

SENATE BILL NO. 213—SENATOR HANSEN

MARCH 11, 2021

Referred to Committee on Judiciary

SUMMARY—Establishes provisions relating to the use of surveillance devices. (BDR 14-678)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
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 criminal procedure; defining certain terms, including the term “surveillance device”; prohibiting law enforcement officers from using surveillance devices except when authorized by surveillance warrants or in exigent circumstances; establishing provisions relating to applying, issuing and executing surveillance warrants; establishing provisions relating to the disclosure, retention, admissibility and reporting of information obtained through surveillance warrants; requiring the Attorney General to develop certain training protocols regarding surveillance devices; establishing certain additional reporting requirements relating to surveillance warrants; providing for a civil action under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

- 1 Existing law requires certain persons to obtain a court order authorizing the
- 2 interception of wire, electronic or oral communications before intercepting such
- 3 communications. (NRS 179.410-179.515) Similarly, existing law provides that a
- 4 district court may issue an order authorizing the use of a pen register or trap and
- 5 trace device. (NRS 179.530) **Sections 2 and 23** of this bill provide that, with
- 6 certain exceptions, the provisions of **sections 3-21** of this bill govern the collection
- 7 of information by surveillance devices, regardless of the type of information sought
- 8 to be collected by the device. **Section 22** of this bill makes a conforming change to
- 9 indicate the proper placement of **section 2** in the Nevada Revised Statutes.
- 10 **Section 9** of this bill prohibits a law enforcement officer from using a
- 11 surveillance device unless: (1) a surveillance warrant is first obtained; or (2) in
- 12 certain exigent circumstances. Additionally, **section 9** authorizes a district judge to



13 grant a surveillance warrant, initially or upon the cessation of an exigent  
14 circumstance, if a complete application is submitted by the Attorney General or the  
15 district attorney of any county and the application is supported by probable cause to  
16 believe that a person is committing, has committed or is about to commit an offense  
17 and the information sought to be collected by the surveillance device concerns the  
18 described offense.

19 **Section 10** of this bill provides that an application for a surveillance warrant  
20 must contain certain information. **Section 11** of this bill requires a surveillance  
21 warrant to contain certain information and places certain timing and geographic  
22 limitations on the warrant.

23 **Section 12** of this bill requires any law enforcement officer executing a  
24 surveillance warrant to: (1) limit the incidental collection of information that falls  
25 outside the scope of the surveillance warrant and immediately destroy such  
26 incidental information if so collected; and (2) destroy any information that is  
27 collected within the scope of the surveillance warrant that does not give rise to  
28 probable cause of the commission of an offense.

29 **Section 13** of this bill requires the information collected through a surveillance  
30 warrant to be recorded, if possible. **Section 13** also requires such recordings to be  
31 retained for 10 years unless otherwise required to be destroyed before such time.

32 **Section 14** of this bill: (1) authorizes the disclosure of information collected  
33 from a surveillance warrant under certain circumstances; and (2) provides that  
34 privileged information so collected remains privileged in character despite its  
35 collection by the surveillance device.

36 **Section 15** of this bill requires notice of a surveillance warrant to be provided  
37 to certain persons. Similarly, **section 16** of this bill prohibits any information  
38 collected through a surveillance warrant from being received into evidence or  
39 otherwise disclosed in court unless a copy of the warrant, its application and any  
40 information so collected is transmitted to certain persons at least 10 days before any  
41 trial, hearing or other proceeding. Additionally, **section 17** of this bill authorizes  
42 certain persons to move to suppress information collected from a surveillance  
43 warrant under certain circumstances and sets forth the procedure for such a motion  
44 to suppress.

45 Existing law requires the Attorney General and the district attorney of each  
46 county to report certain information relating to the interception of wire, electronic  
47 and oral communications to the Administrative Office of the United States Courts.  
48 Existing law also requires every justice of the Nevada Supreme Court or district  
49 judge who grants or denies an order authorizing the interception of wire, electronic  
50 or oral communications to report similar information to the Investigation Division  
51 of the Department of Public Safety. (NRS 179.515) **Section 18** of this bill requires  
52 the Attorney General or a district attorney who applies for a surveillance warrant,  
53 and any district judge who issues such warrants, respectively, to comply with the  
54 requirements for reporting, as applicable.

