

MOCK-UP

PROPOSED AMENDMENT 3571 TO
SENATE BILL NO. 225

NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE OFFICIAL AMENDMENT MAY DIFFER.

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.

Legislative Counsel's Digest:

Existing law sets forth provisions governing peace officers and creates the Peace Officers' Standards and Training Commission, which generally provides for the training, education and certification of peace officers. (Chapter 289 of NRS) Existing law requires an application for certification as a peace officer to include the social security number of the applicant and a statement regarding the payment of child support. (NRS 289.560, 289.570) **Section 2** of this bill additionally requires an application for certification as a peace officer to include an affidavit stating that the applicant: (1) is not disqualified from serving as a peace officer; (2) has not been discharged, disciplined or asked to resign from employment with a law enforcement agency for certain ~~misconduct~~ **conduct**; and (3) has not resigned from employment or otherwise separated from employment with a law enforcement agency while an investigation concerning certain alleged ~~misconduct~~ **conduct** was pending. **Section 2** also requires the Commission to: (1) deny an application for certification that does not include the required affidavit; and (2) search the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training, or an equivalent database, to ensure that the name of the applicant does not appear in any such index or database. **Section 6** of this bill makes a conforming change to indicate the proper placement of **sections 2 and 3** of this bill in the Nevada Revised Statutes.

Section 3 requires a law enforcement agency to immediately notify the Commission if a peace officer employed by the agency: (1) is charged with certain crimes; or (2) resigns from employment or otherwise separates from employment with the agency. **Section 3** also requires a law enforcement agency, upon the request of the Commission, to provide certain information to the Commission concerning a peace officer who resigns or otherwise separates from employment with the agency while an investigation concerning alleged misconduct is pending.

1 With certain exceptions, existing law prohibits a law enforcement agency from requiring
2 a peace officer to disclose certain information as a condition precedent to a promotion, job
3 assignment or other personnel action. (NRS 289.030) **Section 5** of this bill additionally
4 prohibits a law enforcement agency from requiring a peace officer to provide an oral or
5 written ~~affirmation attesting that he or she has not engaged in the adult~~ **attestation**
6 **concerning any** use of cannabis ~~for medical use of cannabis~~ **by the peace officer that**
7 **occurred before the peace officer submitted his or her application for employment with**
8 **the law enforcement agency** as a condition precedent to employment as a peace officer.
9 Existing law requires the Commission to adopt regulations establishing minimum
10 standards for the certification and decertification, recruitment, selection and training of peace

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Affairs
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1 officers. (NRS 289.510) **Section 7** of this bill provides that the standards prescribed by
2 regulations adopted by the Commission: (1) must not prohibit the certification of an applicant
3 solely on the basis that the applicant has engaged in the adult use of cannabis or the medical
4 use of cannabis; (2) must not require the decertification of a peace officer solely on the basis
5 that the peace officer has engaged in the adult use of cannabis or the medical use of cannabis;
6 and (3) must require the decertification of a peace officer upon a determination by the
7 Commission that the peace officer knowingly provided false or misleading information in his
8 or her application for certification. **Section 7** also makes conforming changes to reorganize
9 certain provisions relating to regulations adopted by the Commission. **Section 4** of this bill
10 defines certain terms for the purposes of certain requirements relating to cannabis prescribed
11 by **sections 5 and 7**.

12 Existing law provides that a person who has been convicted of a felony in this State or
13 any other state is not qualified to serve as a peace officer. (NRS 289.555) **Section 9** of this
14 bill makes this prohibition applicable regardless of whether the person has had the conviction
15 expunged or sealed. **Section 9** also provides that a person is not qualified to serve as a peace
16 officer if the person has been: (1) convicted of domestic violence in this State or any other
17 state, regardless of whether such a conviction was sealed or expunged; (2) reported to the
18 National Decertification Index or an equivalent database; or (3) decertified or has had his or
19 her certificate or license to practice or serve as a peace officer revoked or annulled by the
20 Commission or a certifying or licensing authority in any other state.

21 Existing law requires the Commission to appoint an Executive Director of the
22 Commission and authorizes the Executive Director to perform certain acts relating to the
23 certification of peace officers. (NRS 289.520, 289.530) **Section 8** of this bill requires the
24 Executive Director to report to the National Decertification Index or an equivalent database:
25 (1) the name of each decertified peace officer; and (2) any other information required by the
26 Index or database, as applicable.

