

Amendment No. 661

Assembly Amendment to Senate Bill No. 362 First Reprint (BDR 15-289)

Proposed by: Assembly Committee on Judiciary

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

| 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.



SENATE BILL NO. 362--SENATORS NEAL AND FLORES

MARCH 22, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to public safety. (BDR 15-289)

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 public safety; requiring a peace officer to ensure that medical aid is rendered to a person who indicates that he or she cannot breathe; requiring each law enforcement agency to adopt certain policies and procedures governing the performance by peace officers of works protected by copyright in certain circumstances; revising provisions governing the establishment of a program for the imprinting of a symbol indicating a medical condition on a driver’s license or identification card; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law prohibits a peace officer from placing a person who is in the custody of the peace officer in any position which compresses his or her airway or restricts his or her ability to breathe. Existing law also requires a peace officer to monitor any person who is in the custody of the peace officer for any signs of distress and to take any actions necessary to place such a person in a recovery position if he or she appears to be in distress or indicates that he or she cannot breathe. (NRS 193.305) **Section 1** of this bill requires a peace officer to ensure that medical aid is rendered to a person who indicates that he or she cannot breathe by an emergency medical attendant, physician, physician assistant or registered nurse as soon as practicable.

Section 2 of this bill requires each law enforcement agency to adopt written policies and procedures governing the performance of copyrighted works by peace officers employed by the law enforcement agency while on duty, including policies prohibiting a peace officer from performing, or causing the performance of, a copyrighted work for the purpose of preventing or interfering with the dissemination or sharing of a recording of the peace officer performing his or her official duties, with certain exceptions. **Section 2** prohibits retaliation or punitive action against a peace officer who discloses information concerning the performance of a copyrighted work in violation of such policies and procedures.

Existing law authorizes the Department of Motor Vehicles to adopt regulations establishing a program for the imprinting of a symbol or other indicator of a medical condition on a driver’s license or identification card. (NRS 483.3485, 483.863) **Sections 4 and 6** of this bill authorize the Department to adopt regulations establishing a program for the imprinting of a symbol, and not any other indicator, of a medical condition on a driver’s license and identification card, respectively. If the Department establishes such a program, **sections 4 and 6** additionally require: (1) the Department to adopt a single symbol to represent all applicable medical conditions; (2) the regulations adopted by the Department to provide that a person is

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26 eligible to have the symbol indicating a medical condition imprinted on his or her driver’s
 27 license or identification card if the person is on anticoagulants or has certain specified medical
 28 conditions; (3) the Department to maintain a record of the medical condition for which the
 29 symbol indicating a medical condition was imprinted on the driver’s license or identification
 30 card of a person; and (4) the Department to maintain certain information about the program on
 31 its Internet website. If the Department establishes such a program, sections 4 and 6 also:
 32 (1) authorize the regulations adopted by the Department to provide that a person is
 33 eligible to have the symbol indicating a medical condition imprinted on his or her
 34 driver’s license or identification card to indicate other medical conditions not specified
 35 in statute as the Department deems appropriate; and (2) require the Department to
 36 provide a means for members of the public to suggest additional medical conditions.
 37 Sections 3 and 5 of this bill make conforming changes in existing provisions relating to
 38 the issuance or renewal of a driver’s license or identification card for consistency with the
 39 revisions made to the program pursuant to **sections 4 and 6**. **Section 7** of this bill requires the
 40 Department to include certain information regarding the program on the notifications for
 41 renewal of registration issued by the Department for a 12-month period.

