

Amendment No. 460

Assembly Amendment to Assembly Bill No. 268	(BDR 23-234)
<b>Proposed by:</b> Assembly Committee on Government Affairs	
<b>Amendment Box:</b> Replaces Amendment No. 288.	
<b>Amends:</b> Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION		Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>
Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>
Receded <input type="checkbox"/>	Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/>	Not <input type="checkbox"/>

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.





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~~ certain law enforcement ~~agency~~ agencies to adopt a written policy regarding the use of force ~~and~~ 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:**

Existing law requires each law enforcement agency to adopt certain policies. (NRS 171.1237, 171.1239, 289.595, 289.680, 289.825, 391.283) **Section 1** of this bill: (1) requires each law enforcement agency , not including the Department of Wildlife, to adopt a written policy regarding the use of force ~~and~~ and make the written policy available to the public on the Internet website maintained by the law enforcement agency, if any; and (2) establishes certain requirements concerning the written policy. **Section 2** of this bill makes a conforming change to indicate the proper placement of **section 1** within the Nevada Revised Statutes.

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

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

**Section 1.** Chapter 289 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Each law enforcement agency shall adopt a written policy regarding the use of force ~~and~~ and, if feasible, make the written policy available to the public on the Internet website maintained by the law enforcement agency, if any. The written policy adopted by the law enforcement agency must include, without limitation:*

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

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

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

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

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

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

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

*2. As used in this section ~~the~~ "peace officer":*

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

*(b) "Law enforcement agency" does not include the Department of Wildlife.*

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

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

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

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

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

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

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

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

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

- 1           3. When necessary:
- 2           (a) In retaking an escaped or rescued prisoner who has been committed,
- 3 arrested for, or convicted of a felony;
- 4           (b) In attempting, by lawful ways or means, to apprehend or arrest a person;
- 5           (c) In lawfully suppressing a riot or preserving the peace; or
- 6           (d) ~~Has~~ *Except as otherwise provided in section 3 of this act, in* protecting
- 7 against an imminent threat to the life of a person.