

Amendment No. 291

Assembly Amendment to Assembly Bill No. 133	(BDR 23-240)
<b>Proposed by:</b> Assembly Committee on Government Affairs	
<b>Amends:</b> Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will REMOVE the unfunded mandate from A.B. 133.
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ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.





ASSEMBLY BILL NO. 133—ASSEMBLYMEN FLORES, GONZÁLEZ; ANDERSON, BROWN-MAY, CONSIDINE, DURAN, MARTINEZ, SUMMERS-ARMSTRONG, THOMAS AND TORRES

FEBRUARY 15, 2021

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to peace officers. (BDR 23-240)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

[CONTAINS UNFUNDED MANDATE (§§ 1, 3)  
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)]

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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 a law enforcement agency to provide training to~~ revising provisions governing the standards for programs of continuing education for peace officers; ~~for approaching and interacting with a person who is openly carrying a firearm; requiring all uniformed peace officers to wear a portable event recording device while interacting with the public on duty;~~ and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires ~~a peace officer to receive certain training. (NRS 289.550-289.605) Section 1 of this bill requires each law enforcement agency to provide training to peace officers in approaching and interacting with a person who is openly carrying a firearm.~~

~~Existing law requires uniformed peace officers who routinely interact with the public to wear a portable event recording device while on duty. (NRS 289.830) Section 3 of this bill requires, instead, uniformed peace officers to wear a portable event recording device while interacting with the public on duty.~~

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. The regulations adopted by the Commission must establish, among other things, standards for programs for the continuing education of peace officers, including minimum courses of study, and must require all peace officers to complete not less than 12 hours of continuing education courses annually that address: (1) racial profiling; (2) mental health; (3) the well being of officers; (4) implicit bias recognition; (5) de-escalation; (6) human trafficking; and (7) firearms. (NRS 289.510) This bill requires, instead, that the regulations adopted by the Commission require that all category I peace officers annually complete: (1) not less than 6 hours of professional development and training in a course on firearms, which must be completed in person; and (2) not less than 48 hours of professional development and training in certain courses, at least half of which, must be completed in person. This bill also expands the courses in which such professional development and training may be offered to include courses that address: (1) individuals with intellectual or developmental disabilities; (2) issues relating to lesbian, gay, bisexual, transgender and

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23 questioning persons; (3) domestic terrorism; (4) emergency vehicle operations; (5) crisis  
 24 intervention; and (6) riot control. Lastly, this bill requires the Commission to adopt  
 25 regulations establishing standards for how the completion of the required programs for  
 26 professional development and training will be accounted for in any promotions and  
 27 performance evaluations of a peace officer.

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 thereto a new~~  
 2 ~~section to read as follows:~~

3 ~~—Each law enforcement agency shall, based on best practices, provide to peace~~  
 4 ~~officers who are employed by the agency training for approaching and~~  
 5 ~~interacting with a person who is openly carrying a firearm.] (Deleted by~~  
 6 ~~amendment.)~~

7 **Sec. 1.5.** NRS 289.510 is hereby amended to read as follows:

8 289.510 1. The Commission:

9 (a) Shall meet at the call of the Chair, who must be elected by a majority vote  
 10 of the members of the Commission.

11 (b) Shall provide for and encourage the training and education of persons  
 12 whose primary duty is law enforcement to ensure the safety of the residents of and  
 13 visitors to this State.

14 (c) Shall adopt regulations establishing minimum standards for the certification  
 15 and decertification, recruitment, selection and training of peace officers. The  
 16 regulations must establish:

17 (1) Requirements for basic training for category I, category II and category  
 18 III peace officers and reserve peace officers;

19 (2) Standards for programs for the ~~continuing education~~ professional  
 20 development and training of all categories of peace officers, including minimum  
 21 courses of study and requirements concerning attendance. ~~[, which]~~ The minimum  
 22 courses of study and requirements for category I peace officers must require that  
 23 all category I peace officers annually complete not less than ~~12~~ 6 hours of  
 24 ~~continuing education~~ in person professional development and training each year  
 25 in a course that addresses firearms and not less than 48 hours of professional  
 26 development and training each year in courses that address:

- 27 (I) Racial profiling;
- 28 (II) Mental health;
- 29 (III) The well being of officers;
- 30 (IV) Implicit bias recognition;
- 31 (V) De-escalation;
- 32 (VI) Human trafficking; ~~and~~
- 33 (VII) ~~Firearms.~~ Individuals with intellectual or developmental  
 34 disabilities;

35 (VIII) Issues relating to lesbian, gay, bisexual, transgender and  
 36 questioning persons;

37 (IX) Domestic terrorism;

38 (X) Emergency vehicle operations;

39 (XI) Crisis intervention in accordance with the standard curriculum  
 40 developed pursuant to paragraph (i); and

41 (XII) Riot control.

1 ↪ At least half of the 48 required hours of professional development and training  
 2 in courses described in sub-subparagraphs (I) to (XII), inclusive, must be  
 3 completed in person. Any remaining hours may be completed in person or online.

