

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:

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

11 **Section 2** of this bill requires each law enforcement agency to adopt written
12 policies and procedures governing the performance of copyrighted works by peace
13 officers employed by the law enforcement agency while on duty, including policies
14 prohibiting a peace officer from performing, or causing the performance of, a
15 copyrighted work for the purpose of preventing or interfering with the
16 dissemination or sharing of a recording of the peace officer performing his or her
17 official duties, with certain exceptions. **Section 2** prohibits retaliation or punitive



18 action against a peace officer who discloses information concerning the
19 performance of a copyrighted work in violation of such policies and procedures.

20 Existing law authorizes the Department of Motor Vehicles to adopt regulations
21 establishing a program for the imprinting of a symbol or other indicator of a
22 medical condition on a driver's license or identification card. (NRS 483.3485,
23 483.863) **Sections 4 and 6** of this bill authorize the Department to adopt
24 regulations establishing a program for the imprinting of a symbol, and not any other
25 indicator, of a medical condition on a driver's license and identification card,
26 respectively. If the Department establishes such a program, **sections 4 and 6**
27 additionally require: (1) the Department to adopt a single symbol to represent all
28 applicable medical conditions; (2) the regulations adopted by the Department to
29 provide that a person is eligible to have the symbol indicating a medical condition
30 imprinted on his or her driver's license or identification card if the person is on
31 anticoagulants or has certain specified medical conditions; (3) the Department to
32 maintain a record of the medical condition for which the symbol indicating a
33 medical condition was imprinted on the driver's license or identification card of a
34 person; and (4) the Department to maintain certain information about the program
35 on its Internet website. If the Department establishes such a program, **sections 4**
36 **and 6** also: (1) authorize the regulations adopted by the Department to provide that
37 a person is eligible to have the symbol indicating a medical condition imprinted on
38 his or her driver's license or identification card to indicate other medical conditions
39 not specified in statute as the Department deems appropriate; and (2) require the
40 Department to provide a means for members of the public to suggest additional
41 medical conditions.

42 **Sections 3 and 5** of this bill make conforming changes in existing provisions
43 relating to the issuance or renewal of a driver's license or identification card for
44 consistency with the revisions made to the program pursuant to **sections 4 and 6**.
45 **Section 7** of this bill requires the Department to include certain information
46 regarding the program on the notifications for renewal of registration issued by the
47 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
3 shall not use a choke hold on another person.

4 2. A peace officer shall not place a person who is in the
5 custody of the peace officer in any position which compresses his or
6 her airway or restricts his or her ability to breathe. A peace officer
7 shall monitor any person who is in the custody of the peace officer
8 for any signs of distress and shall take any actions necessary to
9 place such a person in a recovery position if he or she appears to be
10 in distress or indicates that he or she cannot breathe.

11 3. *If a person who is in the custody of a peace officer*
12 *indicates that he or she cannot breathe, the peace officer shall*
13 *ensure that medical aid is rendered to the person by an emergency*
14 *medical attendant, physician, physician assistant or registered*
15 *nurse as soon as practicable.*



1 4. If a peace officer, in carrying out his or her duties, uses
2 physical force on another person, the peace officer shall ensure that
3 medical aid is rendered to any person who is injured by the use of
4 such physical force as soon as practicable.

5 ~~[(4.)~~ 5. As used in this section ~~[(, “choke”~~ :

6 (a) “Choke hold” means:

7 ~~[(a)]~~ (1) A method by which a person applies sufficient pressure
8 to another person to make breathing difficult or impossible,
9 including, without limitation, any pressure to the neck, throat or
10 windpipe that may prevent or hinder breathing or reduce intake of
11 air; or

12 ~~[(b)]~~ (2) Applying pressure to a person’s neck on either side of
13 the windpipe, but not the windpipe itself, to stop the flow of blood
14 to the brain via the carotid arteries.

15 (b) “Emergency medical attendant” means a person licensed
16 as an attendant or certified as an emergency medical technician,
17 advanced emergency medical technician or paramedic pursuant to
18 chapter 450B of NRS.

