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SENATE BILL NO. 176—SENATORS FORD, ATKINSON, SPEARMAN;  
ANCELA, MANENDO, PARKS AND RATTI

PREFILED FEBRUARY 13, 2017

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JOINT SPONSORS: ASSEMBLYMEN FRIERSON, NEAL, THOMPSON;  
CARRILLO, FLORES, FUMO, JAUREGUI, JOINER, MCCURDY  
II, MILLER, MONROE-MORENO, OHRENSCHALL, SPIEGEL  
AND YEAGER

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Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to public safety.  
(BDR 23-666)

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

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AN ACT relating to public safety; requiring certain peace officers to wear a portable event recording device while on duty; requiring certain law enforcement agencies to adopt policies and procedures governing the use of portable event recording devices; revising provisions relating to the imposition and maximum amount of a surcharge which may be collected in certain counties used for the enhancement of the telephone system for reporting an emergency; providing that such a surcharge may also be used for the purpose of purchasing and maintaining portable event recording devices and vehicular event recording devices; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

- 1 Existing law: (1) authorizes certain peace officers to wear a portable event  
2 recording device while on duty; and (2) requires certain law enforcement agencies  
3 to adopt policies and procedures governing the use of portable event recording  
4 devices. (NRS 289.830) Existing law also requires: (1) certain peace officers  
5 employed by the Nevada Highway Patrol to wear a portable event recording device



6 while on duty; and (2) the Nevada Highway Patrol to adopt policies and procedures  
7 governing the use of portable event recording devices. (NRS 480.365)

8 **Section 1** of this bill requires rather than authorizes certain peace officers to  
9 wear a portable event recording device while on duty. **Section 1** also requires  
10 certain law enforcement agencies to adopt policies and procedures governing the  
11 use of portable event recording devices. **Section 5** of this bill repeals NRS 480.365,  
12 the provision pertaining to the use of portable event recording devices by peace  
13 officers employed by the Nevada Highway Patrol, as that section is no longer  
14 necessary because the Nevada Highway Patrol is included within the definition of  
15 "law enforcement agency" for the purposes of **section 1**.

16 Existing law: (1) authorizes the board of county commissioners of all counties  
17 whose population is less than 700,000 (currently all counties other than Clark  
18 County) to impose a surcharge to be used for the enhancement of the telephone  
19 system for reporting an emergency in the county; and (2) sets forth the  
20 requirements relating to the imposition of such a surcharge. (NRS 244A.7641-  
21 244A.7647) **Sections 2-4** of this bill: (1) provide that the surcharge may be  
22 imposed in all counties in this State; (2) increase the maximum amount of the  
23 surcharge that may be imposed; and (3) authorize the surcharge to also be used for  
24 the purpose of purchasing and maintaining portable event recording devices and  
25 vehicular event recording devices.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 289.830 is hereby amended to read as follows:  
2 289.830 1. A law enforcement agency ~~may~~ *shall* require  
3 uniformed peace officers that it employs *and who routinely interact*  
4 *with the public* to wear a portable event recording device while on  
5 duty. ~~If a law enforcement agency so requires, the~~ *Each* law  
6 enforcement agency shall adopt policies and procedures governing  
7 the use of portable event recording devices, which must include,  
8 without limitation:

9 (a) Except as otherwise provided in paragraph (d), requiring  
10 activation of a portable event recording device whenever a peace  
11 officer is responding to a call for service or at the initiation of any  
12 other law enforcement or investigative encounter between a  
13 uniformed peace officer and a member of the public;

14 (b) Except as otherwise provided in paragraph (d), prohibiting  
15 deactivation of a portable event recording device until the  
16 conclusion of a law enforcement or investigative encounter;

17 (c) Prohibiting the recording of general activity;

18 (d) Protecting the privacy of persons:

19 (1) In a private residence;

20 (2) Seeking to report a crime or provide information  
21 regarding a crime or ongoing investigation anonymously; or

22 (3) Claiming to be a victim of a crime;