55 **Section 19** of this bill: (1) requires the Attorney General to develop certain  
56 protocols for the training of law enforcement officers relating to the use of  
57 surveillance devices; (2) requires a law enforcement agency whose officers operate  
58 a surveillance device to conduct such training; and (3) prohibits a law enforcement  
59 officer from operating a surveillance device without first receiving such training.

60 **Section 20** of this bill requires: (1) any district judge issuing or denying a  
61 surveillance warrant to report annually certain information to the Attorney General;  
62 and (2) the Attorney General to submit a report containing such information and  
63 certain additional information to the Legislature or Legislative Commission, as  
64 applicable, and to post the report to the Internet website of the Attorney General.

65 **Section 21** of this bill authorizes any person whose data is knowingly obtained,  
66 accessed, used, transmitted, copied, disclosed or retained in violation of



67 sections 3-21 to commence a civil action to recover certain damages from the  
68 person or entity that engaged in the violation.

69 Sections 4-8 of this bill define certain terms, including the term "surveillance  
70 device," for purposes of sections 3-21.

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

1 Section 1. Chapter 179 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 to 21, inclusive, of this  
3 act.

4 Sec. 2. 1. *The provisions of NRS 179.410 to 179.515,*  
5 *inclusive, do not apply to those situations in which a surveillance*  
6 *device is used to collect information that would otherwise qualify*  
7 *as a wire, electronic or oral communication.*

8 2. *As used in this section, "surveillance device" has the*  
9 *meaning ascribed to it in section 7 of this act.*

10 Sec. 3. *As used in sections 3 to 21, inclusive, of this act,*  
11 *unless the context otherwise requires, the words and terms defined*  
12 *in sections 4 to 8, inclusive, of this act have the meanings ascribed*  
13 *to them in those sections.*

14 Sec. 4. *"Communications device" means a device that*  
15 *transmits or receives radio waves and is capable of sending or*  
16 *receiving communications, including, without limitation:*

- 17 1. *A cellular telephone;*  
18 2. *An aircard;*  
19 3. *A tablet computer; or*  
20 4. *A laptop computer.*

21 Sec. 5. 1. *"Information" includes, without limitation:*

- 22 (a) *The location of a communications device;*  
23 (b) *Any identifying information of a subscriber or customer of*  
24 *a communications carrier; or*  
25 (c) *The contents of any communications, data or metadata sent*  
26 *or received by or stored on a communications device.*

27 2. *As used in this section, "communications carrier" means*  
28 *an individual or corporate undertaking to transport messages for*  
29 *compensation.*

30 Sec. 6. *"Offense" means any violation of state or local law.*

31 Sec. 7. *"Surveillance device" means any cell-site simulator*  
32 *device that transmits or receives radio waves to or from a*  
33 *communications device and that can be used to intercept, collect,*  
34 *access, transfer or forward the data transmitted or received by the*  
35 *communications device, or stored on the communications device,*  
36 *including, without limitation:*

- 37 1. *A Stingray;*



- 1 2. *A Triggerfish;*
- 2 3. *An IMSI catcher; or*
- 3 4. *A digital analyzer.*

4 **Sec. 8.** *“Target device” means any communications device*  
5 *targeted by a surveillance device.*

6 **Sec. 9. 1.** *Except as otherwise provided in subsections 2*  
7 *and 3, a law enforcement officer shall not use a surveillance*  
8 *device.*

9 2. *The Attorney General or the district attorney of any county*  
10 *may apply to a district judge in the county in which the use of a*  
11 *surveillance device is to take place for a surveillance warrant*  
12 *authorizing the use of the surveillance device by a law*  
13 *enforcement officer, and the judge may grant the surveillance*  
14 *warrant if the application is complete and supported by probable*  
15 *cause to believe that:*

16 (a) *A person is committing, has committed or is about to*  
17 *commit an offense; and*

18 (b) *A target device contains information that concerns the*  
19 *offense described in paragraph (a).*

20 3. *A law enforcement officer does not need to obtain a*  
21 *surveillance warrant before using a surveillance device if:*

