
11 county whose population is less than 100,000, the board of county
12 commissioners of that county shall establish by ordinance an
13 advisory committee to develop a plan to enhance or improve the
14 telephone system for reporting an emergency in that county and to
15 oversee any money allocated for that purpose. The advisory
16 committee must:

17 (a) Consist of not less than five members who:

- 18 (1) Are residents of the county;
- 19 (2) Possess knowledge concerning telephone systems for
- 20 reporting emergencies; and
- 21 (3) Are not elected public officers. ~~[(c)]~~

22 (b) Include a representative of an incumbent local exchange
23 carrier which provides service to persons in that county. As used in
24 this paragraph, "incumbent local exchange carrier" has the meaning
25 ascribed to it in 47 U.S.C. § 251(h)(1), as that section existed on
26 October 1, 1999, and includes a local exchange carrier that is treated
27 as an incumbent local exchange carrier pursuant to that section.

28 *(c) Subject to the provisions of subparagraph (3) of paragraph*
29 *(a), include the chief law enforcement officer or his or her*
30 *designee from each office of the county sheriff, metropolitan*
31 *police department and police department of an incorporated city*
32 *within the county, as applicable.*

33 3. If a surcharge is imposed in a county pursuant to NRS
34 244A.7643, the board of county commissioners of that county shall
35 create a special revenue fund of the county for the deposit of the
36 money collected pursuant to NRS 244A.7643. The money in the
37 fund must be used only:

38 (a) *With respect to the telephone system for reporting an*
39 *emergency:*

40 (1) In a county whose population is 45,000 or more, ~~[(b)]~~
41 ~~less than 700,000,~~ to enhance the telephone system for reporting an
42 emergency, including only:

43 ~~[(1)]~~ (1) Paying recurring and nonrecurring charges for
44 telecommunication services necessary for the operation of the
45 enhanced telephone system;



1 ~~+(2)~~ **(II)** Paying costs for personnel and training associated
2 with the routine maintenance and updating of the database for the
3 system;

4 ~~+(3)~~ **(III)** Purchasing, leasing or renting the equipment and
5 software necessary to operate the enhanced telephone system,
6 including, without limitation, equipment and software that identify
7 the number or location from which a call is made; and

8 ~~+(4)~~ **(IV)** Paying costs associated with any maintenance,
9 upgrade and replacement of equipment and software necessary for
10 the operation of the enhanced telephone system.

11 ~~+(b)~~ **(2)** In a county whose population is less than 45,000, to
12 improve the telephone system for reporting an emergency in the
13 county.

14 ***(b) With respect to purchasing and maintaining portable event***
15 ***recording devices and vehicular event recording devices, paying***
16 ***costs associated with the acquisition, maintenance, storage of***
17 ***data, upgrade and replacement of equipment and software***
18 ***necessary for the operation of portable event recording devices***
19 ***and vehicular event recording devices or systems that consist of***
20 ***both portable event recording devices and vehicular event***
21 ***recording devices.***

22 ***4. If the balance in the fund created in a county whose***
23 ***population is 100,000 or more pursuant to subsection 3 which has***
24 ***not been committed for expenditure exceeds \$5,000,000 at the end***
25 ***of any fiscal year, the board of county commissioners shall reduce***
26 ***the amount of the surcharge imposed during the next fiscal year***
27 ***by the amount necessary to ensure that the unencumbered balance***
28 ***in the fund at the end of the next fiscal year does not exceed***
29 ***\$5,000,000.***

30 **5.** If the balance in the fund created in a county whose
31 population is 45,000 or more but less than ~~700,000~~ **100,000**
32 pursuant to subsection 3 which has not been committed for
33 expenditure exceeds \$1,000,000 at the end of any fiscal year, the
34 board of county commissioners shall reduce the amount of the
35 surcharge imposed during the next fiscal year by the amount
36 necessary to ensure that the unencumbered balance in the fund at the
37 end of the next fiscal year does not exceed \$1,000,000.

38 ~~+(5)~~ **6.** If the balance in the fund created in a county whose
39 population is less than 45,000 pursuant to subsection 3 which has
40 not been committed for expenditure exceeds \$500,000 at the end of
41 any fiscal year, the board of county commissioners shall reduce the
42 amount of the surcharge imposed during the next fiscal year by
43 the amount necessary to ensure that the unencumbered balance in
44 the fund at the end of the next fiscal year does not exceed \$500,000.



1 **Sec. 5.** NRS 480.365 is hereby repealed.

2 **Sec. 6.** This act becomes effective:

3 1. Upon passage and approval for the purpose of adopting
4 regulations and performing any preliminary administrative tasks that
5 are necessary to carry out the provisions of this act; and

6 2. On January 1, 2018, for all other purposes.

TEXT OF REPEALED SECTION

480.365 Requirement for wearing of portable event recording device while on duty: Nevada Highway Patrol to adopt policies and procedures and establish disciplinary rules; record made by device is a public record; availability of such records. [Effective January 1, 2017.]

1. The Nevada Highway Patrol shall:

(a) Require each uniformed peace officer employed by the Nevada Highway Patrol who routinely interacts with the public to wear a portable event recording device while on duty.

(b) Adopt policies and procedures governing the use of portable event recording devices, including, without limitation:

(1) Requiring activation of a portable event recording device whenever a peace officer is:

(I) Responding to a call for service; or

(II) Initiating a law enforcement or investigative encounter with a member of the public;

(2) Prohibiting deactivation of a portable event recording device until the conclusion of the event described in subparagraph (1);

(3) Protecting the privacy of persons:

(I) In private residences;

(II) Seeking to report a crime or provide information regarding a crime or ongoing investigation anonymously; and

(III) Claiming to be a victim of a crime;

(4) Requiring that any record made by a portable event recording device be retained by the Nevada Highway Patrol for not less than 15 days; and

(5) Establishing disciplinary rules for peace officers who:

(I) Fail to operate a portable event recording device in accordance with any policy or procedure adopted pursuant to this section;



(II) Intentionally manipulate any record made by a portable event recording device in violation of any policy or procedure adopted pursuant to this section; or

(III) Prematurely erase or destroy any record made by a portable event recording device.

2. Any record made by a portable event recording device pursuant to this section is a public record which may only be:

(a) Requested on a per incident basis; and

(b) Available for inspection at the location where the record is held if the record contains confidential information that may not otherwise be redacted.

3. As used in this section, "portable event recording device" means a device issued to a peace officer employed by the Nevada Highway Patrol to be worn on his or her body and which records both audio and visual events during an encounter with a member of the public while performing his or her duties as a peace officer.