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

1 **Section 1.** NRS 193.305 is hereby amended to read as follows:
 2 193.305 1. In carrying out his or her duties, a peace officer shall not use a
 3 choke hold on another person.
 4 2. A peace officer shall not place a person who is in the custody of the peace
 5 officer in any position which compresses his or her airway or restricts his or her
 6 ability to breathe. A peace officer shall monitor any person who is in the custody of
 7 the peace officer for any signs of distress and shall take any actions necessary to
 8 place such a person in a recovery position if he or she appears to be in distress or
 9 indicates that he or she cannot breathe.
 10 3. *If a person who is in the custody of a peace officer indicates that he or*
 11 *she cannot breathe, the peace officer shall ensure that medical aid is rendered to*
 12 *the person by an emergency medical attendant, physician, physician assistant or*
 13 *registered nurse as soon as practicable.*
 14 4. If a peace officer, in carrying out his or her duties, uses physical force on
 15 another person, the peace officer shall ensure that medical aid is rendered to any
 16 person who is injured by the use of such physical force as soon as practicable.
 17 ~~{4}~~ 5. As used in this section ~~{, “choke”}~~ :
 18 (a) *“Choke hold”* means:
 19 ~~{(a)}~~ (1) A method by which a person applies sufficient pressure to another
 20 person to make breathing difficult or impossible, including, without limitation, any
 21 pressure to the neck, throat or windpipe that may prevent or hinder breathing or
 22 reduce intake of air; or
 23 ~~{(b)}~~ (2) Applying pressure to a person’s neck on either side of the windpipe,
 24 but not the windpipe itself, to stop the flow of blood to the brain via the carotid
 25 arteries.
 26 (b) *“Emergency medical attendant”* means a person licensed as an attendant
 27 or certified as an emergency medical technician, advanced emergency medical
 28 technician or paramedic pursuant to chapter 450B of NRS.
 29 **Sec. 2.** Chapter 289 of NRS is hereby amended by adding thereto a new
 30 section to read as follows:
 31 1. *Each law enforcement agency shall adopt written policies and procedures*
 32 *governing the performance by peace officers employed by the law enforcement*
 33 *agency of copyrighted works while on duty. Such policies and procedures must:*

1 (a) *Except as otherwise provided in paragraph (b), prohibit a peace officer*
2 *from performing, or causing the performance of, a copyrighted work for the*
3 *purpose of preventing or interfering with the dissemination or sharing of a*
4 *recording of the peace officer performing his or her official duties, including,*
5 *without limitation, the dissemination or sharing of a recording through an*
6 *Internet website; and*

7 (b) *Authorize a peace officer to perform, or cause the performance of, a*
8 *copyrighted work:*

9 (1) *While engaged in an undercover investigation;*

10 (2) *When the peace officer is not publicly performing official duties; or*

11 (3) *As necessary to ensure the safety of the peace officer at the time the*
12 *copyrighted work is performed.*

13 2. *No retaliatory or punitive action may be taken against a peace officer*
14 *who discloses information concerning the performance of a copyrighted work in*
15 *violation of the policies and procedures of a law enforcement agency adopted*
16 *pursuant to subsection 1.*

17 3. *As used in this section:*

18 (a) *“Copyrighted work” means any work protected under Title 17 of the*
19 *United States Code.*

20 (b) *“Perform” has the meaning ascribed to it in 17 U.S.C. § 101.*

21 **Sec. 3.** NRS 483.340 is hereby amended to read as follows:

22 483.340 1. The Department shall, upon payment of the required fee, issue to
23 every qualified applicant a driver’s license indicating the type or class of vehicles
24 the licensee may drive.

25 2. The Department shall adopt regulations prescribing the information that
26 must be contained on a driver’s license.

27 3. The Department may issue a driver’s license for purposes of identification
28 only for use by officers of local police and sheriffs’ departments, agents of the
29 Investigation Division of the Department of Public Safety while engaged in special
30 undercover investigations relating to narcotics or prostitution or for other
31 undercover investigations requiring the establishment of a fictitious identity, federal
32 agents while engaged in undercover investigations, investigators employed by the
33 Attorney General while engaged in undercover investigations, criminal
34 investigators employed by the Secretary of State while engaged in undercover
35 investigations and agents of the Nevada Gaming Control Board while engaged in
36 investigations pursuant to NRS 463.140. An application for such a license must be
37 made through the head of the police or sheriff’s department, the Chief of the
38 Investigation Division of the Department of Public Safety, the director of the
39 appropriate federal agency, the Attorney General, the Secretary of State or his or
40 her designee or the Chair of the Nevada Gaming Control Board. Such a license is
41 exempt from the fees required by NRS 483.410. The Department, by regulation,
42 shall provide for the cancellation of any such driver’s license upon the completion
43 of the special investigation for which it was issued.