22 (a) *The law enforcement officer determines that an emergency*  
23 *exists that involves substantial bodily harm to a person; and*

24 (b) *The emergency necessitates the use of the surveillance*  
25 *device.*

26 4. *A law enforcement officer who uses a surveillance device*  
27 *without obtaining a surveillance warrant as described in*  
28 *subsection 3 must, within 48 hours after first using the*  
29 *surveillance device, apply to a district judge in the county in which*  
30 *the surveillance device was used for a surveillance warrant. If the*  
31 *judge finds that an emergency did not occur or otherwise denies*  
32 *the surveillance warrant, any information, or evidence derived*  
33 *therefrom, is inadmissible in any proceeding.*

34 **Sec. 10. 1.** *Each application for a surveillance warrant*  
35 *must be made in writing upon oath or affirmation to a district*  
36 *judge and must state the authority of the applicant to make such*  
37 *application. Each application must include the following*  
38 *information:*

39 (a) *The identity of the person making the application, and the*  
40 *person authorizing the application;*

41 (b) *A full and complete statement of the facts and*  
42 *circumstances relied upon by the applicant to justify his or her*  
43 *belief that a surveillance warrant should be issued by the judge,*  
44 *including, without limitation:*



1           (1) Details as to the particular offense that is being, has  
2 been or is about to be committed;

3           (2) A particular description of the surveillance device;

4           (3) The identity of the person, if known, who possesses the  
5 target device;

6           (4) A particular description of the target device;

7           (5) The telephone number or the account number  
8 belonging to the service account used by the target device, and the  
9 identity of the person, if known, subscribed to such an account;

10          (6) The geographic area that will be covered by the  
11 surveillance device;

12          (7) A particular description of the type of information  
13 sought to be collected from the target device;

14          (8) If the surveillance device may incidentally collect  
15 information from any person or device not specified in the  
16 surveillance warrant, a particular description of all such  
17 information that may be so incidentally collected by the  
18 surveillance device; and

19          (9) A particular description of any disruptions to access or  
20 use of a communications or Internet network that may be caused  
21 by the use of the surveillance device;

22          (c) A statement of the period of time for which the surveillance  
23 device will be used by the applicant and if the nature of the  
24 investigation is such that the authorization for the use of the  
25 surveillance device and the collection of information should not  
26 automatically terminate when the described information has been  
27 obtained, a particular description of the facts establishing  
28 probable cause to believe that additional information of the same  
29 type will occur thereafter;

30          (d) A full and complete statement of the facts concerning all  
31 previous applications known to the applicant that were made to  
32 any judge for a surveillance warrant involving any of the same  
33 persons or target devices specified in the application, and the  
34 action taken by the judge on each such application; and

35          (e) Where the application is for the extension of a surveillance  
36 warrant, a statement setting forth the results obtained thus far  
37 from the use of the surveillance device, or a reasonable  
38 explanation of the failure to obtain such results.

39          2. The judge may require the applicant to furnish additional  
40 testimony or documentary evidence under oath or affirmation in  
41 support of the application. Oral testimony must be reduced to  
42 writing.

43          3. The judge may accept a facsimile or electronic copy of the  
44 signature of any person required to give an oath or affirmation, as



1 *part of an application submitted pursuant to this section, as an*  
2 *original signature to the application.*

3 **Sec. 11.** *1. A surveillance warrant must specify:*

4 *(a) The identity of the law enforcement officer authorized to*  
5 *use the surveillance device, and of the person authorizing the*  
6 *application;*

7 *(b) The information described in subparagraphs (2) to (9),*  
8 *inclusive, of paragraph (b) of subsection 1 of section 10 of this*  
9 *act;*

10 *(c) The period of time during which the use of the surveillance*  
11 *device is authorized, including a statement as to whether or not the*  
12 *authorized use will automatically terminate when the described*  
13 *information has been collected; and*

14 *(d) A provision directing compliance with section 12 of this*  
15 *act.*

16 **2.** *A surveillance warrant must not authorize the use of a*  
17 *surveillance device:*

18 *(a) Outside the territorial jurisdiction of the court in which the*  
19 *issuing judge sits; and*

