

SENATE BILL NO. 250—SENATOR DENIS

MARCH 8, 2017

Referred to Committee on Government Affairs

SUMMARY—Revises the certification requirements for constables in certain townships. (BDR 20-947)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 constables; requiring a person seeking election or appointment to the office of constable in certain townships to complete certain training as a peace officer before declaring or accepting candidacy for or accepting appointment to the office; repealing the requirement that constables hired in certain townships be certified by the Peace Officers' Standards and Training Commission as a category II peace officer; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires each constable of a township whose population is
2 100,000 or more and which is located in a county whose population is 700,000 or
3 more (currently only Clark County), and each constable of a township whose
4 population is 250,000 or more and which is located in a county whose population is
5 less than 700,000 (currently all counties other than Clark County), to be certified by
6 the Peace Officers' Standards and Training Commission as a category II peace
7 officer within 1 year after the constable's date of hire. (NRS 258.007) **Sections 1.3**
8 **and 3** of this bill repeal the category II certification requirement for such constables
9 and instead require a person who seeks election or appointment to the office of
10 constable in a township in which a city is located whose population is 220,000 or
11 more (currently the cities of Las Vegas, Henderson and Reno) to complete certain
12 certification or training programs before he or she declares or accepts candidacy for
13 the office or accepts appointment to the office. **Section 1.7** of this bill removes the
14 requirements that: (1) the chief of police of the city authorize and consent to a
15 constable's power as a peace officer when the constable is acting in an incorporated
16 city; and (2) the sheriff of the county authorize and consent to a constable's power
17 as a peace officer when the constable is acting in an area that is not within the limits
18 of an incorporated city.



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

- 1 **Section 1.** NRS 289.470 is hereby amended to read as follows:
2 289.470 “Category II peace officer” means:
3 1. The bailiffs of the district courts, justice courts and
4 municipal courts whose duties require them to carry weapons and
5 make arrests;
6 2. Subject to the provisions of NRS 258.070, ~~constables and~~
7 ~~their deputies;~~ *deputy constables.*
8 3. Inspectors employed by the Nevada Transportation
9 Authority who exercise those powers of enforcement conferred by
10 chapters 706 and 712 of NRS;
11 4. Special investigators who are employed full-time by the
12 office of any district attorney or the Attorney General;
13 5. Investigators of arson for fire departments who are specially
14 designated by the appointing authority;
15 6. The brand inspectors of the State Department of Agriculture
16 who exercise the powers of enforcement conferred by chapter 565
17 of NRS;
18 7. The field agents and inspectors of the State Department of
19 Agriculture who exercise the powers of enforcement conferred by
20 NRS 561.225;
21 8. Investigators for the State Forester Firewarden who are
22 specially designated by the State Forester Firewarden and whose
23 primary duties are related to the investigation of arson;
24 9. School police officers employed by the board of trustees of
25 any county school district;
26 10. Agents of the Nevada Gaming Control Board who exercise
27 the powers of enforcement specified in NRS 289.360, 463.140 or
28 463.1405, except those agents whose duties relate primarily to
29 auditing, accounting, the collection of taxes or license fees, or the
30 investigation of applicants for licenses;
31 11. Investigators and administrators of the Division of
32 Compliance Enforcement of the Department of Motor Vehicles who
33 perform the duties specified in subsection 2 of NRS 481.048;
34 12. Officers and investigators of the Section for the Control of
35 Emissions From Vehicles and the Enforcement of Matters Related
36 to the Use of Special Fuel of the Department of Motor Vehicles who
37 perform the duties specified in subsection 3 of NRS 481.0481;
38 13. Legislative police officers of the State of Nevada;
39 14. Parole counselors of the Division of Child and Family
40 Services of the Department of Health and Human Services;



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

6 16. Field investigators of the Taxicab Authority;

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

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

13 19. Criminal investigators who are employed by the Secretary
14 of State; and

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

18 **Sec. 1.3.** NRS 258.005 is hereby amended to read as follows:

19 258.005 1. No person is eligible to the office of constable
20 unless the person:

21 (a) Will have attained the age of 21 years on the date he or she
22 would take office if so elected or appointed. ~~† and †~~

23 (b) Is a qualified elector.

24 *(c) If the person is seeking election or appointment to the*
25 *office of constable in a township in which is located a city whose*
26 *population is 220,000 or more, before the time of his or her*
27 *declaration of candidacy, acceptance of candidacy or appointment*
28 *to the office:*

29 *(1) Is certified as a category I or category II peace officer*
30 *by the Peace Officers' Standards and Training Commission;*

31 *(2) Is certified as a category I or category II officer or its*
32 *equivalent by the certifying authority of another state that imposes*
33 *requirements for certification substantially similar to the*
34 *requirements imposed by this State, as determined by the*
35 *Commission; or*

36 *(3) Has successfully completed a federal law enforcement*
37 *training program that is approved by the Commission.*

38 2. A person who has been convicted of a felony in this state or
39 any other state is not qualified to be a candidate for or elected or
40 appointed to the office of constable regardless of whether the person
41 has been restored to his or her civil rights.

42 **Sec. 1.7.** NRS 258.070 is hereby amended to read as follows:

43 258.070 1. Subject to the provisions of subsections 2 and 3,
44 each constable shall:

45 (a) Be a peace officer.