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

27 **Section 1.** Chapter 289 of NRS is hereby amended by adding thereto
28 the provisions set forth as sections 2 and 3 of this act.

29 **Sec. 2. 1. *An application for certification as a peace officer must***
30 ***include an affidavit stating that the applicant:***

31 ***(a) Is not disqualified from serving as a peace officer pursuant to NRS***
32 ***289.555;***

33 ***(b) Has not been discharged, disciplined or asked to resign from***
34 ***employment with a law enforcement agency in this State or any other state***
35 ***for ~~misconduct~~ conduct which would, under the regulations adopted by***
36 ***the Commission pursuant to NRS 289.510, constitute grounds for***
37 ***~~initiating disciplinary action or~~ denying certification ~~or~~ or revoking the***
38 ***certificate of a peace officer; and***

39 ***(c) Has not resigned from employment or otherwise separated from***
40 ***employment with a law enforcement agency in this State or any other state***
41 ***while an investigation concerning allegations of ~~misconduct,~~ conduct***
42 ***which would, under the regulations adopted by the Commission pursuant***
43 ***to NRS 289.510, constitute grounds for denying certification or revoking***
44 ***the certificate of a peace officer, was pending.***

1 2. *The Commission shall summarily deny any application for*
2 *certification as a peace officer if the application does not include the*
3 *affidavit required by subsection 1.*

4 3. *The Commission shall, for each applicant for certification as a*
5 *peace officer, search the National Decertification Index of the*
6 *International Association of Directors of Law Enforcement Standards and*
7 *Training, or an equivalent database maintained for the purpose of serving*
8 *as a national registry of certificate or license revocation actions relating*
9 *to peace officer misconduct, to ensure that the name of the applicant does*
10 *not appear in any such index or database.*

11 **Sec. 3.** *A law enforcement agency shall:*

12 1. *Immediately notify the Commission if a peace officer employed by*
13 *the agency:*

14 (a) *Is charged with a crime for which the regulations adopted by the*
15 *Commission pursuant to NRS 289.510 authorize the Commission to*
16 *revoke or suspend the certificate of the peace officer; or*

17 (b) *Resigns from employment or otherwise separates from*
18 *employment with the agency; and*

19 2. *If a peace officer resigns or otherwise separates from employment*
20 *while an investigation concerning alleged misconduct is pending, provide*
21 *any information requested by the Commission as soon as practicable after*
22 *receiving the request.*

23 **Sec. 4.** NRS 289.010 is hereby amended to read as follows:

24 289.010 As used in this chapter, unless the context otherwise requires:

25 1. "Administrative file" means any file of a peace officer containing
26 information, comments or documents about the peace officer. The term does
27 not include any file relating to an investigation conducted pursuant to NRS
28 289.057 or a criminal investigation of a peace officer.

29 2. *"Adult use of cannabis" has the meaning ascribed to it in NRS*
30 *678A.075.*

31 3. "Law enforcement agency" means any agency, office, bureau,
32 department, unit or division created by any statute, ordinance or rule which:

33 (a) Has a duty to enforce the law; and

34 (b) Employs any person upon whom some or all of the powers of a peace
35 officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

36 ~~3.~~ 4. *"Medical use of cannabis" has the meaning ascribed to it in*
37 *NRS 678A.215.*

38 5. "Peace officer" means any person upon whom some or all of the
39 powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360,
40 inclusive.

41 ~~4.~~ 6. "Punitive action" means any action which may lead to dismissal,
42 demotion, suspension, reduction in salary, written reprimand or transfer of
43 a peace officer for purposes of punishment.

1 7. *“Screening test” means a test of a person’s blood, urine, hair or*
2 *saliva to detect the general presence of a controlled substance or other*
3 *drug.*

4 **Sec. 5.** NRS 289.030 is hereby amended to read as follows:

5 289.030 **1.** A law enforcement agency shall not require any peace
6 officer to ~~[disclose]~~ :

7 **(a) Disclose** the peace officer’s assets, debts, sources of income or other
8 financial information or make such a disclosure a condition precedent to a
9 promotion, job assignment or other personnel action unless that information
10 is necessary to:

11 ~~[1.]~~ **(1)** Determine the peace officer’s credentials for transfer to a
12 specialized unit;

13 ~~[2.]~~ **(2)** Prevent any conflict of interest which may result in any new
14 assignment; or

15 ~~[3.]~~ **(3)** Determine whether the peace officer is engaged in unlawful
16 activity.