20 *(b) For any period longer than is necessary to achieve the*  
21 *objective of the authorization, and in no event longer than 14*  
22 *days.*

23 **3.** *Extensions of a surveillance warrant may be granted, but*  
24 *only upon application for an extension made in accordance with*  
25 *the procedures provided in sections 3 to 21, inclusive, of this act.*  
26 *The period of extension must not be longer than the authorizing*  
27 *judge deems necessary to achieve the purposes for which it was*  
28 *granted and in any event not longer than 14 days.*

29 **Sec. 12.** *Any law enforcement officer executing a*  
30 *surveillance warrant shall take any action necessary to:*

31 *1. Limit the incidental collection of information belonging to*  
32 *persons and devices other than those described in the surveillance*  
33 *warrant, and immediately destroy any information so incidentally*  
34 *collected; and*

35 *2. Destroy any information collected from the target device*  
36 *within 30 days after its collection if there is no longer probable*  
37 *cause to support the belief that such information is evidence of an*  
38 *offense.*

39 **Sec. 13.** *Any information, must, if possible, be recorded on*  
40 *tape or wire device or by other comparable means. The recording*  
41 *of the information pursuant to this section must be done in a*  
42 *manner to protect the recording from editing or other alterations.*  
43 *Immediately upon the expiration of the period of the surveillance*  
44 *warrant, or extensions thereof, all such recordings must be made*  
45 *available to the judge issuing the surveillance warrant. Custody of*



1 *the recordings must be placed with whomever the judge directs.*  
2 *Except as otherwise provided in section 12 of this act, the*  
3 *recordings must not be destroyed except upon an order of the*  
4 *judge and in any event must be kept for 10 years.*

5 **Sec. 14.** 1. *The Attorney General, a district attorney or law*  
6 *enforcement officer, respectively, who, by any means authorized*  
7 *pursuant to sections 3 to 21, inclusive, of this act has obtained*  
8 *knowledge of the information derived from a surveillance warrant,*  
9 *may disclose the information to another official or officer, as*  
10 *applicable, or use the information to the extent that the disclosure*  
11 *or use is appropriate to the proper performance of the official*  
12 *duties of the official or officer making or receiving the disclosure.*

13 2. *Any person who has received, by any means authorized*  
14 *pursuant to sections 3 to 21, inclusive, of this act any information,*  
15 *or evidence derived therefrom, collected in accordance with*  
16 *sections 3 to 21, inclusive, of this act may disclose the contents of*  
17 *that communication, or the evidence derived therefrom, while*  
18 *giving testimony under oath or affirmation in any criminal*  
19 *proceeding in any court or before any grand jury in this State, or*  
20 *in any court of the United States or of any state, or in any federal*  
21 *or state grand jury proceeding.*

22 3. *Information that is otherwise privileged that is collected*  
23 *pursuant to sections 3 to 21, inclusive, of this act does not lose its*  
24 *privileged character.*

25 **Sec. 15.** 1. *Unless information collected pursuant to a*  
26 *surveillance warrant is required to be destroyed pursuant to*  
27 *section 12 of this act, within a reasonable time not later than 90*  
28 *days after the termination of the period of a surveillance warrant,*  
29 *or any extension thereof, the judge who issued the surveillance*  
30 *warrant shall cause to be served on the chief of the Investigation*  
31 *Division of the Department of Public Safety, persons named in the*  
32 *order and any other parties of whom information was collected*  
33 *pursuant to the surveillance warrant, an inventory which must*  
34 *include notice of:*

35 (a) *The fact of the entry and a copy of the surveillance*  
36 *warrant.*

37 (b) *The fact that during the period information was or was not*  
38 *collected pursuant to the surveillance warrant.*

39 ↪ *Except as otherwise provided in NRS 239.0115, the inventory*  
40 *filed pursuant to this section is confidential and must not be*  
41 *released for inspection unless subpoenaed by a court of competent*  
42 *jurisdiction.*

43 2. *The judge, upon receipt of a written request from any*  
44 *person who was a party to information collected pursuant to a*  
45 *surveillance warrant or from the person's counsel, shall make*



1 available to the person or the person's counsel any information  
2 collected pursuant to the surveillance warrant that is relevant to  
3 the party. On an ex parte showing of good cause to a district  
4 judge, the serving of the inventory required by this section may be  
5 postponed for such time as the judge may provide.

