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ASSEMBLY BILL NO. 273—ASSEMBLYMEN HOGAN, PIERCE,  
OHRENSCHALL; CLABORN, KIHUEN, KOIVISTO,  
MORTENSON, MUNFORD AND SEGERBLOM

MARCH 10, 2009

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Referred to Committee on Government Affairs

SUMMARY—Makes various changes governing the use of tasers  
by peace officers. (BDR 23-1009)

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 ~~fomitted material~~ is material to be omitted.

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AN ACT relating to peace officers; authorizing a peace officer to use a taser on a person only as an alternative to deadly force and under certain circumstances; requiring each law enforcement agency to adopt regulations governing the use of tasers by its officers and to establish and maintain a database of each use of a taser by a peace officer; providing that each such database is a public record; prohibiting the issuance of a taser to a peace officer unless the taser is equipped with a camera; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1       **Section 2** of this bill authorizes a peace officer to use a taser on a person only  
2 as an alternative to deadly force and only if: (1) the peace officer is authorized and  
3 certified to use a taser by the law enforcement agency which employs the officer;  
4 and (2) there is probable cause to believe that the person committed any of certain  
5 felonies or poses a threat of serious bodily harm to the peace officer or another  
6 person. **Section 2** also requires each law enforcement agency to adopt regulations  
7 governing the use of tasers by its peace officers and the training and certification of  
8 its peace officers in the use of tasers. **Section 3** of this bill prohibits a law  
9 enforcement agency from issuing a taser to a peace officer unless the taser is  
10 equipped with a camera.

11       **Section 4** of this bill requires each law enforcement agency to establish and  
12 maintain a database of each use of a taser by a peace officer, including the date and  
13 circumstances surrounding the use of the taser. **Section 4** additionally provides that  
14 each such database is a public record and must be open to public inspection during  
15 regular business hours.



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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 the provisions set forth as sections 2, 3 and 4 of this act.

3       **Sec. 2. 1.** *Except as otherwise provided in subsection 2, a*  
4 *peace officer may, after giving warning, use a taser to effect the*  
5 *arrest of a person only as an alternative to the use of deadly force.*

6       **2.** *A peace officer shall not use a taser on a person unless:*

7       **(a)** *The law enforcement agency that employs the peace officer*  
8 *authorizes the use of a taser by its peace officers in the course of*  
9 *their duties;*

10       **(b)** *The peace officer has completed training in the proper use*  
11 *of a taser and is certified to use a taser by the law enforcement*  
12 *agency that employs him; and*

13       **(c)** *There is probable cause to believe that the person:*

14       **(1)** *Has committed a felony which involved the infliction or*  
15 *threat of serious bodily harm or the use of deadly force; or*

16       **(2)** *Poses an immediate threat of serious bodily harm to the*  
17 *peace officer or any other person.*

18       **3.** *If a law enforcement agency finds that a peace officer has*  
19 *violated the provisions of this section, the peace officer is subject*  
20 *to such punitive action as is provided for the violation by the law*  
21 *enforcement agency.*

22       **4.** *Each law enforcement agency which employs a peace*  
23 *officer shall adopt regulations which govern whether an officer*  
24 *may use a taser during the course of his duties. If a law*  
25 *enforcement agency authorizes the use of a taser, the agency shall*  
26 *also adopt regulations setting forth:*

27       **(a)** *The manner in which a peace officer who is certified to use*  
28 *a taser may use the taser in the course of his duties;*

29       **(b)** *The manner in which records of training, certification and*  
30 *recertification must be maintained to ensure compliance with all*  
31 *applicable statutes and regulations; and*

32       **(c)** *The consequences of an unauthorized or uncertified use of*  
33 *a taser.*

34       **Sec. 3.** *A law enforcement agency shall not issue a taser to a*  
35 *peace officer unless the taser is equipped with a camera.*

36       **Sec. 4. 1.** *Each law enforcement agency shall establish and*  
37 *maintain a database of each use of a taser by a peace officer,*  
38 *including, without limitation, the date and circumstances*  
39 *surrounding the use of the taser.*



1       **2. Each database created pursuant to subsection 1 is a public**  
2 **record and must be open to public inspection during regular**  
3 **business hours.**

4       **Sec. 5.** NRS 289.010 is hereby amended to read as follows:

5       289.010 As used in this chapter, unless the context otherwise  
6 requires:

7       1. "Administrative file" means any file of a peace officer  
8 containing information, comments or documents about the peace  
9 officer. The term does not include any file relating to an  
10 investigation conducted pursuant to NRS 289.057 or a criminal  
11 investigation of a peace officer.

12       2. "Choke hold" means the holding of a person's neck in a  
13 manner specifically intended to restrict the flow of oxygen or blood  
14 to the person's lungs or brain. The term includes the arm-bar  
15 restraint, carotid restraint and lateral vascular neck restraint.

16       3. "Peace officer" means any person upon whom some or all of  
17 the powers of a peace officer are conferred pursuant to NRS  
18 289.150 to 289.360, inclusive.

19       4. "Punitive action" means any action which may lead to  
20 dismissal, demotion, suspension, reduction in salary, written  
21 reprimand or transfer of a peace officer for purposes of punishment.

22       **5. "Taser" means any device which is powered by an**  
23 **electrical charging unit, including, without limitation, a battery,**  
24 **and which emits an electrical current capable of disrupting the**  
25 **nervous system of a person in such a manner as to render him**  
26 **incapable of normal functioning.**

