



STATE OF NEVADA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
5587 Wa Pai Shone Avenue
Carson City, Nevada 89701
(775) 687-7678 FAX (775) 687-4911

JOE LOMBARDO
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF INTENT TO ACT UPON A REGULATION

**Notice of Hearing for the Adoption, Amendment and Repeal
Of
Regulations of the Commission on Peace Officer
Standards and Training**

PUBLIC HEARING NOTICE: The Commission on Peace Officer Standards and Training (“Commission”) will be holding a Public Comment Hearing at **8:00 A.M., THURSDAY, MAY 2, 2024, AT THE POST ADMINISTRATION BUILDING, CLASSROOM #2, 5587 WA PAI SHONE AVE., CARSON CITY, NV 89701**. The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment and/or repeal of regulations that pertain to Chapter 289 of the Nevada Administrative Code (NAC).

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need for and purpose of the proposed regulations.

Existing law requires the Peace Officer Standards and Training Commission to adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. (NRS 289.510).

Existing regulations require a peace officer who has been certified by the certifying entity of another state or has successfully completed a Federal Law Enforcement Training Centers of the United States and who meet certain other standards for appointment to pass a physical fitness examination for this State to be awarded a basic certificate by the Executive Director of the Commission (NAC 289.200). This regulation instead requires such a peace officer to pass a physical fitness examination, if any, that is approved and required by the agency which employs the peace officer.

2. For a temporary regulation, the terms, or the substance of the regulation to be adopted, amended or repealed, or a description of the subjects and issues involved.

This is a permanent regulation.

3. For a proposed regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation.

The proposed regulation text may be obtained by going to the Register of Administrative Regulations for 2024 and clicking the link: www.leg.state.nv.us/Register/2024Register/R025-24P.pdf, by contacting R025-24P

Chief Kathy Floyd at kfloyd@post.state.nv.us or by telephone at 775-687-7678, ext. 3335 or going to the Nevada Commission on POST website at <https://post.nv.gov>.

4. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and, in each case, must include:

(a) Both adverse and beneficial effects; and

- (1) Adverse effects: No adverse economic effect
- (2) Beneficial effects: This will allow Nevada law enforcement agencies to recruit more experienced officers from other states and allow the agency to administer their own physical fitness examination, if they choose not to use the physical fitness examination under NAC289.205.

(b) Both immediate and long-term effects:

- (1) The immediate effects: Better recruitment opportunities.
- (2) The long-term effects: Continued recruitment opportunities and the ability of the agency to determine what, if any, physical fitness test to administer.

5. The methods used by the agency in determining the impact on a small business.

The Commission on POST has reviewed the text of the proposed regulations. Because the regulation amends Nevada Administrative Code Chapter 289, dealing with certification provisions of the annual continuing education of peace officers, the proposed amendments to NAC Chapter 289 will have no impact on small business.

6. The estimated cost to the agency for enforcement of the proposed regulation.

None

7. A description of and citation to any regulations of other states or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The proposed regulation does not overlap or duplicate any regulations of state, local or federal governmental agency regulating the same activity.

8. If the regulation is required pursuant to federal law, a citation and description of the federal law.

The proposed regulation is not required by federal law.

9. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provision.

There are no federal regulations that regulate the same activity.

10. Whether the proposed regulation establishes a new fee or increases an existing fee.

This regulation does not establish a new fee or increase an existing fee.

R025-24P

11. For a temporary regulation, each address at which the text of the regulation may be inspected and copied.

N/A

Persons wishing to comment upon the proposed action of the Commission on Peace Officer Standards and Training (Commission on POST) may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to Michael D. Sherlock, Executive Director, Commission on POST, 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701. **Written submissions must be received by the Commission on POST on or before 5:00 pm on April 17, 2024.** If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on POST may proceed immediately to act upon any written submissions.

This Notice of Intent to Act Upon Regulations and the proposed regulation will be on file at the State Library, Archives and Public Records Administrator, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the notice and regulations to be adopted, amended or repealed will be available at the Commission on POST Administrative Offices, 5587 Wa Pai Shone Avenue, Carson City, 89701, State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://leg.state.nv.us>, the POST web site at <http://post.nv.gov> and the State of Nevada Department of Administration website at <https://notice.nv.gov> .