44 4. Except as otherwise provided in NRS 239.0115, information pertaining to
45 the issuance of a driver’s license pursuant to subsection 3 is confidential.

46 5. It is a misdemeanor for any person to use a driver’s license issued pursuant
47 to subsection 3 for any purpose other than the special investigation for which it was
48 issued.

49 6. At the time of the issuance or renewal of the driver’s license, the
50 Department shall:

51 (a) Give the holder the opportunity to have indicated on his or her driver’s
52 license that the holder wishes to be a donor of all or part of his or her body pursuant

1 to NRS 451.500 to 451.598, inclusive, or to refuse to make an anatomical gift of his
2 or her body or part thereof.

3 (b) Give the holder the opportunity to have indicated whether he or she wishes
4 to donate \$1 or more to the Anatomical Gift Account created by NRS 460.150.

5 (c) Provide to each holder who is interested in becoming a donor information
6 relating to anatomical gifts, including the procedure for registering as a donor with
7 the donor registry with which the Department has entered into a contract pursuant
8 to this paragraph. To carry out this paragraph, the Department shall, on such terms
9 as it deems appropriate, enter into a contract with a donor registry that is in
10 compliance with the provisions of NRS 451.500 to 451.598, inclusive.

11 (d) If the Department has established a program for imprinting a symbol ~~for~~
12 ~~other indicator of~~ **indicating** a medical condition on a driver's license pursuant to
13 NRS 483.3485, give the holder the opportunity to have a symbol ~~for other indicator~~
14 ~~of~~ **indicating** a medical condition imprinted on his or her driver's license.

15 (e) Provide to the holder information instructing the holder how to register with
16 the Next-of-Kin Registry pursuant to NRS 483.653 if he or she so chooses.

17 7. If the holder wishes to make a donation to the Anatomical Gift Account,
18 the Department shall collect the donation and deposit the money collected in the
19 State Treasury for credit to the Anatomical Gift Account.

20 8. The Department shall submit to the donor registry with which the
21 Department has entered into a contract pursuant to paragraph (c) of subsection 6
22 information from the records of the Department relating to persons who have
23 drivers' licenses that indicate the intention of those persons to make an anatomical
24 gift. The Department shall adopt regulations to carry out the provisions of this
25 subsection.

26 **Sec. 4.** NRS 483.3485 is hereby amended to read as follows:

27 483.3485 1. The Department may adopt regulations establishing a program
28 for the imprinting of a symbol ~~for other indicator of~~ **indicating** a medical condition
29 on a driver's license issued by the Department.

30 2. ~~[Regulations adopted pursuant to subsection 1 must require the symbol or~~
31 ~~other indicator of a medical condition which is imprinted on a driver's license to]~~ **If**
32 **the Department establishes a program pursuant to subsection 1:**

33 (a) **Except as otherwise provided in this title, the Department shall adopt a**
34 **single symbol for imprinting on a driver's license to indicate a medical condition**
35 **and shall not adopt individualized symbols for different medical conditions.**

36 (b) **The regulations adopted by the Department must provide that a person is**
37 **eligible to have the symbol indicating a medical condition imprinted on his or her**
38 **driver's license if the person is:**

39 (1) **On anticoagulants; or**

40 (2) **A person with:**

41 (I) **Diabetes;**

42 (II) **Epilepsy;**

43 (III) **Blindness and low vision;**

44 (IV) **Deafness;**

45 (V) **Coronary atherosclerosis;**

46 (VI) **Chronic obstructive pulmonary disease;**

47 (VII) **A food allergy;**

48 (VIII) **Malignant hyperthermia;**

49 (IX) **Sickle cell disease;**

50 (X) **Systemic lupus erythematosus;**

51 (XI) **Heart disease;**

52 (XII) **Hemophilia;**

53 (XIII) **Schizophrenia;**

- 1 (XIV) Depression; or
2 (XV) A mental illness.