- 1 (e) ~~Limiting the period for which a~~ **Requiring that any** video  
2 recorded by a portable event recording device must be retained ~~4~~  
3 **by the law enforcement agency for not less than 15 days;** and  
4 (f) Establishing disciplinary rules for peace officers who:  
5 (1) Fail to operate a portable event recording device in  
6 accordance with any departmental policies;  
7 (2) ~~Manipulate~~ **Intentionally manipulate** a video recorded  
8 by a portable event recording device; or  
9 (3) Prematurely erase a video recorded by a portable event  
10 recording device.  
11 2. Any record made by a portable event recording device  
12 pursuant to this section is a public record which may be:  
13 (a) Requested only on a per incident basis; and  
14 (b) Available for inspection only at the location where the  
15 record is held if the record contains confidential information that  
16 may not otherwise be redacted.  
17 3. As used in this section:  
18 (a) "Law enforcement agency" means:  
19 (1) The sheriff's office of a county;  
20 (2) A metropolitan police department;  
21 (3) A police department of an incorporated city; or  
22 (4) The Nevada Highway Patrol.  
23 (b) "Portable event recording device" means a device issued to a  
24 peace officer by a law enforcement agency to be worn on his or her  
25 body and which records both audio and visual events occurring  
26 during an encounter with a member of the public while performing  
27 his or her duties as a peace officer.  
28 **Sec. 2.** NRS 244A.7641 is hereby amended to read as follows:  
29 244A.7641 As used in NRS 244A.7641 to 244A.7647,  
30 inclusive, unless the context otherwise requires:  
31 1. "Mobile telephone service" means cellular or other service  
32 to a telephone installed in a vehicle or which is otherwise portable.  
33 2. "Place of primary use" has the meaning ascribed to it in 4  
34 U.S.C. § 124(8), as that section existed on August 1, 2002.  
35 3. **"Portable event recording device" has the meaning**  
36 **ascribed to it in NRS 289.830.**  
37 4. "Supplier" means a person authorized by the Federal  
38 Communications Commission to provide mobile telephone service.  
39 ~~4~~ 5. "Telephone system" means a system for transmitting  
40 information between or among points specified by the user that does  
41 not change the form or content of the information regardless of the  
42 technology, facilities or equipment used. A telephone system may  
43 include, without limitation:  
44 (a) Wireless or Internet technology, facilities or equipment; and



1 (b) Technology, facilities or equipment used for transmitting  
2 information from an emergency responder to the user or from the  
3 user to an emergency responder.

4 **6. “Vehicular event recording device” means a device which**  
5 **is affixed to a marked vehicle of a law enforcement agency, as**  
6 **defined in NRS 289.830, and which records both audio and visual**  
7 **events.**

8 **Sec. 3.** NRS 244A.7643 is hereby amended to read as follows:

9 244A.7643 1. Except as otherwise provided in this section,  
10 the board of county commissioners ~~in~~ of a county ~~whose~~  
11 ~~population is 100,000 or more but less than 700,000~~ may by  
12 ordinance, for the enhancement of the telephone system for  
13 reporting an emergency in the county ~~and~~ **and for the purpose of**  
14 **purchasing and maintaining portable event recording devices and**  
15 **vehicular event recording devices,** impose a surcharge on:

16 (a) Each access line or trunk line of each customer to the local  
17 exchange of any telecommunications provider providing those lines  
18 in the county; and

19 (b) The mobile telephone service provided to each customer of  
20 that service whose place of primary use is in the county.

21 ~~2. Except as otherwise provided in this section, the board of~~  
22 ~~county commissioners in a county whose population is less than~~  
23 ~~100,000 may by ordinance, for the enhancement or improvement of~~  
24 ~~the telephone system for reporting an emergency in the county,~~  
25 ~~impose a surcharge on:~~

26 ~~—(a) Each access line or trunk line of each customer to the local~~  
27 ~~exchange of any telecommunications provider providing those lines~~  
28 ~~in the county; and~~

29 ~~—(b) The mobile telephone service provided to each customer of~~  
30 ~~that service whose place of primary use is in the county.~~

31 ~~3.~~ A board of county commissioners may not impose a  
32 surcharge pursuant to this section unless the board first adopts a 5-  
33 year master plan for the enhancement ~~for improvement, as~~  
34 ~~applicable,~~ **or for the purpose of purchasing and maintaining**  
35 **portable event recording devices and vehicular event recording**  
36 **devices, as applicable.** The master plan must include an estimate of  
37 the cost of the enhancement ~~for improvement, as applicable,~~ of the  
38 telephone system **or of the cost of purchasing and maintaining**  
39 **portable event recording devices and vehicular event recording**  
40 **devices, as applicable,** and all proposed sources of money for  
41 funding those costs. For the duration of the imposition of the  
42 surcharge, the board shall, at least annually, review and, if  
43 necessary, update the master plan.  
44



1 ~~{4}~~ 3. The surcharge imposed by a board of county  
2 commissioners pursuant to this section:

3 (a) For each access line to the local exchange of a  
4 telecommunications provider, must not exceed ~~{25-cents}~~ \$1 each  
5 month;

6 (b) For each trunk line to the local exchange of a  
7 telecommunications provider, must equal 10 times the amount of the  
8 surcharge imposed for each access line to the local exchange of a  
9 telecommunications provider pursuant to paragraph (a); and

10 (c) For each telephone number assigned to a customer by a  
11 supplier of mobile telephone service, must equal the amount of the  
12 surcharge imposed for each access line to the local exchange of a  
13 telecommunications provider pursuant to paragraph (a).

