

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

LCB FILE NO. R112-19I

**The following document is the initial draft regulation proposed
by the agency submitted on 12/11/2019**

CERTIFICATES

NAC 289.200 Basic and reserve basic certificate: Requirements; extension of time to complete or waiver of certain requirements; request for certification; placement of basic certificate on inactive status. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.] (NRS 289.510, 289.550, 289.600)

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
- (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, *was previously certified by the Commission and within 5 years of termination of their peace officer employment became employed full-time by the Commission, was previously certified by the Commission and within five years became employed full-time as a law enforcement officer by a federal law enforcement agency approved by the Commission*, 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(b) The certification of the peace officer in the other jurisdiction has not been revoked or suspended;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 by the Commission, the approved federal law enforcement agency or** 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 elderly persons;
- (2) Active assailants;
- (3) Child abuse and sexual abuse of a child;
- (4) Civil liability;
- (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 and stalking;
- (11) Ethics in law enforcement or for correctional officers;
- (12) Juvenile law;
- (13) Laws relating to arrest;
- (14) Laws relating to drugs, including, without limitation, current trends in drugs;
- (15) Miscellaneous crimes;
- (16) Probable cause;
- (17) Rights of victims;
- (18) Search and seizure;
- (19) Sexual harassment; and
- (20) 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 physical fitness examination for the appropriate category of peace officer as described in NAC 289.205[.]; **and**

(g) Upon meeting the requirements of this subsection, a peace officer who was previously certified by the Commission and within 5 years of termination of their peace officer employment became employed full-time by the Commission or was previously certified by the Commission and within five years became employed full-time as a law enforcement officer by a federal law enforcement agency approved by the Commission will have their previous Category I or II certification reinstated.

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, not later than 16 weeks after the first day of 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, not later than 16 weeks 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.

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 full-time peace officer, the employing agency shall request that the person's basic certificate be returned to active status. ***Except as provided for in subsection 2, [I]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. 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.

10. 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.

[Peace Officers' Standards & Training Com., § VI, eff. 5-7-82]—(NAC A 12-17-87; 8-24-90; 4-28-94; R024-97, 10-1-97; R169-97, 1-30-98; R170-97, 1-30-98; A by Peace Officers' Standards & Training Comm'n by R102-99, 11-2-99; R005-01, 11-1-2001; R100-02, 11-12-2002; R066-03, 12-4-2003; R127-04, 11-8-2004; R146-05, 12-29-2005; R003-07, 4-17-2008; R110-08, 8-26-2008; R118-09, 1-28-2010; R079-14, 10-24-2014)

REVISER'S NOTES.

The regulation of the Peace Officers' Standards and Training Commission filed with the Secretary of State on January 28, 2010 (LCB File No. R118-09), which amended this section, contains the following provision not included in NAC:

"1. The amendatory provisions of sections 3 and 7 of this regulation [NAC 289.200 and 289.205] apply only to a person who enrolls in any peace officer training course required pursuant to section 7 of this regulation [NAC 289.200] on or after January 28, 2010.

2. The amendatory provisions of section 9 of this regulation [NAC 289.300] apply only to a basic training course that begins on or after January 28, 2010."

The regulation of the Peace Officers' Standards and Training Commission filed with the Secretary of State on October 24, 2014 (LCB File No. R079-14), which amended this section, contains the following provisions not included in NAC:

"Sec. 2. The amendatory provisions of section 1 of this regulation [NAC 289.200] do not apply to a person who was:

1. Eligible to be awarded a basic certificate in training category I pursuant to subsection 3 of NAC 289.200 before the effective date of this regulation [October 24, 2014]; or

2. Employed as a peace officer by an agency before the effective date of this regulation and:

(a) Enrolled in a peace officer training course that:

(1) Met the qualifications of paragraph (b) of subsection 3 of NAC 289.200; and

(2) Began before the effective date of this regulation;

(b) Successfully completed the training course; and

(c) Passed the state certification examination for training category I with a score of at least a 70 percent."