3 (c) *The Department shall maintain a record of the medical condition for*
4 *which the symbol indicating a medical condition was imprinted on the driver's*
5 *license of an eligible person. The record must be maintained in the same location*
6 *and manner as all other records relating to the driver's license of the person,*
7 *including, without limitation, the records relating to the driver's license of the*
8 *person that are made available to law enforcement agencies. If the Department*
9 *maintains such information in the form of a code, the code used must conform*
10 *with the International Classification of Diseases, Ninth Revision, Clinical*
11 *Modification, or the most current revision, adopted by the National Center for*
12 *Health Statistics and the Centers for Medicare and Medicaid Services.*

13 (d) *The Department shall maintain on the Internet website of the Department*
14 *information about the program established pursuant to subsection 1, including,*
15 *without limitation, the manner in which a person may obtain a driver's license*
16 *which has been imprinted with a symbol indicating a medical condition.*

17 (e) *The regulations adopted by the Department may provide that a person is*
18 *eligible to have the symbol indicating a medical condition imprinted on his or her*
19 *driver's license to indicate such other medical conditions not listed in paragraph*
20 *(b) as the Department deems appropriate. The Department shall provide a means*
21 *for members of the public to suggest additional medical conditions for inclusion*
22 *in the regulations adopted by the Department.*

23 3. The Department may apply for and accept any gift, grant, appropriation or
24 other donation to assist in carrying out a program established pursuant to the
25 provisions of this section.

26 **Sec. 5.** NRS 483.840 is hereby amended to read as follows:

27 483.840 1. The form of the identification cards must be similar to that of
28 drivers' licenses but distinguishable in color or otherwise.

29 2. Identification cards do not authorize the operation of any motor vehicles.

30 3. The Department shall adopt regulations prescribing the information that
31 must be contained on an identification card.

32 4. At the time of the issuance or renewal of the identification card, the
33 Department shall:

34 (a) Give the holder the opportunity to have indicated on his or her
35 identification card that the holder wishes to be a donor of all or part of his or her
36 body pursuant to NRS 451.500 to 451.598, inclusive, or to refuse to make an
37 anatomical gift of his or her body or part thereof.

38 (b) Give the holder the opportunity to indicate whether he or she wishes to
39 donate \$1 or more to the Anatomical Gift Account created by NRS 460.150.

40 (c) Provide to each holder who is interested in becoming a donor information
41 relating to anatomical gifts, including the procedure for registering as a donor with
42 the donor registry with which the Department has entered into a contract pursuant
43 to this paragraph. To carry out this paragraph, the Department shall, on such terms
44 as it deems appropriate, enter into a contract with a donor registry that is in
45 compliance with the provisions of NRS 451.500 to 451.598, inclusive.

46 (d) If the Department has established a program for imprinting a symbol or
47 other indicator of a medical condition on an identification card pursuant to NRS
48 483.863, give the holder the opportunity to have a symbol ~~for other indicator of~~
49 *indicating* a medical condition imprinted on his or her identification card.

50 (e) Provide to the holder information instructing the holder how to register with
51 the Next-of-Kin Registry pursuant to NRS 483.653 if he or she so chooses.

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

4 6. The Department shall submit to the donor registry with which the
5 Department has entered into a contract pursuant to paragraph (c) of subsection 4
6 information from the records of the Department relating to persons who have
7 identification cards issued by the Department that indicate the intention of those
8 persons to make an anatomical gift. The Department shall adopt regulations to carry
9 out the provisions of this subsection.

10 **Sec. 6.** NRS 483.863 is hereby amended to read as follows:

11 483.863 1. The Department may adopt regulations establishing a program
12 for the imprinting of a symbol ~~for other indicator of~~ **indicating** a medical condition
13 on an identification card issued by the Department.