1 (b) Execute the process, writs or warrants of courts of justice,
2 judicial officers and coroners, when delivered to the constable for
3 that purpose.

4 (c) Discharge such other duties as are or may be prescribed by
5 law.

6 2. Subject to the provisions of subsection 3, a constable or
7 deputy constable has the powers of a peace officer:

8 (a) For the discharge of duties as are or may be prescribed by
9 law; *and*

10 (b) For the purpose of arresting a person for a public offense
11 committed or attempted in the presence of the constable or deputy
12 constable, if the constable or deputy constable has reasonable cause
13 to believe that the arrest is necessary to prevent harm to other
14 persons or the escape of the person who committed or attempted the
15 public offense. ~~}; and~~

16 ~~—(c) In addition to the circumstances described in paragraphs (a)~~
17 ~~and (b):~~

18 ~~—(1) In an area within the limits of an incorporated city, for the~~
19 ~~purposes authorized by and with the consent of the chief of police of~~
20 ~~the city; and~~

21 ~~—(2) In an area that is not within the limits of an incorporated~~
22 ~~city, for the purposes authorized by and with the consent of the~~
23 ~~sheriff of the county.]~~

24 3. The constable and each deputy constable of a township shall
25 not carry a firearm in the performance of his or her duties unless:

26 (a) The constable has adopted a written policy on the use of
27 deadly force by the constable and each deputy constable; and

28 (b) The constable and each deputy constable has received
29 training regarding the policy.

30 4. A constable or deputy constable authorized to carry a
31 firearm pursuant to subsection 3 must receive training approved by
32 the Peace Officers' Standards and Training Commission in the use
33 of firearms at least once every 6 months.

34 5. A constable or deputy constable who wears a uniform in the
35 performance of his or her duties shall display prominently as part of
36 that uniform a badge, nameplate or other uniform piece which
37 clearly displays the name or an identification number of the
38 constable or deputy constable.

39 6. Pursuant to the procedures and subject to the limitations set
40 forth in chapters 482 and 484A to 484E, inclusive, of NRS, a
41 constable may issue a citation to an owner or driver, as appropriate,
42 of a vehicle which is located in his or her township at the time the
43 citation is issued and which is required to be registered in this State
44 if the constable determines that the vehicle is not properly
45 registered. Upon the imposition of punishment pursuant to



1 NRS 482.385 on the person to whom the citation is issued, the
2 constable is entitled to charge and collect a fee of \$100 from
3 the person to whom the citation is issued, which may be retained by
4 the constable as compensation.

5 7. If a sheriff or the sheriff's deputy in any county in this State
6 arrests a person charged with a criminal offense or in the
7 commission of an offense, the sheriff or the sheriff's deputy shall
8 serve all process, whether mesne or final, and attend the court
9 executing the order thereof in the prosecution of the person so
10 arrested, whether in a justice court or a district court, to the
11 conclusion, and whether the offense is an offense of which a justice
12 of the peace has jurisdiction, or whether the proceeding is a
13 preliminary examination or hearing. The sheriff or the sheriff's
14 deputy shall collect the same fees and in the same manner therefor
15 as the constable of the township in which the justice court is held
16 would receive for the same service.

17 **Sec. 2.** NRS 289.550 is hereby amended to read as follows:

18 289.550 1. Except as otherwise provided in subsection 2 and
19 NRS 3.310, 4.353, ~~258.007~~ 258.005 and 258.060, a person upon
20 whom some or all of the powers of a peace officer are conferred
21 pursuant to NRS 289.150 to 289.360, inclusive, must be certified by
22 the Commission within 1 year after the date on which the person
23 commences employment as a peace officer unless the Commission,
24 for good cause shown, grants in writing an extension of time, which
25 must not exceed 6 months, by which the person must become
26 certified. A person who fails to become certified within the required
27 time shall not exercise any of the powers of a peace officer after the
28 time for becoming certified has expired.

29 2. The following persons are not required to be certified by the
30 Commission:

- 31 (a) The Chief Parole and Probation Officer;
32 (b) The Director of the Department of Corrections;
33 (c) The Director of the Department of Public Safety, the deputy
34 directors of the Department, the chiefs of the divisions of the
35 Department other than the Investigation Division and the Nevada
36 Highway Patrol, and the members of the State Disaster
37 Identification Team of the Division of Emergency Management of
38 the Department;
39 (d) The Commissioner of Insurance and the chief deputy of the
40 Commissioner of Insurance;
41 (e) Railroad police officers; and
42 (f) California correctional officers.

43 **Sec. 3.** NRS 258.007 is hereby repealed.

44 **Sec. 4.** This act becomes effective on July 1, 2017.



TEXT OF REPEALED SECTION

258.007 Certification as category II peace officer required in certain townships; forfeiture of office.

1. Each constable of a township whose population is 100,000 or more and which is located in a county whose population is 700,000 or more, and each constable of a township whose population is 250,000 or more and which is located in a county whose population is less than 700,000, shall become certified by the Peace Officers' Standards and Training Commission as a category II peace officer within 1 year after the date on which the constable commences his or her term of office or appointment unless the Commission, for good cause shown, grants in writing an extension of time, which must not exceed 6 months.

2. If a constable does not comply with the provisions of subsection 1, the constable forfeits his or her office and a vacancy is created which must be filled in accordance with NRS 258.030.



