

ASSEMBLY BILL NO. 268—ASSEMBLYMEN KRASNER,
ROBERTS AND C.H. MILLER

MARCH 15, 2021

JOINT SPONSOR: SENATOR NEAL

Referred to Committee on Government Affairs

SUMMARY—Establishes provisions relating to peace officers.
(BDR 23-234)

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 peace officers; requiring each law enforcement agency to adopt a written policy regarding the use of force; prohibiting a peace officer from using deadly force against a person based on the danger that the person poses to himself or herself under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires each law enforcement agency to adopt certain policies.
2 (NRS 171.1237, 171.1239, 289.595, 289.680, 289.825, 391.283) **Section 1** of this
3 bill: (1) requires each law enforcement agency to adopt a written policy regarding
4 the use of force; and (2) establishes certain requirements concerning the written
5 policy. **Section 2** of this bill makes a conforming change to indicate the proper
6 placement of **section 1** within the Nevada Revised Statutes.

7 Existing law provides that homicide by a public officer is justifiable in
8 protecting against an imminent threat to the life of a person, among other
9 circumstances. (NRS 200.140) **Section 3** of this bill prohibits a peace officer from
10 using deadly force against a person based on the danger that the person poses to
11 himself or herself, if a reasonable peace officer would believe that the person does
12 not pose an imminent threat of death or serious bodily harm to the peace officer or
13 another person. **Section 4** of this bill makes a conforming change to reflect the
14 exception established in **section 3** for when homicide by a public officer is not
15 justifiable.



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 **1. Each law enforcement agency shall adopt a written policy**
4 **regarding the use of force. The written policy adopted by the law**
5 **enforcement agency must include, without limitation:**

6 **(a) Guidelines for the use of force;**

7 **(b) Guidelines for the use of deadly force;**

8 **(c) A requirement that peace officers utilize de-escalation**
9 **techniques, crisis intervention and other alternatives to force when**
10 **feasible;**

11 **(d) A requirement that peace officers utilize de-escalation**
12 **techniques for responding to persons with mental illness or**
13 **experiencing a behavioral health crisis;**

14 **(e) A requirement that the law enforcement agency, when**
15 **feasible, send a peace officer who has been trained in crisis**
16 **intervention to respond to an incident involving a person who has**
17 **made suicidal statements; and**

18 **(f) Factors for evaluating and reviewing all incidents which**
19 **require the use of force.**

20 **2. As used in this section, “peace officer who has been**
21 **trained in crisis intervention” means a peace officer who has been**
22 **issued a certificate of completion of the training program**
23 **developed and approved by the Commission pursuant to**
24 **paragraph (i) of subsection 1 of NRS 289.510.**

25 **Sec. 2.** NRS 289.450 is hereby amended to read as follows:

26 289.450 As used in NRS 289.450 to 289.680, inclusive, **and**
27 **section 1 of this act**, unless the context otherwise requires, the
28 words and terms defined in NRS 289.460 to 289.490, inclusive,
29 have the meanings ascribed to them in those sections.

30 **Sec. 3.** Chapter 193 of NRS is hereby amended by adding
31 thereto a new section to read as follows:

32 **1. In carrying out his or her duties, a peace officer shall not**
33 **use deadly force against a person based on the danger that the**
34 **person poses to himself or herself, if a reasonable peace officer**
35 **would believe that the person does not pose an imminent threat of**
36 **death or serious bodily harm to the peace officer or another**
37 **person.**

38 **2. As used in this section, “peace officer” means any person**
39 **upon whom some or all of the powers of a peace officer are**
40 **conferred pursuant to NRS 289.150 to 289.360, inclusive.**



1 **Sec. 4.** NRS 200.140 is hereby amended to read as follows:
2 200.140 Homicide is justifiable when committed by a public
3 officer, or person acting under the command and in the aid of the
4 public officer, in the following cases:

5 1. In obedience to the judgment of a competent court.

6 2. When necessary to overcome actual resistance to the
7 execution of the legal process, mandate or order of a court or
8 officer, or in the discharge of a legal duty.

9 3. When necessary:

10 (a) In retaking an escaped or rescued prisoner who has been
11 committed, arrested for, or convicted of a felony;

12 (b) In attempting, by lawful ways or means, to apprehend or
13 arrest a person;

14 (c) In lawfully suppressing a riot or preserving the peace; or

15 (d) ~~Ha~~ *Except as otherwise provided in section 3 of this act, in*
16 protecting against an imminent threat to the life of a person.