Copies of this notice and the proposed regulation will also be mailed to members of the public at no charge upon request.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

The Notice of Intent to Act Upon Regulations and the proposed regulation have been sent to all criminal justice agencies on the Commission on POST Listserv list and posted at the following locations:

**Commission on POST Administrative Office
Carson City, NV 89701**

<http://post.nv.gov>

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NOTE: We are pleased to make reasonable accommodations for members of the public with disabilities who wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Commission on POST, in writing, at 5587 Wai Pai Shone Avenue, Carson City, Nevada 89701, or call Chief Kathy Floyd at (775) 687-7678, Extension 3335, no later than five working days prior to the meeting.

**SEE ATTACHED COPIES OF THE PROPOSED
REGULATIONS**

**PROPOSED REGULATION OF THE PEACE OFFICERS’
STANDARDS AND TRAINING COMMISSION**

LCB File No. R025-24

March 21, 2024

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: § 1, NRS 289.510.

A REGULATION relating to peace officers; revising the requirement for the physical fitness examination which certain peace officers must pass to be awarded a basic certificate by the Executive Director of the Peace Officers’ Standards and Training Commission; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Peace Officers’ Standards and Training Commission to adopt regulations establishing minimum standards for the certification, decertification, recruitment, selection and training of peace officers. (NRS 289.510)

Existing regulations require a peace officer who has been certified by the certifying entity of another state or has successfully completed a Federal Law Enforcement Training Centers of the United States Department of Homeland Security training program approved by the Commission and who meets certain other standards for appointment to pass a physical fitness examination for this State to be awarded a basic certificate by the Executive Director of the Commission. (NAC 289.200) This regulation instead requires such a peace officer to pass a physical fitness examination, if any, that is approved and required by the agency which employs the peace officer.

Section 1. NAC 289.200 is hereby amended to read as follows:

289.200 1. The Executive Director shall award a basic certificate to any peace officer who meets the minimum standards for appointment established pursuant to NAC 289.110 and has:

- (a) Satisfactorily completed the basic training course for basic certification;
- (b) Passed the state certification examination with a score of at least 70 percent; and

FIRST
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SECTION

(c) Passed the state physical fitness examination for the appropriate category of peace officer as described in NAC 289.205.

2. The Executive Director may award a basic certificate to any peace officer who has been certified by the certifying entity of another state or has successfully completed a Federal Law Enforcement Training Centers of the United States Department of Homeland Security training program approved by the Commission and who meets the minimum standards for appointment established pursuant to NAC 289.110 if:

(a) The Commission or its designee has determined that the course of training required for the certification was at least equivalent to the basic training course for basic certification;

(b) The certification of the peace officer in the other jurisdiction has not been revoked or suspended;

(c) Not more than 60 months have lapsed since the peace officer was employed in the other jurisdiction;

(d) The peace officer has satisfactorily completed a training course that is approved by the Executive Director which consists of a minimum of 80 hours of training that satisfies the requirements established by the Commission pursuant to subsection 1 of NAC 289.300 in:

(1) Abuse of older persons;

(2) Child abuse and sexual abuse of a child;

(3) Civil liability;

(4) Classification and receiving of offenders;

(5) Constitutional law;

(6) Counter-terrorism and weapons of mass destruction;

(7) Crimes against persons;

- (8) Crimes against property;
- (9) Cultural awareness;
- (10) Domestic violence, stalking and aggravated stalking;
- (11) Ethics in law enforcement;
- (12) Fire safety and use of emergency equipment;
- (13) Games offenders play;
- (14) Gangs and cults;
- (15) Juvenile law;
- (16) Laws relating to arrest;
- (17) Laws relating to correctional institutions;
- (18) Laws relating to drugs, including, without limitation, current trends in drugs;
- (19) Miscellaneous crimes;
- (20) Modern correctional philosophy;
- (21) Probable cause;
- (22) Public and media relations;
- (23) Records of offenders in institutions;
- (24) Rights of victims;
- (25) Search and seizure;
- (26) Searches of offender institutions;
- (27) Supervision of offenders;
- (28) Training concerning active assailants; and
- (29) Use of force;