14 2. ~~[Regulations adopted pursuant to subsection 1 must require the symbol or~~
15 ~~other indicator of a medical condition which is imprinted on an identification card~~
16 ~~to] **If the Department establishes a program pursuant to subsection 1:**~~

17 (a) *Except as otherwise provided in this title, the Department shall adopt a*
18 *single symbol for imprinting on an identification card to indicate a medical*
19 *condition and shall not adopt individualized symbols for different medical*
20 *conditions.*

21 (b) *The regulations adopted by the Department must provide that a person is*
22 *eligible to have the symbol indicating a medical condition imprinted on his or her*
23 *identification card if the person is:*

24 (1) *On anticoagulants; or*

25 (2) *A person with:*

26 (I) *Diabetes;*

27 (II) *Epilepsy;*

28 (III) *Blindness and low vision;*

29 (IV) *Deafness;*

30 (V) *Coronary atherosclerosis;*

31 (VI) *Chronic obstructive pulmonary disease;*

32 (VII) *A food allergy;*

33 (VIII) *Malignant hyperthermia;*

34 (IX) *Sickle cell disease;*

35 (X) *Systemic lupus erythematosus;*

36 (XI) *Heart disease;*

37 (XII) *Hemophilia;*

38 (XIII) *Schizophrenia;*

39 (XIV) *Depression; or*

40 (XV) *A mental illness.*

41 (c) *The Department shall maintain a record of the medical condition for*
42 *which the symbol indicating a medical condition was imprinted on the*
43 *identification card of an eligible person. The record must be maintained in the*
44 *same location and manner as all other records relating to the identification card*
45 *of the person, including, without limitation, the records relating to the*
46 *identification card of the person that are available to law enforcement agencies.*
47 *If the Department maintains such information in the form of a code, the code*
48 *used must conform with the International Classification of Diseases, Ninth*
49 *Revision, Clinical Modification, or the most current revision, adopted by the*
50 *National Center for Health Statistics and the Centers for Medicare and Medicaid*
51 *Services.*

1 (d) *The Department shall, at the time of the issuance or renewal of an*
2 *identification card, give the holder the opportunity to have imprinted on his or*
3 *her identification card a symbol indicating a medical condition.*

4 (e) *The Department shall maintain on the Internet website of the Department*
5 *information about the program established pursuant to subsection 1, including,*
6 *without limitation, the manner in which a person may obtain an identification*
7 *card which has been imprinted with a symbol indicating a medical condition.*

8 (f) *The regulations adopted by the Department may provide that a person is*
9 *eligible to have the symbol indicating a medical condition imprinted on his or her*
10 *identification card to indicate such other medical conditions not listed in*
11 *paragraph (b) as the Department deems appropriate. The Department shall*
12 *provide a means for members of the public to suggest additional medical*
13 *conditions for inclusion in the regulations adopted by the Department.*

14 3. The Department may apply for and accept any gift, grant, appropriation or
15 other donation to assist in carrying out a program established pursuant to the
16 provisions of this section.

17 **Sec. 7.** If the Department of Motor Vehicles adopts a program for the
18 imprinting of a symbol indicating a medical condition on a driver's license or
19 identification card issued by the Department pursuant to NRS 483.3485, as
20 amended by section 4 of this act, or 483.863, as amended by section 6 of this act,
21 respectively, the Department shall, 30 days after the date on which the Department
22 first accepts an application for the imprinting of a symbol indicating a medical
23 condition pursuant to NRS 483.3485, as amended by section 4 of this act, or
24 483.863, as amended by section 6 of this act, and any regulations adopted pursuant
25 thereto, and for 12 calendar months thereafter, print on each notification for
26 renewal of registration mailed by the Department pursuant to NRS 482.280, and on
27 any electronic notification for renewal of registration issued by the Department:

28 1. A statement notifying the public that an eligible person may have imprinted
29 on his or her driver's license or identification card a symbol indicating a medical
30 condition.

31 2. The address of the Internet website of the Department where interested
32 persons may obtain more information about the program established pursuant to
33 NRS 483.3485, as amended by section 4 of this act, or 483.863, as amended by
34 section 6 of this act.

35 **Sec. 8.** 1. This section becomes effective upon passage and approval.

36 2. Sections 1 and 2 of this act become effective on October 1, 2023.

37 3. Sections 3 to 7, inclusive, of this act become effective:

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

41 (b) January 1, 2024, for all other purposes.