
SENATE BILL NO. 360—SENATORS TITUS, NEAL, CARE, COFFIN,
MATHEWS, SCHNEIDER AND WIENER

MARCH 17, 2003

JOINT SPONSOR: ASSEMBLYMAN WILLIAMS

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to eradication of racial profiling. (BDR 23-1201)

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

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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 peace officers; requiring the Attorney General to conduct an annual study of traffic stops for the purpose of discovering instances of racial profiling and to report his findings to the Legislature; requiring the Attorney General, in cooperation with affected law enforcement agencies, to develop criteria for the identification of specific acts of racial profiling; requiring training for awareness and prevention of racial profiling in connection with the certification and recertification of peace officers; requiring the Department of Motor Vehicles to disseminate certain information regarding racial profiling; and providing other matters properly relating thereto.

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 to 7, inclusive, of this
3 act.

4 **Sec. 2.** *As used in NRS 289.820 and sections 2 to 6, inclusive*
5 *of this act, unless the context otherwise requires, the words and*



1 *terms defined in sections 3 and 4 of this act have the meanings*
2 *ascribed to them in those sections.*

3 **Sec. 3.** *“Law enforcement agency” means:*

- 4 *1. The Nevada Highway Patrol;*
- 5 *2. Metropolitan police departments;*
- 6 *3. Sheriffs’ departments; and*
- 7 *4. City police departments.*

8 **Sec. 4.** *“Racial profiling” means reliance by a peace officer*
9 *upon the race, ethnicity or national origin of a person as a factor*
10 *in initiating action when the race, ethnicity or national origin of*
11 *the person is not part of an identifying description of a specific*
12 *suspect for a specific crime.*

13 **Sec. 5.** *1. The Attorney General shall conduct an annual*
14 *study of traffic stops made by law enforcement agencies and their*
15 *officers. The law enforcement agencies and their officers shall*
16 *cooperate fully in the annual studies.*

17 *2. To carry out the annual studies, the Attorney General*
18 *shall, based upon the recommendations of the Director of the*
19 *Department of Public Safety and the heads of the law enforcement*
20 *agencies, prescribe the form and manner of collecting and*
21 *transmitting information regarding each traffic stop. The*
22 *information required to be collected and transmitted to the*
23 *Attorney General must include, without limitation:*

24 *(a) The traffic violation or infraction alleged to have been*
25 *committed that caused the person to be stopped;*

26 *(b) The identifying characteristics of the person who was*
27 *stopped, including, without limitation, the person’s race, ethnicity,*
28 *and gender and approximate age;*

29 *(c) A statement of whether the immigration status of the*
30 *person was questioned, including, without limitation, whether*
31 *immigration documents were requested by the officer or whether*
32 *an inquiry was made to the Immigration and Naturalization*
33 *Service of the United States Department of Justice with regard to*
34 *the immigration status of any person present;*

35 *(d) The number of persons who were present at the time of the*
36 *stop;*

37 *(e) A statement of whether a search was instituted as a result*
38 *of the stop, including, without limitation, whether consent was*
39 *requested for the search or whether a particular alleged criminal*
40 *behavior by the person justified the search;*

41 *(f) A report of any items seized during a search, including,*
42 *without limitation, a report of any contraband or money that was*
43 *seized;*

44 *(g) A statement of whether any warning or citation was issued*
45 *as a result of the stop;*



1 (h) A statement of whether an arrest was made as a result of
2 either the stop itself or any search conducted during the stop, and
3 the justification for any such arrest; and

4 (i) With respect to the peace officer who made the stop, an
5 identifying number generated at random to allow reference to that
6 peace officer for statistical purposes without revealing the actual
7 identity of that peace officer or compromising the confidentiality
8 of that peace officer.

9 3. The Attorney General may collect reports from individual
10 peace officers regarding traffic stops made by other peace officers
11 and from persons who were the subject of a traffic stop. Any such
12 report may be submitted anonymously and must be kept
13 confidential.