(e) The peace officer passes the state certification examination with a score of at least 70 percent; and

(f) The peace officer passes ~~the state~~ a physical fitness examination ~~for the appropriate category~~, *if any, that is approved and required by the employing agency* of *the* peace officer. ~~as described in NAC 289.205.~~

3. The Executive Director may award a reserve basic certificate to any reserve officer who meets the minimum standards for appointment pursuant to NAC 289.110 and has:

- (a) Satisfactorily completed the basic training course for a reserve certificate;
- (b) Passed the state certification examination with a score of at least 70 percent; and
- (c) Passed the state physical fitness examination described in subsection 1 of NAC 289.205.

4. Except as otherwise provided in subsection 5 or 6, an officer must pass the state physical fitness examination:

(a) If the officer is not eligible for certification pursuant to subsection 2 or for the return of his or her certificate to active status pursuant to subsection 9, during the officer's basic training course certified or approved pursuant to NAC 289.300; or

(b) If the officer is eligible for certification pursuant to subsection 2 or for the return of his or her certificate to active status pursuant to subsection 9, not sooner than 30 days before the date on which the officer was hired and not later than 16 weeks after:

- (1) The date on which the officer was hired; or
- (2) If the officer is a reserve officer, the date of activation of his or her reserve status.

5. If a student enrolled in a basic training course certified or approved pursuant to NAC 289.300 sustains a bona fide physical injury that renders him or her incapable of completing the requirements of the state physical fitness examination, an agency may submit a request for an

extension of time for the student to complete the examination. The agency shall submit such a request to the Executive Director. The request must include, without limitation, written verification by a physician that the student is incapable of completing the requirements of the state physical fitness examination. If the Executive Director determines that an extension of time is warranted, the Executive Director shall authorize an extension of time for a period not to exceed 12 months after the date on which the student was hired or, if the student is a reserve officer, the date of activation of his or her reserve status.

6. If an officer passes the state physical fitness examination:

(a) While not enrolled in a basic training course certified or approved pursuant to NAC 289.300; and

(b) More than 16 weeks, but less than 12 months, after the date on which the officer was hired or, if the officer is a reserve officer, the date of activation of his or her reserve status, ↪ the employing agency of the officer may submit a request to the Executive Director to waive the requirements of subsection 4. The request must include, without limitation, the reason the officer was unable to pass the state physical fitness examination within the periods described in subsection 4. The Executive Director may, for good cause shown, grant a request submitted pursuant to this subsection.

7. Upon satisfactory completion of the requirements listed in subsection 1, 2 or 3, the employing agency shall submit a request for certification to the Executive Director. The request must include:

(a) The name, social security number and date of hire of the officer or, if the officer is a reserve officer, the date of activation of his or her reserve status;

(b) Documentary evidence that the officer has successfully completed an approved basic training course;

(c) Verification by the administrator of the agency that the officer meets the minimum standards established by this chapter; and

(d) The statement concerning child support prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520.

8. The basic certificate of an officer whose employment is terminated for any reason will be placed on inactive status. If such a person is again employed as a peace officer, the employing agency shall request that the person's basic certificate be returned to active status. Except as otherwise provided in subsection 9, if the certification of such a person is on inactive status for more than 5 consecutive years, the person must renew his or her basic certificate by successfully completing the requirements set forth in subsection 1.

9. Upon the request of the employing agency, the Executive Director may return the basic certificate of a category I or category II peace officer to active status if the peace officer:

(a) Meets the minimum standards for appointment established pursuant to NAC 289.110;

(b) Successfully completes the requirements set forth in paragraphs (d), (e) and (f) of subsection 2; and

(c) Within 5 consecutive years of his or her termination of employment as a category I or category II peace officer, became a full-time employee of the Commission or a full-time law enforcement officer of a federal law enforcement agency approved by the Commission, and subsequently, within 5 consecutive years of his or her termination of employment with the Commission or federal law enforcement agency, as applicable, became employed as a peace

officer in the same category of peace officer as he or she held immediately prior to his or her employment with the Commission or the federal law enforcement agency.

