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FIRST REPRINT

A.B. 268

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 certain law enforcement agencies to adopt a written policy regarding the use of force and make the written policy available to the public on the Internet website maintained by the law enforcement agency, if any; 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, not including the Department of
4 Wildlife, to adopt a written policy regarding the use of force and make the written
5 policy available to the public on the Internet website maintained by the law
6 enforcement agency, if any; and (2) establishes certain requirements concerning the
7 written policy. **Section 2** of this bill makes a conforming change to indicate the
8 proper placement of **section 1** within the Nevada Revised Statutes.
9 Existing law provides that homicide by a public officer is justifiable in
10 protecting against an imminent threat to the life of a person, among other
11 circumstances. (NRS 200.140) **Section 3** of this bill prohibits a peace officer from
12 using deadly force against a person based on the danger that the person poses to
13 himself or herself, if a reasonable peace officer would believe that the person does
14 not pose an imminent threat of death or serious bodily harm to the peace officer or



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15 another person. **Section 4** of this bill makes a conforming change to reflect the
16 exception established in **section 3** for when homicide by a public officer is not
17 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 and, if feasible, make the written policy*
5 *available to the public on the Internet website maintained by the*
6 *law enforcement agency, if any. The written policy adopted by the*
7 *law enforcement agency must include, without limitation:*

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

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

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

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

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

20 (f) *Factors for evaluating and reviewing all incidents which*
21 *require the use of force; and*

22 (g) *The date on which the written policy was adopted by the*
23 *law enforcement agency.*

24 2. *As used in this section:*

25 (a) *“Peace officer who has been trained in crisis intervention”*
26 *means a peace officer who has been issued a certificate of*
27 *completion of the training program developed and approved by the*
28 *Commission pursuant to paragraph (i) of subsection 1 of*
29 *NRS 289.510.*

30 (b) *“Law enforcement agency” does not include the*
31 *Department of Wildlife.*

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

33 289.450 As used in NRS 289.450 to 289.680, inclusive, *and*
34 *section 1 of this act*, unless the context otherwise requires, the
35 words and terms defined in NRS 289.460 to 289.490, inclusive,
36 have the meanings ascribed to them in those sections.



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

3 **1. *In carrying out his or her duties, a peace officer shall not***
4 ***use deadly force against a person based on the danger that the***
5 ***person poses to himself or herself, if a reasonable peace officer***
6 ***would believe that the person does not pose an imminent threat of***
7 ***death or serious bodily harm to the peace officer or another***
8 ***person.***

9 **2. *As used in this section, "peace officer" means any person***
10 ***upon whom some or all of the powers of a peace officer are***
11 ***conferred pursuant to NRS 289.150 to 289.360, inclusive.***

12 **Sec. 4.** NRS 200.140 is hereby amended to read as follows:

13 200.140 Homicide is justifiable when committed by a public
14 officer, or person acting under the command and in the aid of the
15 public officer, in the following cases:

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

17 2. When necessary to overcome actual resistance to the
18 execution of the legal process, mandate or order of a court or
19 officer, or in the discharge of a legal duty.

20 3. When necessary:

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

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

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

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