14 4. On or before February 1 of each year, the Attorney
15 General shall:

16 (a) Compile the results of the information collected pursuant
17 to subsections 2 and 3 and report it in statistical form. All
18 identifying information regarding the particular peace officers
19 who made the stops and the persons who were stopped must
20 remain confidential.

21 (b) Submit a copy of the report to the Director of the
22 Legislative Counsel Bureau for transmittal to:

23 (1) If the Legislature is in session, the standing committees
24 of the Legislature which have jurisdiction of the subject matter; or

25 (2) If the Legislature is not in session, the Legislative
26 Commission.

27 5. As used in this section, "traffic stop" means any occasion
28 when:

29 (a) The driver of a motor vehicle;

30 (b) The operator of a vehicle that is not motorized, including,
31 without limitation, a bicycle; or

32 (c) A pedestrian,

33 is halted by a peace officer for an alleged traffic violation or
34 infraction or for any other purpose. The term does not include an
35 occasion when such a person is halted by a peace officer for the
36 sole purpose of controlling the flow or movement of traffic.

37 **Sec. 6. 1.** In connection with conducting the annual studies
38 described in section 5 of this act, the Attorney General shall, in
39 cooperation with the Director of the Department of Public Safety
40 and the heads of the law enforcement agencies, develop criteria
41 for determining when:

42 (a) A peace officer has engaged in racial profiling;

43 (b) A supervisory peace officer has engaged in conduct that
44 condones or tacitly approves of racial profiling; and



1 (c) A law enforcement agency has engaged in a pattern of
2 racial profiling.
3 2. Applying the criteria developed pursuant to subsection 1,
4 the Attorney General shall identify any instances in which the
5 Attorney General determines that a peace officer, supervisory
6 peace officer or law enforcement agency has engaged in conduct
7 of the type described in that subsection. A description of any such
8 identified instances must be included in the report described in
9 paragraph (b) of subsection 4 of section 5 of this act.
10 **Sec. 7. 1.** As a condition of the certification of each peace
11 officer, the Commission shall require each peace officer to be
12 trained in regard to the issue of racial profiling, including, without
13 limitation:
14 (a) Awareness of racial profiling and the steps that peace
15 officers may take to avoid engaging in conduct that constitutes
16 racial profiling;
17 (b) The manner in which a report from a person who claims to
18 be a victim of racial profiling should be taken; and
19 (c) The proper method of carrying out an investigation of
20 alleged racial profiling.
21 2. In addition, the Commission shall require annual training
22 and recertification in the matters described in subsection 1.
23 3. As used in this section, "racial profiling" has the meaning
24 ascribed to it in section 4 of this act.
25 **Sec. 8.** NRS 289.450 is hereby amended to read as follows:
26 289.450 As used in NRS 289.450 to 289.600, inclusive, *and*
27 *section 7 of this act*, unless the context otherwise requires, the
28 words and terms defined in NRS 289.460 to 289.490, inclusive,
29 have the meanings ascribed to them in those sections.
30 **Sec. 9.** NRS 289.820 is hereby amended to read as follows:
31 289.820 1. A peace officer shall not engage in racial
32 profiling.
33 2. No retaliatory or punitive action may be taken against a
34 peace officer who discloses information concerning racial profiling.
35 ~~[3. For purposes of this section, "racial profiling" means~~
36 ~~reliance by a peace officer upon the race, ethnicity or national origin~~
37 ~~of a person as a factor in initiating action when the race, ethnicity or~~
38 ~~national origin of the person is not part of an identifying description~~
39 ~~of a specific suspect for a specific crime.]~~
40 **Sec. 10.** NRS 482.280 is hereby amended to read as follows:
41 482.280 1. The registration of every vehicle expires at
42 midnight on the day specified on the receipt of registration, unless
43 the day specified falls on a Saturday, Sunday or legal holiday. If the
44 day specified on the receipt of registration is a Saturday, Sunday or
45 legal holiday, the registration of the vehicle expires at midnight on



1 the next judicial day. The Department shall mail to each holder of a
2 certificate of registration an application for renewal of registration
3 for the following period of registration. The applications must be
4 mailed by the Department in sufficient time to allow all applicants
5 to mail the applications to the Department and to receive new
6 certificates of registration and license plates, stickers, tabs or other
7 suitable devices by mail before the expiration of their registrations.
8 An applicant may present or submit the application to any agent or
9 office of the Department.