10. If a person who successfully completes a basic training course for the purpose of obtaining a basic certificate is not employed by an agency within 24 months after completing the course, the person must repeat all of the requirements for basic certification set forth in subsection 1.

11. Except as otherwise provided in this subsection, to satisfactorily complete a basic training course for the purposes of this section, the person must successfully complete all of the requirements in one course. If a person is discharged from a basic training course for any reason that is not disciplinary, the person may complete any remaining requirements in a later course provided by the same entity if the person has not previously been discharged from a course and if:

(a) The administrator of the basic training course recommends that the person complete the requirements in a later course, the administrator of the employing agency of the person requests that the person be allowed to complete the requirements in a later course and the Executive Director gives approval;

(b) The subsequent course is provided in a manner which ensures that the person completes all of the requirements for a basic training course for which the course is certified; and

(c) The subsequent course begins not later than 120 days after the discharge.



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NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption, Amendment and Repeal Of Regulations of the Commission on Peace Officer Standards and Training

PUBLIC HEARING NOTICE: The Commission on Peace Officer Standards and Training (“Commission”) will be holding a Public Comment Hearing at **8:00 a.m. on Thursday, May 2, 2024, at the POST ADMINISTRATION BUILDING, CLASSROOM #2, 5587 WA PAI SHONE AVE., CARSON CITY, NV 89701.** The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment and repeal of regulations that pertain to Chapter 289 of the Nevada Administrative Code (NAC).

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need for and purpose of the proposed regulations.

Existing law requires the Peace Officer Standards and Training Commission to adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. (NRS 289.510).

R031-23RP2 will establish a Command Level Basic Certificate, awarded only to Executive Level Staff. Recruitment of executive level staff can be difficult, especially around elections. An elected official may have been certified but their basic certificate has expired. This certificate will assist in the recruitment and retention of Executive Level positions, including, but not limited to elected and/or appointed officials. In other instances, the certified elected official prefers to appoint an individual that has been out of law enforcement for more than 5 years. This new level of basic certificate and the process to achieve it will assist agencies in hiring personnel that can provide valuable insight, experience and knowledge. The process to achieve the certification is consistent with the reciprocity process, therefore allowing the individual to work while completing the online course and not having to complete a full, in person, basic academy, saving the agency valuable time and money.

2. For a temporary regulation, the terms, or the substance of the regulation to be adopted, amended or repealed, or a description of the subjects and issues involved.

This is a permanent regulation.

3. For a proposed regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation.

The proposed regulation text may be obtained by going to the Register of Administrative Regulations for 2023 and clicking the link: www.leg.state.nv.us/Register/2023Register/R031-23RP2.pdf or by contacting Chief Kathy Floyd at kfloyd@post.state.nv.us or by telephone at 775-687-7678, ext. 3335 or going to the Nevada Commission on POST website at <https://post.nv.gov>.

4. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and, in each case, must include:

(a) Both adverse and beneficial effects; and

- (1) Adverse effects: There will be a fee to the agency (\$200) payable upon enrollment.
- (2) Beneficial effects: Agencies will save time and money by having their staff attend the online course instead of paying for a full basic academy and losing a much-needed officer while they attend a full basic academy.

(b) Both immediate and long-term effects:

- (1) The immediate effects: This will shorten the hiring process for executive level staff, for Nevada agencies. This will allow agencies to hire experienced staff who will be on the job during the process of certification.
- (2) The long-term effects: Agencies will have the ability to hire executive level staff that will bring knowledge and experience to their agencies.

5. The methods used by the agency in determining the impact on a small business.

The Commission on POST has reviewed the text of the proposed regulations. Because the regulation amends Nevada Administrative Code Chapter 289, dealing with certification provisions of the annual continuing education of peace officers, the proposed amendments to NAC Chapter 289 will have no impact on small business.