14 ~~{5}~~ 4. A telecommunications provider which provides access  
15 lines or trunk lines in a county which imposes a surcharge pursuant  
16 to this section or a supplier which provides mobile telephone service  
17 to a customer in such a county shall collect the surcharge from its  
18 customers each month. Except as otherwise provided in NRS  
19 244A.7647, the telecommunications provider or supplier shall remit  
20 the surcharge it collects to the treasurer of the county in which the  
21 surcharge is imposed not later than the 15th day of the month after  
22 the month it receives payment of the surcharge from its customers.

23 ~~{6}~~ 5. An ordinance adopted pursuant to ~~{subsection 1 or 2}~~  
24 *this section* may include a schedule of penalties for the delinquent  
25 payment of amounts due from telecommunications providers or  
26 suppliers pursuant to this section. Such a schedule:

27 (a) Must provide for a grace period of not less than 90 days after  
28 the date on which the telecommunications provider or supplier must  
29 otherwise remit the surcharge to the county treasurer; and

30 (b) Must not provide for a penalty that exceeds 5 percent of the  
31 cumulative amount of surcharges owed by a telecommunications  
32 provider or a supplier.

33 ~~{7}~~ 6. As used in this section, “trunk line” means a line which  
34 provides a channel between a switchboard owned by a customer of a  
35 telecommunications provider and the local exchange of the  
36 telecommunications provider.

37 **Sec. 4.** NRS 244A.7645 is hereby amended to read as follows:

38 244A.7645 1. If a surcharge is imposed pursuant to NRS  
39 244A.7643 in a county whose population is 100,000 or more , ~~But~~  
40 ~~less than 700,000.~~ the board of county commissioners of that  
41 county shall establish by ordinance an advisory committee  
42 to develop a plan to enhance the telephone system for reporting an  
43 emergency in that county and to oversee any money allocated for  
44 that purpose. The advisory committee must ~~{consist}~~ :

45 (a) *Consist* of not less than five members who:



- 1 ~~[(a)]~~ (1) Are residents of the county;
- 2 ~~[(b)]~~ (2) Possess knowledge concerning telephone systems for
- 3 reporting emergencies; and
- 4 ~~[(c)]~~ (3) Are not elected public officers.

5 *(b) Subject to the provisions of subparagraph (3) of paragraph*  
6 *(a), include the chief law enforcement officer or his or her*  
7 *designee from each office of the county sheriff, metropolitan*  
8 *police department and police department of an incorporated city*  
9 *within the county, as applicable.*

10 2. If a surcharge is imposed pursuant to NRS 244A.7643 in a  
11 county whose population is less than 100,000, the board of county  
12 commissioners of that county shall establish by ordinance an  
13 advisory committee to develop a plan to enhance or improve the  
14 telephone system for reporting an emergency in that county and to  
15 oversee any money allocated for that purpose. The advisory  
16 committee must:

17 (a) Consist of not less than five members who:

- 18 (1) Are residents of the county;
- 19 (2) Possess knowledge concerning telephone systems for
- 20 reporting emergencies; and
- 21 (3) Are not elected public officers. ~~[(c)]~~

22 (b) Include a representative of an incumbent local exchange  
23 carrier which provides service to persons in that county. As used in  
24 this paragraph, "incumbent local exchange carrier" has the meaning  
25 ascribed to it in 47 U.S.C. § 251(h)(1), as that section existed on  
26 October 1, 1999, and includes a local exchange carrier that is treated  
27 as an incumbent local exchange carrier pursuant to that section.

28 *(c) Subject to the provisions of subparagraph (3) of paragraph*  
29 *(a), include the chief law enforcement officer or his or her*  
30 *designee from each office of the county sheriff, metropolitan*  
31 *police department and police department of an incorporated city*  
32 *within the county, as applicable.*

33 3. If a surcharge is imposed in a county pursuant to NRS  
34 244A.7643, the board of county commissioners of that county shall  
35 create a special revenue fund of the county for the deposit of the  
36 money collected pursuant to NRS 244A.7643. The money in the  
37 fund must be used only:

38 (a) *With respect to the telephone system for reporting an*  
39 *emergency:*

40 (1) In a county whose population is 45,000 or more, ~~[(b)]~~  
41 ~~less than 700,000,~~ to enhance the telephone system for reporting an  
42 emergency, including only:

43 ~~[(1)]~~ (1) Paying recurring and nonrecurring charges for  
44 telecommunication services necessary for the operation of the  
45 enhanced telephone system;



1 ~~+(2)~~ **(II)** Paying costs for personnel and training associated  
2 with the routine maintenance and updating of the database for the  
3 system;

4 ~~+(3)~~ **(III)** Purchasing, leasing or renting the equipment and  
5 software necessary to operate the enhanced telephone system,  
6 including, without limitation, equipment and software that identify  
7 the number or location from which a call is made; and

8 ~~+(4)~~ **(IV)** Paying costs associated with any maintenance,  
9 upgrade and replacement of equipment and software necessary for  
10 the operation of the enhanced telephone system.