6 **Sec. 16.** Any information collected pursuant to a surveillance  
7 warrant or evidence derived therefrom must not be received in  
8 evidence or otherwise disclosed in any trial, hearing or other  
9 proceeding in any court of this State unless each party, not less  
10 than 10 days before the trial, hearing or proceeding, has been  
11 furnished with a copy of the surveillance warrant, its application  
12 and a transcript or other document which accurately reflects the  
13 information collected pursuant to the surveillance warrant. The  
14 10-day period may be waived by the judge if the judge finds that it  
15 was not possible to furnish the party with such information 10  
16 days before the trial, hearing or proceeding and that the party will  
17 not be prejudiced by the delay in receiving such information.

18 **Sec. 17.** 1. Any aggrieved person in any trial, hearing or  
19 proceeding in or before any court, department, officer, agency or  
20 other authority of this State, or a political subdivision thereof, may  
21 move to suppress the information collected from a surveillance  
22 warrant, or evidence derived therefrom, on the grounds that:

23 (a) The information was unlawfully intercepted.

24 (b) The surveillance warrant under which the information was  
25 collected is insufficient on its face.

26 (c) The collection of information was not made in conformity  
27 with the surveillance warrant.

28 (d) The period of the surveillance warrant and any extension  
29 had expired.

30 2. Such a motion must be made before the trial, hearing or  
31 proceeding unless there was no opportunity to make such a motion  
32 or the person was not aware of the grounds of the motion. If the  
33 motion is granted, the information collected from the surveillance  
34 warrant, or evidence derived therefrom, must be treated as having  
35 been obtained in violation of sections 3 to 21, inclusive, of this act.  
36 The judge, upon the filing of such motion by the aggrieved person,  
37 may in the judge's discretion make available to the aggrieved  
38 person or the aggrieved person's counsel for inspection such  
39 portions of the collected information or evidence derived  
40 therefrom as the judge determines to be in the interest of justice.

41 3. As used in this section, "aggrieved person" means any  
42 person whose information was collected pursuant to a surveillance  
43 warrant.

44 **Sec. 18.** The Attorney General or a district attorney who  
45 applies for a surveillance warrant, and any district judge who





1 *signs a surveillance warrant, respectively, shall comply with the*  
2 *reporting requirements set forth in NRS 179.515, to the extent that*  
3 *such requirements are applicable to the surveillance warrant.*

4 **Sec. 19.** 1. *The Attorney General shall develop protocols*  
5 *for the training of law enforcement officers involved in the*  
6 *authorization, deployment and technical operation of surveillance*  
7 *devices. Such protocols must include instruction on privacy and*  
8 *civil liberties.*

9 2. *A law enforcement agency whose law enforcement officers*  
10 *operate a surveillance device shall conduct appropriate training*  
11 *based on the protocols developed pursuant to subsection 1.*

12 3. *A law enforcement officer shall not operate a surveillance*  
13 *device unless the officer has been authorized by his or her law*  
14 *enforcement agency to operate the device and has received*  
15 *training pursuant to this section.*

16 **Sec. 20.** 1. *In addition to any report required pursuant to*  
17 *NRS 179.515, on or before March 15 of each calendar year, any*  
18 *district judge issuing or denying a surveillance warrant pursuant*  
19 *to section 9 of this act during the preceding calendar year shall*  
20 *report to the Attorney General:*

21 (a) *The number of applications received for surveillance*  
22 *warrants.*

23 (b) *The number of applications for surveillance warrants that*  
24 *were:*

- 25 (1) *Denied;*  
26 (2) *Modified; and*  
27 (3) *Granted.*

28 (c) *The number of surveillance warrants that were granted*  
29 *and whose total duration, including extensions, were:*

- 30 (1) *At least 1 but not more than 14 days;*  
31 (2) *At least 15 but not more than 28 days;*  
32 (3) *At least 29 but not more than 42 days; and*  
33 (4) *More than 43 days.*