6. The estimated cost to the agency for enforcement of the proposed regulation.

There is no cost to the agency for enforcement.

7. A description of and citation to any regulations of other states or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The proposed regulation does not overlap or duplicate any regulations of state, local or federal governmental agency regulating the same activity.

8. If the regulation is required pursuant to federal law, a citation and description of the federal law.

The proposed regulation is not required by federal law.

9. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provision.

There are no federal regulations that regulate the same activity.

10. Whether the proposed regulation establishes a new fee or increases an existing fee.

This regulation does not establish a new fee or increase existing fees.

11. For a temporary regulation, each address at which the text of the regulation may be inspected and copied.

N/A

Persons wishing to comment upon the proposed action of the Commission on Peace Officer Standards and Training (Commission on POST) may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to Michael D. Sherlock, Executive Director, Commission on POST, 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701. **Written submissions must be received by the Commission on POST on or before 5:00 pm on April 17, 2024.** If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on POST may proceed immediately to act upon any written submissions.

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**SEE ATTACHED COPIES OF THE PROPOSED
REGULATIONS**

**SECOND REVISED PROPOSED REGULATION OF THE PEACE
OFFICERS' STANDARDS AND TRAINING COMMISSION**

LCB File No. R031-23

March 28, 2024

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: § 1, NRS 289.510.

A REGULATION relating to peace officers; establishing the requirements a peace officer must meet to receive a command level basic certificate; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Peace Officers' Standards and Training Commission to adopt regulations establishing minimum standards for the certification and training of peace officers. (NRS 289.510)

This regulation provides that the Commission may award a command level basic certificate to a peace officer if: (1) the peace officer has been elected or appointed to an executive level position; (2) the peace officer meets the minimum standards for appointment; (3) the peace officer has 5 consecutive years of experience as a peace officer employed by a Nevada agency; (4) any prior certification of the peace officer has not been revoked or suspended; (5) the peace officer has completed certain training courses; (6) the peace officer passes the state certification examination with a score of at least 70 percent; and (7) the peace officer passes a physical fitness examination approved by the employing agency of the peace officer.

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

- 1. The Commission may award a command level basic certificate to a peace officer if:*
 - (a) The peace officer has been elected or appointed to an executive level position;*
 - (b) The peace officer meets the minimum standards for appointment established pursuant to NAC 289.110;*

(c) The peace officer has 5 consecutive years of experience as a peace officer employed by a Nevada agency;

(d) Any prior certification of the peace officer has not been revoked or suspended;

(e) The peace officer has satisfactorily completed a training course that is approved by the Executive Director which consists of a minimum of 80 hours of training that satisfies the requirements established by the Commission pursuant to subsection 1 of NAC 289.300 in:

(1) Abuse of older persons;

(2) Child abuse and sexual abuse of a child;

(3) Civil liability;

(4) Classification and receiving of offenders;

(5) Constitutional law;

(6) Counter-terrorism and weapons of mass destruction;

(7) Crimes against persons;

(8) Crimes against property;

(9) Cultural awareness;

(10) Domestic violence, stalking and aggravated stalking;

(11) Ethics in law enforcement;

(12) Fire safety and use of emergency equipment;

(13) Games offenders play;

(14) Gangs and cults;

(15) Juvenile law;

(16) Laws relating to arrest;

(17) Laws relating to correctional institutions;

(18) Laws relating to drugs, including, without limitation, current trends in drugs;

(19) Miscellaneous crimes;

(20) Modern correctional philosophy;

(21) Probable cause;

(22) Public and media relations;

(23) Records of offenders in institutions;

(24) Rights of victims;

(25) Search and seizure;

(26) Searches of offender institutions;

(27) Supervision of offenders;

(28) Training concerning active assailants; and

(29) Use of force;

(f) The peace officer passes the state certification examination with a score of at least 70 percent; and

(g) The peace officer passes a physical fitness examination approved by the employing agency of the peace officer.

2. An agency may have only two active command level basic certificates at any one time.

3. To maintain a command level basic certificate, a peace officer must comply with the provisions of this chapter and chapter 289 of NRS.