17 **(b) Provide an oral or written ~~[affirmation attesting that he or she has~~**
18 **~~not engaged in the adult] attestation concerning any use of cannabis ~~[or]~~~~**
19 **~~by the ~~[medical use of cannabis]~~ peace officer that occurred before the~~**
20 **~~peace officer submitted his or her application for employment with the law~~**
21 **~~enforcement agency as a condition precedent to employment with the~~**
22 **~~agency as a peace officer.~~**

23 **2. Nothing in this section shall be construed to prohibit a law**
24 **enforcement agency from ~~[adopting]~~ :**

25 **(a) Requiring a peace officer to provide an oral or written attestation**
26 **concerning any use of cannabis that has occurred after the submission of**
27 **his or her application for employment with the law enforcement agency as**
28 **a condition precedent to employment with the agency as a peace officer;**
29 **or**

30 **(b) Adopting a policy that requires a peace officer to submit to a**
31 **screening test as a condition precedent to employment.**

32 **3. As used in this section “use of cannabis” includes the adult use of**
33 **cannabis and the medical use of cannabis.**

34 **Sec. 6.** NRS 289.450 is hereby amended to read as follows:

35 289.450 As used in NRS 289.450 to 289.680, inclusive, **and sections**
36 **2 and 3 of this act**, unless the context otherwise requires, the words and
37 terms defined in NRS 289.460 to 289.490, inclusive, have the meanings
38 ascribed to them in those sections.

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

40 289.510 **1.** The Commission:

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

43 **(b)** Shall provide for and encourage the training and education of
44 persons whose primary duty is law enforcement to ensure the safety of the
45 residents of and visitors to this State.

1 (c) ~~[Shall adopt regulations establishing minimum standards for the~~
2 ~~certification and decertification, recruitment, selection and training of peace~~
3 ~~officers. The regulations must establish:~~
4 ~~— (1) Requirements for evaluations to be conducted during the~~
5 ~~recruitment and selection of peace officers, which must identify implicit bias~~
6 ~~on the part of a peace officer on the basis of race, color, religion, national~~
7 ~~origin, physical or mental disability, sexual orientation or gender identity or~~
8 ~~expression;~~
9 ~~— (2) Requirements for basic training for category I, category II and~~
10 ~~category III peace officers and reserve peace officers;~~
11 ~~— (3) Standards for programs for the continuing education of peace~~
12 ~~officers, including minimum courses of study and requirements concerning~~
13 ~~attendance, which must require that all peace officers annually complete not~~
14 ~~less than 12 hours of continuing education in courses that address:~~
15 ~~— (I) Racial profiling;~~
16 ~~— (II) Mental health, including, without limitation, crisis~~
17 ~~intervention;~~
18 ~~— (III) The well being of officers;~~
19 ~~— (IV) Implicit bias recognition;~~
20 ~~— (V) De-escalation;~~
21 ~~— (VI) Human trafficking; and~~
22 ~~— (VII) Firearms.~~
23 ~~— (4) Qualifications for instructors of peace officers;~~
24 ~~— (5) Requirements for the certification of a course of training; and~~
25 ~~— (6) Standards for an annual behavioral wellness visit for peace~~
26 ~~officers to aid in preserving the emotional and mental health of the peace~~
27 ~~officer and assessing conditions that may affect the performance of duties~~
28 ~~by the peace officer.~~
29 ~~— (d) Shall, when necessary, present courses of training and continuing~~
30 ~~education courses for category I, category II and category III peace officers~~
31 ~~and reserve peace officers.~~
32 ~~— (e)]~~ May make necessary inquiries to determine whether the agencies of
33 this State and of the local governments are complying with standards set
34 forth in ~~[its]~~ *the* regulations ~~[]~~ *adopted pursuant to subsection 2.*
35 ~~[(f)]~~ (d) Shall carry out the duties required of the Commission pursuant
36 to NRS 432B.610 and 432B.620.
37 ~~[(g)]~~ (e) May perform any other acts that may be necessary and
38 appropriate to the functions of the Commission as set forth in NRS 289.450
39 to 289.680, inclusive ~~[]~~, *and sections 2 and 3 of this act.*
40 ~~[(h)]~~ (f) May enter into an interlocal agreement with an Indian tribe to
41 provide training to and certification of persons employed as police officers
42 by that Indian tribe.
43 ~~[(i)]~~ (g) Shall develop and approve a standard curriculum of certified
44 training programs in crisis intervention, which may be made available in an
45 electronic format, and which address specialized responses to persons with