34 2. *On or before March 15 of each calendar year, any law*  
35 *enforcement officer who used a surveillance device during the*  
36 *preceding calendar year shall report to the Attorney General:*

37 (a) *The number of applications made for a surveillance*  
38 *warrant.*

39 (b) *Separately, the number of applications for a surveillance*  
40 *warrant that were:*

- 41 (1) *Denied;*  
42 (2) *Modified; and*  
43 (3) *Granted.*

44 (c) *With respect to any application for a surveillance warrant*  
45 *or use of a surveillance device without a warrant:*



1           (1) *Whether the application was granted, modified or*  
2 *denied;*

3           (2) *The offenses specified in the application;*

4           (3) *The purposes for which the surveillance device was*  
5 *used or, if the application was denied, the proposed purposes for*  
6 *the application;*

7           (4) *Whether the surveillance device was:*

8                 (I) *Used pursuant to a surveillance warrant;*

9                 (II) *Used without a surveillance warrant; or*

10                (III) *Unauthorized pursuant to the provisions of*  
11 *sections 3 to 21, inclusive, of this act; or*

12                (IV) *Never used.*

13           (5) *The geographic area where the surveillance device was*  
14 *used or, if the application was denied, the proposed location for*  
15 *such usage;*

16           (6) *Whether monitoring software or applications were*  
17 *installed on any communications device during the use of the*  
18 *surveillance device and, if so, whether any of the devices on which*  
19 *they were installed were target devices;*

20           (7) *The duration of the surveillance warrant, including any*  
21 *extensions granted, or, if the application was denied, the proposed*  
22 *duration; and*

23           (8) *The number of communications devices from which*  
24 *data was obtained.*

25           3. *On or before June 30 of each calendar year, the Attorney*  
26 *General shall submit to the Director of the Legislative Counsel*  
27 *Bureau for transmittal to the Legislature if the Legislature is in*  
28 *session, or to the Legislative Commission, if the Legislature is not*  
29 *in session, a full and complete report concerning the number of*  
30 *applications for a surveillance warrant filed pursuant to*  
31 *subsection 2 of section 9 of this act, the number of times access to*  
32 *content, data or location information was obtained without a*  
33 *surveillance warrant pursuant to subsection 3 of section 9 of this*  
34 *act and the number of surveillance warrants granted and denied*  
35 *pursuant to section 9 of this act during the preceding calendar*  
36 *year.*

37           4. *The report submitted pursuant to subsection 3 must:*

38                (a) *Include a summary and analysis of the data required to be*  
39 *filed with the Attorney General pursuant to subsections 1 and 2.*

40                (b) *Be made publicly available on the Internet website of the*  
41 *Attorney General.*

42           5. *If the Attorney General determines that a law enforcement*  
43 *officer violated any provision of sections 3 to 21, inclusive, of this*  
44 *act and the circumstances surrounding the violation raise serious*  
45 *questions about whether the violation was intentional, the*



1 *Attorney General shall initiate a proceeding to determine whether*  
2 *disciplinary action is warranted. If the Attorney General*  
3 *determines disciplinary action is not warranted, the reasons for*  
4 *such determination, including a summary of the incident and the*  
5 *reasons for declining disciplinary action, must be included in the*  
6 *report submitted pursuant to subsection 3.*

7 *6. If a court assesses punitive damages pursuant to section 21*  
8 *of this act for intentional conduct, the Attorney General shall*  
9 *include such damages in the report submitted pursuant to*  
10 *subsection 3.*

11 *7. The Attorney General may adopt regulations regarding the*  
12 *form and content of the reports required pursuant to this section.*

13 **Sec. 21. 1.** *Any person whose data is knowingly obtained,*  
14 *accessed, used, transmitted, copied, disclosed or retained in*  
15 *violation of sections 3 to 21, inclusive, of this act may commence a*  
16 *civil action to recover from the person or entity that engaged in the*  
17 *violation.*

18 *2. In a civil action commenced pursuant to subsection 1, the*  
19 *court may assess the sum of the actual damages suffered by the*  
20 *plaintiff. In no case shall a person whose data is knowingly*  
21 *obtained, accessed, used, transmitted, copied, disclosed or retained*  
22 *in violation of sections 3 to 21, inclusive, of this act receive*  
23 *damages of less than \$1,000. If the violation is intentional, the*  
24 *court may assess punitive damages.*