4. A command level basic certificate expires immediately upon the separation of a peace officer from an executive level position unless, within 90 days after the separation, the peace officer is newly elected or appointed to an executive level position.



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The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need for and purpose of the proposed regulations.

Existing law requires the Peace Officers’ Standards and Training Commission to adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. (NRS 289.510).

This language revises NAC 289.270 and will add two additional ways to meet the eligibility of the Executive Certificate. This will allow officers in an executive level position, that came to Nevada through reciprocity and previously held the executive certificate in their prior law enforcement position, and the training meets Nevada requirements, to obtain the executive certificate, or is an officer of this state who has been appointed or elected to an executive level position and has remained in the position for 5 consecutive years.

2. For a temporary regulation, the terms, or the substance of the regulation to be adopted, amended or repealed, or a description of the subjects and issues involved.

This is a permanent regulation.

3. For a proposed regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation.

The proposed regulation text may be obtained by going to the Register of Administrative Regulations for 2023 and clicking the link: <https://www.leg.state.nv.us/Register/2023Register/R032-23RP1.pdf> by contacting Chief Kathy Floyd at kfloyd@post.state.nv.us or by telephone at 775-687-7678, ext. 3335 or going to the Nevada Commission on POST website at <https://post.nv.gov>.

4. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and, in each case, must include:

(a) Both adverse and beneficial effects; and

- (1) Adverse effects: None
- (2) Beneficial effects: Retention of experienced officers that will now be eligible for bonuses and pay increases due to being able to obtain the Executive Certificate.

(b) Both immediate and long-term effects:

- (1) The immediate effects: None
- (2) The long-term effects: Retention of experienced officers that will now be eligible for bonuses and pay increases due to being able to obtain the Executive Certificate.

5. The methods used by the agency in determining the impact on a small business.

The Commission on POST has reviewed the text of the proposed regulations. Because the regulation amends Nevada Administrative Code Chapter 289, dealing with certification provisions of the annual continuing education of peace officers, the proposed amendments to NAC Chapter 289 will have no impact on small business.

6. The estimated cost to the agency for enforcement of the proposed regulation.

None

7. A description of and citation to any regulations of other states or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The proposed regulation does not overlap or duplicate any regulations of state, local or federal governmental agency regulating the same activity.

8. If the regulation is required pursuant to federal law, a citation and description of the federal law.

The proposed regulation is not required by federal law.

9. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provision.

There are no federal regulations that regulate the same activity.

10. Whether the proposed regulation establishes a new fee or increases an existing fee.

This regulation does not involve or establish fees.

11. For a temporary regulation, each address at which the text of the regulation may be inspected and copied.

N/A

Persons wishing to comment upon the proposed action of the Commission on Peace Officer Standards and Training (Commission on POST) may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to Michael D. Sherlock, Executive Director, Commission on POST, 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701. **Written submissions must be received by the Commission on POST on or before 5:00 pm on April 17, 2024.** If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on POST may proceed immediately to act upon any written submissions.

This Notice of Intent to Act Upon Regulations and the proposed regulation will be on file at the State Library, Archives and Public Records Administrator, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the notice and regulations to be adopted, amended or repealed will be available at the Commission on POST Administrative Offices, 5587 Wa Pai Shone Avenue, Carson City, 89701, State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://leg.state.nv.us>, the POST web site at <http://post.nv.gov> and the State of Nevada Department of Administration website at <https://notice.nv.gov>.

Copies of this notice and the proposed regulation will also be mailed to members of the public at no charge upon request.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

The Notice of Intent to Act Upon Regulations and the proposed regulation have been sent to all criminal justice agencies on the Commission on POST Listserv list and posted at the following locations:

**Commission on POST Administrative Office
Carson City, NV 89701**

<http://post.nv.gov>

<http://notice.nv.gov>

<http://leg.state.nv.us>

NOTE: We are pleased to make reasonable accommodations for members of the public with disabilities who wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Commission on POST, in writing, at 5587 Wai Pai Shone Avenue, Carson City, Nevada 89701, or call Chief Kathy Floyd at (775) 687-7678, Extension 3335, no later than five working days prior to the meeting.