19 Sec. 2. Chapter 289 of NRS is hereby amended by adding
20 thereto a new section to read as follows:

21 1. Each law enforcement agency shall adopt written policies
22 and procedures governing the performance by peace officers
23 employed by the law enforcement agency of copyrighted works
24 while on duty. Such policies and procedures must:

25 (a) Except as otherwise provided in paragraph (b), prohibit a
26 peace officer from performing, or causing the performance of, a
27 copyrighted work for the purpose of preventing or interfering with
28 the dissemination or sharing of a recording of the peace officer
29 performing his or her official duties, including, without limitation,
30 the dissemination or sharing of a recording through an Internet
31 website; and

32 (b) Authorize a peace officer to perform, or cause the
33 performance of, a copyrighted work:

34 (1) While engaged in an undercover investigation;

35 (2) When the peace officer is not publicly performing
36 official duties; or

37 (3) As necessary to ensure the safety of the peace officer at
38 the time the copyrighted work is performed.

39 2. No retaliatory or punitive action may be taken against a
40 peace officer who discloses information concerning the
41 performance of a copyrighted work in violation of the policies and
42 procedures of a law enforcement agency adopted pursuant to
43 subsection 1.

44 3. As used in this section:



1 (a) *“Copyrighted work” means any work protected under Title*
2 *17 of the United States Code.*

3 (b) *“Perform” has the meaning ascribed to it in 17 U.S.C. §*
4 *101.*

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

6 483.340 1. The Department shall, upon payment of the
7 required fee, issue to every qualified applicant a driver’s license
8 indicating the type or class of vehicles the licensee may drive.

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

11 3. The Department may issue a driver’s license for purposes of
12 identification only for use by officers of local police and sheriffs’
13 departments, agents of the Investigation Division of the Department
14 of Public Safety while engaged in special undercover investigations
15 relating to narcotics or prostitution or for other undercover
16 investigations requiring the establishment of a fictitious identity,
17 federal agents while engaged in undercover investigations,
18 investigators employed by the Attorney General while engaged in
19 undercover investigations, criminal investigators employed by the
20 Secretary of State while engaged in undercover investigations and
21 agents of the Nevada Gaming Control Board while engaged in
22 investigations pursuant to NRS 463.140. An application for such a
23 license must be made through the head of the police or sheriff’s
24 department, the Chief of the Investigation Division of the
25 Department of Public Safety, the director of the appropriate federal
26 agency, the Attorney General, the Secretary of State or his or her
27 designee or the Chair of the Nevada Gaming Control Board. Such a
28 license is exempt from the fees required by NRS 483.410. The
29 Department, by regulation, shall provide for the cancellation of any
30 such driver’s license upon the completion of the special
31 investigation for which it was issued.

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

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

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

40 (a) Give the holder the opportunity to have indicated on his or
41 her driver’s license that the holder wishes to be a donor of all or part
42 of his or her body pursuant to NRS 451.500 to 451.598, inclusive, or
43 to refuse to make an anatomical gift of his or her body or part
44 thereof.



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

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

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

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

20 7. If the holder wishes to make a donation to the Anatomical
21 Gift Account, the Department shall collect the donation and deposit
22 the money collected in the State Treasury for credit to the
23 Anatomical Gift Account.

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

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

32 483.3485 1. The Department may adopt regulations
33 establishing a program for the imprinting of a symbol ~~for other~~
34 ~~indicator of~~ *indicating* a medical condition on a driver's license
35 issued by the Department.

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

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



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

4 (1) *On anticoagulants; or*

5 (2) *A person with:*

6 (I) *Diabetes;*

7 (II) *Epilepsy;*

8 (III) *Blindness and low vision;*

9 (IV) *Deafness;*

10 (V) *Coronary atherosclerosis;*

11 (VI) *Chronic obstructive pulmonary disease;*

12 (VII) *A food allergy;*

13 (VIII) *Malignant hyperthermia;*

14 (IX) *Sickle cell disease;*

15 (X) *Systemic lupus erythematosus;*

16 (XI) *Heart disease;*

17 (XII) *Hemophilia;*

18 (XIII) *Schizophrenia;*

19 (XIV) *Depression; or*

20 (XV) *A mental illness.*

21 (c) *The Department shall maintain a record of the medical*
22 *condition for which the symbol indicating a medical condition was*
23 *imprinted on the driver's license of an eligible person. The record*
24 *must be maintained in the same location and manner as all other*
25 *records relating to the driver's license of the person, including,*
26 *without limitation, the records relating to the driver's license of*
27 *the person that are made available to law enforcement agencies.*
28 *If the Department maintains such information in the form of a*
29 *code, the code used must conform with the International*
30 *Classification of Diseases, Ninth Revision, Clinical Modification, or*
31 *the most current revision, adopted by the National Center for Health*
32 *Statistics and the Centers for Medicare and Medicaid Services.*

