

ASSEMBLY BILL NO. 103—ASSEMBLYMEN CARRILLO,
FIORE, DALY; AND MARTIN

FEBRUARY 13, 2013

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to school police officers.
(BDR 23-152)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to peace officers; making school police officers category I peace officers with unrestricted duties and jurisdiction; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law confers the powers of a peace officer upon school police officers
2 appointed by the board of trustees of any county school district. (NRS 289.190)
3 **Section 2** of this bill removes school police officers from the list of category II
4 peace officers which makes school police officers category I peace officers with
5 unrestricted duties. (NRS 289.460, 289.470)
6 In counties whose population is 100,000 or more (currently Clark and Washoe
7 Counties), existing law requires certain peace officers with limited jurisdiction,
8 including school police officers, to notify a primary law enforcement agency if the
9 peace officer witnesses a category A felony and transfer the investigation of the
10 category A felony to the primary law enforcement agency. (NRS 171.1223)
11 **Sections 1 and 4** of this bill remove the duty of those school police officers to
12 provide such notice and transfer such investigations.
13 Finally, existing law limits the jurisdiction of school police officers to all
14 school property, buildings and facilities within the school district, and beyond such
15 property while in hot pursuit, at activities sponsored by the school district and for
16 the purpose of issuing traffic citations on streets that are adjacent to school
17 property, buildings and facilities. (NRS 391.275) **Section 5** of this bill repeals this
18 limitation on the jurisdiction of school police officers so that they have unlimited
19 jurisdiction because school police officers are designated as category I peace
20 officers with unrestricted duties pursuant to the amendatory provisions of **section 2**.



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

1 **Section 1.** NRS 289.190 is hereby amended to read as follows:
2 289.190 1. A person employed or appointed to serve as a
3 school police officer pursuant to subsection 8 of NRS 391.100
4 has the powers of a peace officer. ~~{A school police officer shall~~
5 ~~perform the officer's duties in compliance with the provisions of~~
6 ~~NRS 171.1223.}~~

7 2. A person appointed pursuant to NRS 393.0718 by the board
8 of trustees of any school district has the powers of a peace officer to
9 carry out the intents and purposes of NRS 393.071 to 393.0719,
10 inclusive.

11 3. Members of every board of trustees of a school district,
12 superintendents of schools, principals and teachers have concurrent
13 power with peace officers for the protection of children in school
14 and on the way to and from school, and for the enforcement of order
15 and discipline among such children, including children who attend
16 school within one school district but reside in an adjoining school
17 district or adjoining state, pursuant to the provisions of chapter 392
18 of NRS. This subsection must not be construed so as to make it the
19 duty of superintendents of schools, principals and teachers to
20 supervise the conduct of children while not on the school property.

21 **Sec. 2.** NRS 289.470 is hereby amended to read as follows:

22 289.470 "Category II peace officer" means:

23 1. The bailiffs of the district courts, justice courts and
24 municipal courts whose duties require them to carry weapons and
25 make arrests;

26 2. Constables and their deputies whose official duties require
27 them to carry weapons and make arrests;

28 3. Inspectors employed by the Nevada Transportation
29 Authority who exercise those powers of enforcement conferred by
30 chapters 706 and 712 of NRS;

31 4. Special investigators who are employed full-time by the
32 office of any district attorney or the Attorney General;

33 5. Investigators of arson for fire departments who are specially
34 designated by the appointing authority;

35 6. The brand inspectors of the State Department of Agriculture
36 who exercise the powers of enforcement conferred by chapter 565
37 of NRS;

38 7. The field agents and inspectors of the State Department of
39 Agriculture who exercise the powers of enforcement conferred by
40 NRS 561.225;



1 8. Investigators for the State Forester Firewarden who are
2 specially designated by the State Forester Firewarden and whose
3 primary duties are related to the investigation of arson;

4 ~~9. School police officers employed by the board of trustees of
5 any county school district;~~

6 ~~10.~~ Agents of the State Gaming Control Board who exercise
7 the powers of enforcement specified in NRS 289.360, 463.140 or
8 463.1405, except those agents whose duties relate primarily to
9 auditing, accounting, the collection of taxes or license fees, or the
10 investigation of applicants for licenses;

11 ~~11.~~ Investigators and administrators of the Division of
12 Compliance Enforcement of the Department of Motor Vehicles who
13 perform the duties specified in subsection 2 of NRS 481.048;

14 ~~12.~~ Officers and investigators of the Section for the
15 Control of Emissions From Vehicles and the Enforcement of
16 Matters Related to the Use of Special Fuel of the Department
17 of Motor Vehicles who perform the duties specified in subsection 3
18 of NRS 481.0481;

19 ~~13.~~ Legislative police officers of the State of Nevada;

20 ~~14.~~ Parole counselors of the Division of Child and
21 Family Services of the Department of Health and Human Services;

22 ~~15.~~ Juvenile probation officers and deputy juvenile
23 probation officers employed by the various judicial districts in the
24 State of Nevada or by a department of juvenile justice services
25 established by ordinance pursuant to NRS 62G.210 whose official
26 duties require them to enforce court orders on juvenile offenders and
27 make arrests;

28 ~~16.~~ Field investigators of the Taxicab Authority;

29 ~~17.~~ Security officers employed full-time by a city or
30 county whose official duties require them to carry weapons and
31 make arrests;

32 ~~18.~~ The chief of a department of alternative sentencing
33 created pursuant to NRS 211A.080 and the assistant alternative
34 sentencing officers employed by that department;

35 ~~19.~~ Criminal investigators who are employed by the
36 Secretary of State; and

37 ~~20.~~ The Inspector General of the Department of
38 Corrections and any person employed by the Department as a
39 criminal investigator.