**SEE ATTACHED COPIES OF THE PROPOSED
REGULATIONS**

**REVISED PROPOSED REGULATION OF THE PEACE
OFFICERS' STANDARDS AND TRAINING COMMISSION**

LCB File No. R032-23

January 19, 2024

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: § 1, NRS 289.510.

A REGULATION relating to peace officers; revising the minimum requirements for certain peace officers to obtain an executive certificate; establishing the requirements for a peace officer of another state to obtain an executive certificate; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Peace Officers' Standards and Training Commission to adopt regulations establishing minimum standards for the certification and training of peace officers. (NRS 289.510) Existing regulations provide that the Commission will grant an executive certificate to a peace officer upon the submission of, among other things, a letter of recommendation that is signed by the administrator of the agency and includes an organizational chart which demonstrates the position of the applicant within the agency. (NAC 289.270)

This regulation revises the contents of such a letter of recommendation and provides that the Commission will grant an executive certificate to: (1) a peace officer of this State if the peace officer has been elected or appointed to an executive level position and has remained in the position for 5 consecutive years; and (2) a peace officer of another state in certain circumstances.

Section 1. NAC 289.270 is hereby amended to read as follows:

289.270 1. The Commission will grant an executive certificate to ~~{and}~~ :

(a) *An officer of this State* upon submission of proof satisfactory to the Commission that the officer meets the following minimum requirements:

~~{(a)}~~ (1) A current basic certificate.

~~{(b)}~~ (2) A current intermediate certificate.

~~{(c)}~~ (3) A current advanced certificate.

~~[(d)]~~ (4) A current supervisor certificate.

~~[(e)]~~ (5) A current management certificate.

~~[(f)]~~ (6) Six years of experience as a peace officer, including at least 1 year of experience in an executive level position and a current assignment in an executive level position.

~~[(g)]~~ (7) Two hundred hours of training in advanced management in addition to the training completed for the basic, intermediate, advanced, supervisor and management certificates.

~~[(h)]~~ (8) The applicant must present proof that the current assignment meets the criteria for an executive level position as set forth in NAC 289.047 by submitting a letter of recommendation with the application which ~~is~~ :

(I) *Is signed by the administrator of the agency ~~[- The letter must include an organizational chart which demonstrates the applicant's position within the agency and must describe] ; and~~*

(II) *Describes the manner in which the applicant's current assignment meets the criteria for an executive level position as set forth in NAC 289.047.*

(b) An officer of this State who has been appointed or elected to an executive level position and has remained in the position for 5 consecutive years.

(c) An officer of another state, if the other state has a certifying entity and the officer:

(1) Meets the requirements of subsection 2 of NAC 289.200 for a basic certificate;

(2) Holds a current intermediate, advanced, supervisor and management certificate issued by the certifying entity of the other state;

(3) Has 6 years of experience as a peace officer in the other state, including at least 1 year of experience in the other state in a position equivalent to an executive level position;

(4) Has the equivalent of 200 hours of training in advanced management in another state in addition to the training completed for the basic, intermediate, advanced, supervisor and management certificates;

(5) Has a current assignment in an executive level position in this State; and

(6) Presents proof that the current assignment in this State meets the criteria for an executive level position as set forth in NAC 289.047 by submitting a letter of recommendation with the application which:

(I) Is signed by the administrator of the agency; and

(II) Describes the manner in which the applicant's current assignment meets the criteria for an executive level position as set forth in NAC 289.047.

(d) An officer of another state, if the other state does not have a certifying entity and upon submission of proof satisfactory to the Commission that the officer:

(1) Meets the minimum standards for appointment established pursuant to NAC 289.110; and

(2) Has received training and experience that is equivalent to the training and experience required for a basic, intermediate, advanced, supervisor and management certificate pursuant to NAC 289.200 and 289.240 to 289.260, inclusive.

2. In making a determination pursuant to subsection 1, the Commission will review and consider each applicant individually.