



STATE OF NEVADA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
5587 Wa Pai Shone Avenue
Carson City, Nevada 89701
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STEVE SISOLAK
Governor

MICHAEL D. SHERLOCK
Executive Director

PUBLIC COMMENT HEARING NOTICE: The Commission on Peace Officers Standards and Training (“Commission”) will be holding a Public Comment Hearing at 10:00 a.m., on August 15th, 2019, at the Reno Police Department Briefing Room, 455 East Second St. Reno, NV 89502. 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.

NRS Chapter 289 authorizes the Commission to adopt regulations setting the minimum standards for the certification, decertification, training and selection of peace officers. See NRS 289.510. The existing regulations authorize the Commission to suspend, refuse or revoke the certificate of a peace officer, if among other circumstances, the peace officer: (1) is convicted of, or pleads guilty, guilty but mentally ill or nolo contendere to a felony or gross misdemeanor; or (2) is convicted of a misdemeanor. If the peace officer is convicted of a misdemeanor and the employing agency recommends the suspension or revocation, existing regulations authorize the Commission to revoke or suspend the certificate of the peace officer. (NAC 289.290).

This regulation authorizes the Commission to suspend or revoke the certificate of the peace officer without a recommendation from the employing agency if the peace officer is convicted of a misdemeanor crime of domestic violence, as defined pursuant to federal law.

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 For a temporary regulation, the terms, or the substance of the regulation to be adopted, amended or repealed, or a description of the subjects and issues involved.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 2019 and clicking the link: <http://www.leg.state.nv.us/Register/2019Register/R006-19P.pdf>.

The proposed regulation text may be obtained by contacting Scott Johnston at johnston@post.state.nv.us Or by telephone at 775-687-3335.

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 anticipated.

(2) Beneficial effects: The regulation will provide for the revocation of a peace officer's certification for a conviction a Misdemeanor Crime of Domestic Violence as defined by 18 U.S.C. §921(a)(33) without the requirement that the employing agency recommend revocation.

(b) Both immediate and long-term effects:

The immediate effects: The regulation will allow the Commission to suspend or revoke the Basic Certificate for a misdemeanor crime of domestic violence conviction without first obtaining a request from the employing agency.

The long term effects: The regulation will allow the Commission to suspend or revoke the Basic Certificate for a misdemeanor crime of domestic violence conviction without first obtaining a request from the employing agency.

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 decertification, suspension or revocation of the Basic Certificate 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.

The Commission does not project any extra costs for enforcement of the proposed regulations.

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. However, federal law does clearly set forth the criteria for domestic violence and this regulation amendment will allow the Commission to take action on misdemeanor domestic violence without a request from the employing agency.

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.

This regulation is not a temporary regulation; it is a permanent regulation.

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 August 12, 2019.** 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.

A copy of this notice and the regulations to be adopted, amended or repealed will be on file at the State Library, 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 Wai Pai Shone Avenue, Carson City, 89701, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulations are also available in the 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 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 Hearing has been sent to all criminal justice agencies on the Commission on POST mailing list and posted at the following locations:

CARSON CITY

Blasdel Building, 209 East Musser Street
Nevada State Library, 100 Stewart Street

LAS VEGAS

Grant Sawyer State Building, 555 Washington Avenue

Capitol Building, 101 N. Carson Street
Commission on POST, 5587 Wa Pai

ELY

White Pine County Sheriff's Office, 1785 Great Basin Blvd.

LIBRARIES (MAIN BRANCHES)

<p>Carson City Library 900 N. Roop St Carson City, Nevada 89702</p>	<p>Churchill County Library 553 S. Maine Street Fallon, Nevada 89406-3387</p>
<p>Clark County Library 1401 E. Flamingo Rd. Las Vegas, Nevada 89119-5265</p>	<p>Douglas County Public Library 1625 Library Ln. PO Box 337 Minden, Nevada 89423-4420</p>
<p>Elko County Library 720 Court St. Elko, Nevada 89801-3331</p>	<p>Esmeralda County Library Goldfield Valley Library Corner of Crook & 4th Street Post Office Box 430 Gold Field, Nevada 89013-430</p>
<p>Eureka County Branch Library 210 South Monroe Eureka, NV 89316</p>	<p>Humboldt County Library 85 E. 5th Street Winnemucca, Nevada 89445-3095</p>
<p>Lander Co Battle Mountain Branch Library 625 S. Broad St Post Office Box 141 Battle Mountain, Nevada 89820-1920</p>	<p>Lincoln County Library 63 Main Street PO Box 330 Pioche, Nevada 89043</p>
<p>Lyon County Library System 20 Nevin Way Yerington, Nevada 89447-2399</p>	<p>Mineral County Library 110 1st St PO Box 1390 Hawthorne, Nevada 89415-1390</p>
<p>Tonopah Public Library 167 S. Central Street Post Office Box 449 Tonopah, Nevada 89049-0449</p>	<p>Pershing County Library 1125 Central Avenue PO Box 781 Lovelock, Nevada 89419-0781</p>
<p>Storey County Library 175 E. Carson Street PO Box 999 Virginia City, Nevada 89440-0999</p>	<p>Washoe County Downtown Reno Library 301 South Center Street Reno, Nevada 89501-2102</p>
<p>White Pine County Library 950 Campton Street Ely, Nevada 89301-1965</p>	

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 Kathy Floyd at (775) 687-7678, Extension 3320, no later than five working days prior to the meeting.