25 *3. In a civil action commenced pursuant to subsection 1,*  
26 *appropriate relief may include:*

27 *(a) Such preliminary and other equitable or declaratory relief*  
28 *as is appropriate;*

29 *(b) Damages as described in subsection 2; and*

30 *(c) Reasonable attorney's fees and costs.*

31 **Sec. 22.** NRS 179.410 is hereby amended to read as follows:

32 179.410 As used in NRS 179.410 to 179.515, inclusive, *and*  
33 *section 2 of this act*, except where the context otherwise requires,  
34 the words and terms defined in NRS 179.415 to 179.455, inclusive,  
35 have the meanings ascribed to them in those sections.

36 **Sec. 23.** NRS 179.530 is hereby amended to read as follows:

37 179.530 1. District courts of this state may issue orders  
38 authorizing the use of a pen register or trap and trace device upon  
39 the application of a district attorney, the Attorney General or their  
40 deputies, supported by an affidavit of a peace officer under the  
41 circumstances and upon the conditions prescribed by 18 U.S.C. §§  
42 3121-3127 as those provisions existed on July 1, 1989.

43 2. ~~As used in this section, "peace officer" means:~~

44 ~~—(a) Sheriffs of counties and metropolitan police departments and~~  
45 ~~their deputies;~~



1 ~~—(b) Personnel of the Department of Public Safety who have the~~  
2 ~~powers of peace officers pursuant to NRS 289.270;~~

3 ~~—(c) Police officers of cities and towns;~~

4 ~~—(d) Agents of the Nevada Gaming Control Board who are~~  
5 ~~investigating any violation of subsection 2 or 3 of NRS 463.360 or~~  
6 ~~chapter 465 of NRS;~~

7 ~~—(e) Special investigators employed by the Attorney General who~~  
8 ~~have the powers of peace officers pursuant to NRS 289.170;~~

9 ~~—(f) Investigators employed by a district attorney who have the~~  
10 ~~powers of peace officers pursuant to NRS 289.170; and~~

11 ~~—(g) The Inspector General of the Department of Corrections and~~  
12 ~~the criminal investigators employed by the Department who have~~  
13 ~~the powers of peace officers pursuant to NRS 289.220.~~

14 ~~—3.]~~ A public utility that relies, in good faith, upon an order of a  
15 district court authorizing the use of a pen register or trap and trace  
16 device is not liable in any civil or criminal action brought against  
17 the public utility for the use of the pen register or trap and trace  
18 device in accordance with the order of the court.

19 *3. A surveillance device configured as a pen register or trap*  
20 *and trace device, as applicable, is governed by sections 3 to 2I,*  
21 *inclusive, of this act.*

22 *4. As used in this section:*

23 *(a) "Peace officer" means:*

24 *(1) Sheriffs of counties and metropolitan police*  
25 *departments and their deputies;*

26 *(2) Personnel of the Department of Public Safety who have*  
27 *the powers of peace officers pursuant to NRS 289.270;*

28 *(3) Police officers of cities and towns;*

29 *(4) Agents of the Nevada Gaming Control Board who are*  
30 *investigating any violation of subsection 2 or 3 of NRS 463.360 or*  
31 *chapter 465 of NRS;*

32 *(5) Special investigators employed by the Attorney General*  
33 *who have the powers of peace officers pursuant to NRS 289.170;*

34 *(6) Investigators employed by a district attorney who have*  
35 *the powers of peace officers pursuant to NRS 289.170; and*

36 *(7) The Inspector General of the Department of*  
37 *Corrections and the criminal investigators employed by the*  
38 *Department who have the powers of peace officers pursuant to*  
39 *NRS 289.220.*

40 *(b) "Surveillance device" has the meaning ascribed to it in*  
41 *section 7 of this act.*

42 **Sec. 24.** The provisions of subsection 1 of NRS 218D.380 do  
43 not apply to any provision of this act which adds or revises a  
44 requirement to submit a report to the Legislature.



1     **Sec. 25.** This act becomes effective upon passage and  
2 approval.

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