10 2. An application:

11 (a) Mailed or presented to the Department or to a county
12 assessor pursuant to the provisions of this section;

13 (b) Submitted to the Department pursuant to NRS 482.294; or

14 (c) Presented to an authorized inspection station or authorized
15 station pursuant to the provisions of NRS 482.281,
16 must include, if required, evidence of compliance with standards for
17 control of emissions.

18 3. The Department shall insert in each application mailed
19 pursuant to subsection 1:

20 (a) The amount of the governmental services tax to be collected
21 for the county pursuant to the provisions of NRS 482.260 ; ~~§~~

22 (b) The amount set forth in a notice of nonpayment filed with
23 the Department by a local authority pursuant to NRS 484.444 ; ~~§~~

24 (c) A statement which informs the applicant that, pursuant to
25 NRS 485.185, he is legally required to maintain insurance during
26 the period in which the motor vehicle is registered ~~§~~ ; and

27 *(d) Materials setting forth:*

28 *(1) The definition of the term "racial profiling" that is*
29 *provided in section 4 of this act;*

30 *(2) The manner in which an operator of a vehicle should*
31 *respond when stopped by a peace officer; and*

32 *(3) The actions that an aggrieved person may take if he*
33 *believes he was stopped as a result of racial profiling, including,*
34 *without limitation, the telephone number of the Office of the*
35 *Attorney General or another telephone number that a person may*
36 *use to report an alleged incident of racial profiling.*

37 4. An owner who has made proper application for renewal of
38 registration before the expiration of the current registration but who
39 has not received the license plate or plates or card of registration for
40 the ensuing period of registration is entitled to operate or permit the
41 operation of that vehicle upon the highways upon displaying thereon
42 the license plate or plates issued for the preceding period of
43 registration for such a time as may be prescribed by the Department
44 as it may find necessary for the issuance of the new plate or plates
45 or card of registration.



1 5. *As used in this section:*
2 (a) *“Peace officer” has the meaning ascribed to it in*
3 *NRS 289.010.*

4 (b) *“Racial profiling” has the meaning ascribed to it in section*
5 *4 of this act.*

6 **Sec. 11.** NRS 483.203 is hereby amended to read as follows:
7 483.203 **1.** The position of Drivers’ Education and Safety
8 Officer is hereby created in the Department.

9 **2.** The Drivers’ Education and Safety Officer:
10 ~~1.~~ (a) Shall plan and administer a program of safety education
11 which includes safety information concerning interaction among
12 motor vehicles, bicycles and pedestrians ~~1.~~

13 ~~2.~~;
14 (b) *Shall ensure that any driver’s handbook or manual of*
15 *automobile driver education which is produced by the Department*
16 *sets forth:*

17 (1) *The definition of the term “racial profiling” that is*
18 *provided in section 4 of this act;*

19 (2) *The manner in which an operator of a vehicle should*
20 *respond when stopped by a peace officer; and*

21 (3) *The actions that an aggrieved person may take if he*
22 *believes he was stopped as a result of racial profiling, including,*
23 *without limitation, the telephone number of the Office of the*
24 *Attorney General or another telephone number that a person may*
25 *use to report an alleged incident of racial profiling; and*

26 (c) May provide grants to local governmental entities, including
27 school districts, for assistance in carrying out the program of safety
28 education.