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

38 (e) *The regulations adopted by the Department may provide*
39 *that a person is eligible to have the symbol indicating a medical*
40 *condition imprinted on his or her driver's license to indicate such*
41 *other medical conditions not listed in paragraph (b) as the*
42 *Department deems appropriate. The Department shall provide a*
43 *means for members of the public to suggest additional medical*
44 *conditions for inclusion in the regulations adopted by the*
45 *Department.*



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

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

5 483.840 1. The form of the identification cards must be
6 similar to that of drivers' licenses but distinguishable in color or
7 otherwise.

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

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

12 4. At the time of the issuance or renewal of the identification
13 card, the Department shall:

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

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

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

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

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

38 5. If the holder wishes to make a donation to the Anatomical
39 Gift Account, the Department shall collect the donation and deposit
40 the money collected in the State Treasury for credit to the
41 Anatomical Gift Account.

42 6. The Department shall submit to the donor registry with
43 which the Department has entered into a contract pursuant to
44 paragraph (c) of subsection 4 information from the records of the
45 Department relating to persons who have identification cards issued



1 by the Department that indicate the intention of those persons to
2 make an anatomical gift. The Department shall adopt regulations to
3 carry out the provisions of this subsection.

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

5 483.863 1. The Department may adopt regulations
6 establishing a program for the imprinting of a symbol ~~for other~~
7 ~~indicator of~~ *indicating* a medical condition on an identification card
8 issued by the Department.

9 2. ~~Regulations adopted pursuant to subsection 1 must require~~
10 ~~the symbol or other indicator of a medical condition which is~~
11 ~~imprinted on an identification card to~~ *If the Department*
12 *establishes a program pursuant to subsection 1:*

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

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

21 (1) *On anticoagulants; or*

22 (2) *A person with:*

23 (I) *Diabetes;*

24 (II) *Epilepsy;*

25 (III) *Blindness and low vision;*

26 (IV) *Deafness;*

27 (V) *Coronary atherosclerosis;*

28 (VI) *Chronic obstructive pulmonary disease;*

29 (VII) *A food allergy;*

30 (VIII) *Malignant hyperthermia;*

31 (IX) *Sickle cell disease;*

32 (X) *Systemic lupus erythematosus;*

33 (XI) *Heart disease;*

34 (XII) *Hemophilia;*

35 (XIII) *Schizophrenia;*

36 (XIV) *Depression; or*

37 (XV) *A mental illness.*

38 (c) *The Department shall maintain a record of the medical*
39 *condition for which the symbol indicating a medical condition was*
40 *imprinted on the identification card of an eligible person. The*
41 *record must be maintained in the same location and manner as all*
42 *other records relating to the identification card of the person,*
43 *including, without limitation, the records relating to the*
44 *identification card of the person that are available to law*
45 *enforcement agencies. If the Department maintains such*



1 *information in the form of a code, the code used must* conform
2 with the International Classification of Diseases, Ninth Revision,
3 Clinical Modification, or the most current revision, adopted by the
4 National Center for Health Statistics and the Centers for Medicare
5 and Medicaid Services.

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

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

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

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

27 **Sec. 7.** If the Department of Motor Vehicles adopts a program
28 for the imprinting of a symbol indicating a medical condition on a
29 driver's license or identification card issued by the Department
30 pursuant to NRS 483.3485, as amended by section 4 of this act, or
31 483.863, as amended by section 6 of this act, respectively, the
32 Department shall, 30 days after the date on which the Department
33 first accepts an application for the imprinting of a symbol indicating
34 a medical condition pursuant to NRS 483.3485, as amended by
35 section 4 of this act, or 483.863, as amended by section 6 of this act,
36 and any regulations adopted pursuant thereto, and for 12 calendar
37 months thereafter, print on each notification for renewal of
38 registration mailed by the Department pursuant to NRS 482.280,
39 and on any electronic notification for renewal of registration issued
40 by the Department:

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

44 2. The address of the Internet website of the Department where
45 interested persons may obtain more information about the program



1 established pursuant to NRS 483.3485, as amended by section 4 of
2 this act, or 483.863, as amended by section 6 of this act.

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

5 2. Sections 1 and 2 of this act become effective on October 1,
6 2023.

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

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

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