40 **Sec. 3.** NRS 289.480 is hereby amended to read as follows:

41 289.480 "Category III peace officer" means a peace officer
42 whose authority is limited to correctional services, including the
43 superintendents and correctional officers of the Department of
44 Corrections. The term does not include a person described in
45 subsection ~~20~~ 19 of NRS 289.470.



1 **Sec. 4.** NRS 171.1223 is hereby amended to read as follows:

2 171.1223 1. Except as otherwise provided in subsection 3, in
3 a county whose population is 100,000 or more, a peace officer with
4 limited jurisdiction who witnesses a category A felony being
5 committed or attempted in the officer's presence, or has reasonable
6 cause for believing a person has committed or attempted to commit
7 a category A felony in an area that is within the officer's
8 jurisdiction, shall immediately notify the primary law enforcement
9 agency in the city or county, as appropriate, where the offense or
10 attempted offense was committed.

11 2. Upon arrival of an officer from the primary law enforcement
12 agency notified pursuant to subsection 1, a peace officer with
13 limited jurisdiction shall immediately transfer the investigation of
14 the offense or attempted offense to the primary law enforcement
15 agency.

16 3. The provisions of subsection 1 do not:

17 (a) Apply to an offense or attempted offense that is a
18 misdemeanor, gross misdemeanor or felony other than a category A
19 felony;

20 (b) Apply to an officer of the Nevada Highway Patrol, a member
21 of the police department of the Nevada System of Higher Education,
22 an agent of the Investigation Division of the Department of Public
23 Safety or a ranger of the Division of State Parks of the State
24 Department of Conservation and Natural Resources;

25 (c) Apply to a peace officer with limited jurisdiction if an
26 interlocal agreement between the officer's employer and the primary
27 law enforcement agency in the city or county in which a category A
28 felony was committed or attempted authorizes the peace officer with
29 limited jurisdiction to respond to and investigate the felony without
30 immediately notifying the primary law enforcement agency; or

31 (d) Prohibit a peace officer with limited jurisdiction from:

32 (1) Contacting a primary law enforcement agency for
33 assistance with an offense that is a misdemeanor, gross
34 misdemeanor or felony that is not a category A felony; or

35 (2) Responding to a category A felony until the appropriate
36 primary law enforcement agency arrives at the location where the
37 felony was allegedly committed or attempted, including, without
38 limitation, taking any appropriate action to provide assistance to a
39 victim of the felony, to apprehend the person suspected of
40 committing or attempting to commit the felony, to secure the
41 location where the felony was allegedly committed or attempted and
42 to protect the life and safety of the peace officer and any other
43 person present at that location.

44 4. As used in this section:

45 (a) "Peace officer with limited jurisdiction" means:



- 1 (1) ~~{A school police officer who is appointed or employed~~
2 ~~pursuant to subsection 8 of NRS 391.100;~~
3 ~~— (2) An airport guard or police officer who is appointed~~
4 ~~pursuant to NRS 496.130;~~
5 ~~{(3) (2) A person employed to provide police services for~~
6 ~~an airport authority created by a special act of the Legislature; and~~
7 ~~{(4) (3) A marshal or park ranger who is part of a unit of~~
8 ~~specialized law enforcement established pursuant to NRS 280.125.~~
9 (b) “Primary law enforcement agency” means:
10 (1) A police department of an incorporated city;
11 (2) The sheriff’s office of a county; or
12 (3) If the county is within the jurisdiction of a metropolitan
13 police department, the metropolitan police department.
14 **Sec. 5.** NRS 391.275 is hereby repealed.
15 **Sec. 6.** This act becomes effective on July 1, 2013.

TEXT OF REPEALED SECTION

391.275 Jurisdiction of school police officers.

1. The jurisdiction of each school police officer of a school district extends to all school property, buildings and facilities within the school district for the purpose of:

(a) Protecting school district personnel, pupils, or real or personal property; or

(b) Cooperating with local law enforcement agencies in matters relating to personnel, pupils or real or personal property of the school district.

2. In addition to the jurisdiction set forth in subsection 1, a school police officer of a school district has jurisdiction:

(a) Beyond the school property, buildings and facilities when in hot pursuit of a person believed to have committed a crime;

(b) At activities or events sponsored by the school district that are in a location other than the school property, buildings or facilities within the school district; and

(c) When authorized by the superintendent of schools of the school district, on the streets that are adjacent to the school property, buildings and facilities within the school district for the purpose of issuing traffic citations for violations of traffic laws and ordinances during the times that the school is in session or school-related activities are in progress.