1 mental illness and train peace officers to identify the signs and symptoms of
2 mental illness, to de-escalate situations involving persons who appear to be
3 experiencing a behavioral health crisis and, if appropriate, to connect such
4 persons to treatment. A peace officer who completes any program developed
5 pursuant to this paragraph must be issued a certificate of completion.

6 2. ~~[Regulations]~~ *The Commission shall adopt regulations*
7 *establishing minimum standards for:*

8 *(a) The certification and decertification, recruitment, selection and*
9 *training of peace officers. The standards adopted pursuant to this*
10 *paragraph must:*

11 *(1) Establish requirements for evaluations to be conducted during*
12 *the recruitment and selection of peace officers, which must identify*
13 *implicit bias on the part of a peace officer on the basis of race, color,*
14 *religion, national origin, physical or mental disability, sexual orientation*
15 *or gender identity or expression;*

16 *(2) Establish requirements for basic training for category I,*
17 *category II and category III peace officers and reserve peace officers;*

18 *(3) Establish standards for programs for the continuing education*
19 *of peace officers, including minimum courses of study and requirements*
20 *concerning attendance, which must require that all peace officers*
21 *annually complete not less than 12 hours of continuing education in*
22 *courses that address:*

23 *(I) Racial profiling;*

24 *(II) Mental health, including, without limitation, crisis*
25 *intervention;*

26 *(III) The well-being of officers;*

27 *(IV) Implicit bias recognition;*

28 *(V) De-escalation;*

29 *(VI) Human trafficking; and*

30 *(VII) Firearms;*

31 *(4) Establish qualifications for instructors of peace officers;*

32 *(5) Establish requirements for the certification of a course of*
33 *training;*

34 *(6) Require all peace officers to receive training in the handling of*
35 *cases involving abuse or neglect of children or missing children;*

36 *(7) Require all peace officers to receive training in the handling of*
37 *cases involving abuse, neglect, exploitation, isolation and abandonment*
38 *of older persons or vulnerable persons;*

39 *(8) Not prohibit the certification of an applicant solely on the basis*
40 *that the applicant has engaged in the adult use of cannabis or the medical*
41 *use of cannabis;*

42 *(9) Not require the decertification of a peace officer solely on the*
43 *basis that the peace officer has engaged in the adult use of cannabis or*
44 *the medical use of cannabis; and*

1 (10) *Require the decertification of a peace officer upon a*
2 *determination by the Commission that the peace officer knowingly*
3 *provided false or misleading information in his or her application for*
4 *certification.*

5 (b) *An annual behavioral wellness visit for peace officers, ~~which~~*
6 ~~*must*~~

7 ~~*(1) Be designed*~~ *to aid in preserving the emotional and mental*
8 *health of the peace officer ~~and~~*

9 ~~*{(2) Allow the person conducting the behavioral wellness visit to*~~
10 ~~*assess*~~ *assessing any conditions that may affect the performance of duties*
11 *by the peace officer.*

12 3. *The regulations adopted by the Commission ~~{:}~~ pursuant to*
13 *subsection 2:*

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

16 (b) ~~*{Must require that all peace officers receive training in the handling*~~
17 ~~*of cases involving abuse or neglect of children or missing children;*~~

18 ~~*—(c) Must require that all peace officers receive training in the handling*~~
19 ~~*of cases involving abuse, neglect, exploitation, isolation and abandonment*~~
20 ~~*of older persons or vulnerable persons; and*~~

21 ~~*—(d)*~~ *May require that training be carried on at institutions which it*
22 *approves in those regulations.*

23 4. *Nothing in this section shall be construed to prohibit a law*
24 *enforcement agency from adopting a policy that requires a peace officer*
25 *to submit to a screening test as a condition precedent to employment.*