4 (3) Qualifications for instructors of peace officers; ~~and~~

5 (4) Requirements for the certification of a course of training ~~¶~~; and

6 (5) Standards for how completion of the programs for the professional  
 7 development and training of peace officers must be accounted for in any  
 8 promotions or performance evaluations of peace officers.

9 (d) Shall, when necessary, present courses of training, professional  
 10 development and continuing education courses for category I, category II and  
 11 category III peace officers and reserve peace officers.

12 (e) May make necessary inquiries to determine whether the agencies of this  
 13 State and of the local governments are complying with standards set forth in its  
 14 regulations.

15 (f) Shall carry out the duties required of the Commission pursuant to NRS  
 16 432B.610 and 432B.620.

17 (g) May perform any other acts that may be necessary and appropriate to the  
 18 functions of the Commission as set forth in NRS 289.450 to 289.680, inclusive.

19 (h) May enter into an interlocal agreement with an Indian tribe to provide  
 20 training to and certification of persons employed as police officers by that Indian  
 21 tribe.

22 (i) Shall develop and approve a standard curriculum of certified training  
 23 programs in crisis intervention, which may be made available in an electronic  
 24 format, and which address specialized responses to persons with mental illness and  
 25 train peace officers to identify the signs and symptoms of mental illness, to de-  
 26 escalate situations involving persons who appear to be experiencing a behavioral  
 27 health crisis and, if appropriate, to connect such persons to treatment. A peace  
 28 officer who completes any program developed pursuant to this paragraph must be  
 29 issued a certificate of completion.

30 2. Regulations adopted by the Commission:

31 (a) Apply to all agencies of this State and of local governments in this State  
 32 that employ persons as peace officers;

33 (b) Must require that all peace officers receive training in the handling of cases  
 34 involving abuse or neglect of children or missing children;

35 (c) Must require that all peace officers receive training in the handling of cases  
 36 involving abuse, neglect, exploitation, isolation and abandonment of older persons  
 37 or vulnerable persons; and

38 (d) May require that training be carried on at institutions which it approves in  
 39 those regulations.

40 **Sec. 2.** ~~[NRS 289.450 is hereby amended to read as follows:~~

41 ~~— 289.450 As used in NRS 289.450 to 289.680, inclusive, and section 1 of this~~  
 42 ~~act, unless the context otherwise requires, the words and terms defined in NRS~~  
 43 ~~289.460 to 289.490, inclusive, have the meanings ascribed to them in those~~  
 44 ~~sections.] (Deleted by amendment.)~~

45 **Sec. 3.** ~~[NRS 289.830 is hereby amended to read as follows:~~

46 ~~— 289.830 1. A law enforcement agency shall require uniformed peace~~  
 47 ~~officers that it employs [and who routinely interact with the public] to wear a~~  
 48 ~~portable event recording device while interacting with the public on duty. Each~~  
 49 ~~law enforcement agency shall adopt policies and procedures governing the use of~~  
 50 ~~portable event recording devices, which must include, without limitation:~~

51 ~~— (a) Except as otherwise provided in paragraph (d), requiring activation of a~~  
 52 ~~portable event recording device whenever a peace officer is responding to a call for~~

~~service or at the initiation of any other law enforcement or investigative encounter between a uniformed peace officer and a member of the public;~~

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

~~— (c) Prohibiting the recording of general activity;~~

~~— (d) Protecting the privacy of persons:~~

~~— (1) In a private residence;~~

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

~~— (3) Claiming to be a victim of a crime;~~

~~— (e) Requiring that any video recorded by a portable event recording device must be retained by the law enforcement agency for not less than 15 days; and~~

~~— (f) Establishing disciplinary rules for peace officers who:~~

~~— (1) Fail to operate a portable event recording device in accordance with any departmental policies;~~

~~— (2) Intentionally manipulate a video recorded by a portable event recording device; or~~

~~— (3) Prematurely erase a video recorded 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 be:~~

~~— (a) Requested only on a per incident basis; and~~

~~— (b) Available for inspection only 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:~~

~~— (a) “Law enforcement agency” means:~~

~~— (1) The sheriff’s office of a county;~~

~~— (2) A metropolitan police department;~~

~~— (3) A police department of an incorporated city;~~

~~— (4) A department, division or municipal court of a city or town that employs marshals;~~

~~— (5) The Nevada Highway Patrol; or~~

~~— (6) A board of trustees of any county school district that employs or appoints school police officers.~~

~~— (b) “Portable event recording device” means a device issued to a peace officer by a law enforcement agency to be worn on his or her body and which records both audio and visual events occurring during an encounter with a member of the public while performing his or her duties as a peace officer.] **(Deleted by amendment.)**~~

**Sec. 4.** ~~[The provisions of NRS 354.509 do not apply to any additional expenses of a local government that are related to the provisions of this act.] **(Deleted by amendment.)**~~

**Sec. 5.** 1. This section becomes effective upon passage and approval.

2. Sections 1 to 4, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2022, for all other purposes.