29 **3.** *As used in this section:*

30 (a) *“Peace officer” has the meaning ascribed to it in*
31 *NRS 289.010.*

32 (b) *“Racial profiling” has the meaning ascribed to it in section*
33 *4 of this act.*

34 **Sec. 12.** NRS 483.340 is hereby amended to read as follows:
35 483.340 **1.** The Department shall, upon payment of the

36 required fee, issue to every qualified applicant a driver’s license
37 indicating the type or class of vehicles the licensee may drive. The
38 license must bear a unique number assigned to the licensee pursuant
39 to NRS 483.345, the licensee’s social security number, if he has one,
40 unless he requests that it not appear on the license, the full name,
41 date of birth, mailing address and a brief description of the licensee,
42 and a space upon which the licensee shall write his usual signature
43 in ink immediately upon receipt of the license. A license is not valid
44 until it has been so signed by the licensee.



1 2. The Department may issue a driver's license for purposes of
2 identification only for use by officers of local police and sheriffs'
3 departments, agents of the Investigation Division of the Department
4 of Public Safety while engaged in special undercover investigations
5 relating to narcotics or prostitution or for other undercover
6 investigations requiring the establishment of a fictitious identity,
7 federal agents while engaged in undercover investigations,
8 investigators employed by the Attorney General while engaged in
9 undercover investigations and agents of the State Gaming Control
10 Board while engaged in investigations pursuant to NRS 463.140. An
11 application for such a license must be made through the head of the
12 police or sheriff's department, the Chief of the Investigation
13 Division of the Department of Public Safety, the director of the
14 appropriate federal agency, the Attorney General or the Chairman of
15 the State Gaming Control Board. Such a license is exempt from the
16 fees required by NRS 483.410. The Department, by regulation, shall
17 provide for the cancellation of any such driver's license upon the
18 completion of the special investigation for which it was issued.

19 3. Information pertaining to the issuance of a driver's license
20 pursuant to subsection 2 is confidential.

21 4. It is unlawful for any person to use a driver's license issued
22 pursuant to subsection 2 for any purpose other than the special
23 investigation for which it was issued.

24 5. At the time of the issuance or renewal of the driver's license,
25 the Department shall:

26 (a) *Provide the holder with materials setting forth:*

27 (1) *The definition of the term "racial profiling" that is*
28 *provided in section 4 of this act;*

29 (2) *The manner in which an operator of a vehicle should*
30 *respond when stopped by a peace officer; and*

31 (3) *The actions that an aggrieved person may take if he*
32 *believes he was stopped as a result of racial profiling, including,*
33 *without limitation, the telephone number of the Office of the*
34 *Attorney General or another telephone number that a person may*
35 *use to report an alleged incident of racial profiling;*

36 (b) Give the holder the opportunity to indicate on his driver's
37 license that he wishes to be a donor of all or part of his body
38 pursuant to NRS 451.500 to 451.590, inclusive, or that he refuses to
39 make an anatomical gift of his body or part of his body;

40 ~~(b)~~ (c) Give the holder the opportunity to indicate whether he
41 wishes to donate \$1 or more to the Anatomical Gift Account created
42 by NRS 460.150; and

43 ~~(c)~~ (d) Provide to each holder who is interested in becoming a
44 donor information relating to anatomical gifts, including the



1 procedure for registration as a donor with The Living Bank
2 International or its successor organization.

3 6. If the holder wishes to make a donation to the Anatomical
4 Gift Account, the Department shall collect the donation and deposit
5 the money collected in the State Treasury for credit to the
6 Anatomical Gift Account.

7 7. The Department shall submit to The Living Bank
8 International, or its successor organization, information from the
9 records of the Department relating to persons who have drivers'
10 licenses that indicate the intention of those persons to make an
11 anatomical gift. The Department shall adopt regulations to carry out
12 the provisions of this subsection.

13 8. *As used in this section:*

14 (a) *“Peace officer” has the meaning ascribed to it in*
15 *NRS 289.010.*

16 (b) *“Racial profiling” has the meaning ascribed to it in section*
17 *4 of this act.*

18 **Sec. 13.** The Attorney General shall develop the criteria
19 described in subsection 1 of section 6 of this act not later than
20 July 1, 2004.

21 **Sec. 14.** This act becomes effective on July 1, 2003.