11 ~~+(b)~~ **(2)** In a county whose population is less than 45,000, to  
12 improve the telephone system for reporting an emergency in the  
13 county.

14 ***(b) With respect to purchasing and maintaining portable event  
15 recording devices and vehicular event recording devices, paying  
16 costs associated with the acquisition, maintenance, storage of  
17 data, upgrade and replacement of equipment and software  
18 necessary for the operation of portable event recording devices  
19 and vehicular event recording devices or systems that consist of  
20 both portable event recording devices and vehicular event  
21 recording devices.***

22 ***4. If the balance in the fund created in a county whose  
23 population is 100,000 or more pursuant to subsection 3 which has  
24 not been committed for expenditure exceeds \$5,000,000 at the end  
25 of any fiscal year, the board of county commissioners shall reduce  
26 the amount of the surcharge imposed during the next fiscal year  
27 by the amount necessary to ensure that the unencumbered balance  
28 in the fund at the end of the next fiscal year does not exceed  
29 \$5,000,000.***

30 ***5. If the balance in the fund created in a county whose  
31 population is 45,000 or more but less than ~~700,000~~ 100,000  
32 pursuant to subsection 3 which has not been committed for  
33 expenditure exceeds \$1,000,000 at the end of any fiscal year, the  
34 board of county commissioners shall reduce the amount of the  
35 surcharge imposed during the next fiscal year by the amount  
36 necessary to ensure that the unencumbered balance in the fund at the  
37 end of the next fiscal year does not exceed \$1,000,000.***

38 ~~+(5)~~ ***6. If the balance in the fund created in a county whose  
39 population is less than 45,000 pursuant to subsection 3 which has  
40 not been committed for expenditure exceeds \$500,000 at the end of  
41 any fiscal year, the board of county commissioners shall reduce the  
42 amount of the surcharge imposed during the next fiscal year by  
43 the amount necessary to ensure that the unencumbered balance in  
44 the fund at the end of the next fiscal year does not exceed \$500,000.***



1     **Sec. 5.** NRS 480.365 is hereby repealed.

2     **Sec. 6.** This act becomes effective:

- 3         1. Upon passage and approval for the purpose of adopting  
4 regulations and performing any preliminary administrative tasks that  
5 are necessary to carry out the provisions of this act; and  
6         2. On January 1, 2018, for all other purposes.

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**TEXT OF REPEALED SECTION**

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**480.365 Requirement for wearing of portable event recording device while on duty: Nevada Highway Patrol to adopt policies and procedures and establish disciplinary rules; record made by device is a public record; availability of such records. [Effective January 1, 2017.]**

1. The Nevada Highway Patrol shall:

(a) Require each uniformed peace officer employed by the Nevada Highway Patrol who routinely interacts with the public to wear a portable event recording device while on duty.

(b) Adopt policies and procedures governing the use of portable event recording devices, including, without limitation:

(1) Requiring activation of a portable event recording device whenever a peace officer is:

(I) Responding to a call for service; or

(II) Initiating a law enforcement or investigative encounter with a member of the public;

(2) Prohibiting deactivation of a portable event recording device until the conclusion of the event described in subparagraph (1);

(3) Protecting the privacy of persons:

(I) In private residences;

(II) Seeking to report a crime or provide information regarding a crime or ongoing investigation anonymously; and

(III) Claiming to be a victim of a crime;

(4) Requiring that any record made by a portable event recording device be retained by the Nevada Highway Patrol for not less than 15 days; and

(5) Establishing disciplinary rules for peace officers who:

(I) Fail to operate a portable event recording device in accordance with any policy or procedure adopted pursuant to this section;



(II) Intentionally manipulate any record made by a portable event recording device in violation of any policy or procedure adopted pursuant to this section; or

(III) Prematurely erase or destroy any record made by a portable event recording device.

2. Any record made by a portable event recording device pursuant to this section is a public record which may only be:

(a) Requested on a per incident basis; and

(b) Available for inspection at the location where the record is held if the record contains confidential information that may not otherwise be redacted.

3. As used in this section, "portable event recording device" means a device issued to a peace officer employed by the Nevada Highway Patrol to be worn on his or her body and which records both audio and visual events during an encounter with a member of the public while performing his or her duties as a peace officer.