26 **Sec. 8.** NRS 289.530 is hereby amended to read as follows:

27 289.530 **1.** With the advice of the Commission, the Executive
28 Director of the Commission may:

29 ~~**{1}**~~ (a) Appoint employees, agents, consultants and other staff of the
30 Commission and prescribe their duties;

31 ~~**{2}**~~ (b) Administer and direct the daily operation of the staff and
32 resources of the Commission;

33 ~~**{3}**~~ (c) Inspect academies for training peace officers, and issue and
34 revoke certificates of approval to such academies;

35 ~~**{4}**~~ (d) Certify qualified instructors for approved courses of training for
36 peace officers and issue appropriate certificates to instructors;

37 ~~**{5}**~~ (e) Certify peace officers who have satisfactorily completed
38 courses of training for peace officers and issue basic, intermediate, advanced
39 and management professional certificates to peace officers;

40 ~~**{6}**~~ (f) Make recommendations to the Commission concerning the
41 issuance of executive certificates;

42 ~~**{7}**~~ (g) Cause annual audits to be made relating to the operation of
43 academies for training peace officers;

1 ~~8.~~ (h) Consult and cooperate with academies for training peace
2 officers concerning the development of the basic and advanced training
3 programs for peace officers;

4 ~~9.~~ (i) Consult and cooperate with academies for training peace officers
5 concerning the development of specialized courses of study in this State for
6 peace officers in the areas of police science, police administration,
7 corrections, probation, the social sciences and other related areas;

8 ~~10.~~ (j) Consult and cooperate with other departments and agencies of
9 this State and of local governments concerning the training of peace officers;

10 ~~11.~~ (k) Report to the Commission at the regular meetings of the
11 Commission and at such other times as the Commission may require, and
12 recommend the denial, suspension or revocation of certification of a peace
13 officer to the Commission as deemed necessary;

14 ~~12.~~ (l) Execute contracts on behalf of the Commission; and

15 ~~13.~~ (m) Perform any other acts necessary and appropriate to the
16 carrying out of the duties of the Executive Director of the Commission.

17 *2. The Executive Director of the Commission shall, as soon as*
18 *reasonably practicable after revoking the certification of a peace officer,*
19 *report to the National Decertification Index of the International*
20 *Association of Directors of Law Enforcement Standards and Training or*
21 *an equivalent database maintained for the purpose of serving as a national*
22 *registry of certificate or license revocation actions relating to peace officer*
23 *misconduct:*

24 *(a) The name of the decertified peace officer; and*

25 *(b) Any other information possessed by the Commission and required*
26 *by the Index or database, as applicable.*

27 **Sec. 9.** NRS 289.555 is hereby amended to read as follows:

28 289.555 A person ~~[who has been convicted of a felony in this State or~~
29 ~~any other state]~~ is not qualified to serve as a category I peace officer,
30 category II peace officer or category III peace officer, regardless of whether
31 the person has ~~[been]~~ had his or her civil rights restored ~~[to]~~, if the
32 ~~[person's civil rights.]~~ person has been:

33 *1. Convicted of:*

34 *(a) A felony in this State or any other state, regardless of whether such*
35 *a conviction was expunged or sealed;*

36 *(b) A battery which constitutes domestic violence pursuant to NRS*
37 *200.485, regardless of whether such a conviction was expunged or sealed;*
38 *or*

39 *(c) A misdemeanor crime of domestic violence, as defined in 18 U.S.C.*
40 *§ 921(a)(33), in any other state, regardless of whether such a conviction*
41 *was expunged or sealed.*

42 *2. Reported to the National Decertification Index of the International*
43 *Association of Directors of Law Enforcement and Training or an*
44 *equivalent database maintained for the purpose of serving as a national*

1 *registry of certificate or license revocation actions relating to peace officer*
2 *misconduct.*

3 *3. Decertified or has had his or her certificate or license to practice*
4 *or serve as a peace officer revoked or annulled by:*

5 *(a) The Commission; or*

6 *(b) A certifying or licensing authority in any other state.*

7 **Sec. 10. 1. This section becomes effective upon passage and**
8 **approval.**

9 **2. Sections 1 to 9, inclusive, of this act become effective:**

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

13 **(b) On October 1, 2023, for all other purposes.**

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