

SENATE BILL NO. 57—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE DIVISION OF PAROLE AND PROBATION
OF THE DEPARTMENT OF PUBLIC SAFETY)

PREFILED NOVEMBER 20, 2024

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to portable event recording devices. (BDR 23-245)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 peace officers; clarifying that requirements for certain law enforcement agencies relating to the use of portable event recording devices do not apply to certain peace officers; clarifying that records made by certain portable event recording devices are not public records; clarifying that requirements relating to the use of a portable event recording device apply only to certain law enforcement agencies; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law grants certain persons the powers of a peace officer. (NRS
2 289.150-289.360) Existing law also requires certain persons who possess the
3 powers of a peace officer to wear a portable event recording device under certain
4 circumstances. Specifically, a law enforcement agency shall require uniformed
5 peace officers that it employs and who routinely interact with the public to wear a
6 portable event recording device while on duty. Any record made by a portable
7 event recording device worn by such a uniformed peace officer employed by a law
8 enforcement agency is a public record. Existing law defines a “law enforcement
9 agency” for such purposes to mean: (1) the sheriff’s office of a county; (2) a
10 metropolitan police department; (3) a police department of an incorporated city; (4)
11 a department, division or municipal court of a city or town that employs marshals;
12 (5) the Nevada Highway Patrol; or (6) a board of trustees of any county school
13 district that employs or appoints school police officers. (NRS 289.830)

14 **Section 1** of this bill clarifies that the provisions of law that require certain
15 uniformed peace officers employed by such law enforcement agencies to wear a
16 portable event recording device do not require other persons who possess the



17 powers of a peace officer to wear a portable event recording device. **Section 1**
18 further clarifies that any record made by a portable event recording device which is
19 not required to be worn is not a public record unless otherwise provided by specific
20 statute. Finally, **section 1** clarifies that the requirements relating to the use of a
21 portable event recording device do not apply to a law enforcement agency which is
22 not explicitly included in the existing definition of "law enforcement agency."

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

1 **Section 1.** NRS 289.830 is hereby amended to read as follows:

2 289.830 1. A law enforcement agency shall require
3 uniformed peace officers that it employs and who routinely interact
4 with the public to wear a portable event recording device while on
5 duty. Each law enforcement agency shall adopt policies and
6 procedures governing the use of portable event recording devices,
7 which must include, without limitation:

8 (a) Except as otherwise provided in paragraph (d), requiring
9 activation of a portable event recording device whenever a peace
10 officer is responding to a call for service or at the initiation of any
11 other law enforcement or investigative encounter between a
12 uniformed peace officer and a member of the public;

13 (b) Except as otherwise provided in paragraph (d), prohibiting
14 deactivation of a portable event recording device until the
15 conclusion of a law enforcement or investigative encounter;

16 (c) Prohibiting the recording of general activity;

17 (d) Protecting the privacy of persons:

18 (1) In a private residence;

19 (2) Seeking to report a crime or provide information
20 regarding a crime or ongoing investigation anonymously; or

21 (3) Claiming to be a victim of a crime;

22 (e) Requiring that any video recorded by a portable event
23 recording device must be retained by the law enforcement agency
24 for not less than 15 days; and

25 (f) Establishing disciplinary rules for peace officers who:

26 (1) Fail to operate a portable event recording device in
27 accordance with any departmental policies;

28 (2) Intentionally manipulate a video recorded by a portable
29 event recording device; or

30 (3) Prematurely erase a video recorded by a portable event
31 recording device.

32 2. Any record made by a portable event recording device
33 pursuant to this section is a public record which may be:

34 (a) Requested only on a per incident basis; and



1 (b) Available for inspection only at the location where the
2 record is held if the record contains confidential information that
3 may not otherwise be redacted.

4 3. *Nothing in this section shall be construed to:*

5 (a) *Require any person possessing the powers of a peace*
6 *officer pursuant to NRS 289.150 to 289.360, inclusive, to wear a*
7 *portable event recording device unless the peace officer is*
8 *employed by a law enforcement agency.*

9 (b) *Make any record made by a portable event recording device*
10 *which is not required to be worn pursuant to this section a public*
11 *record unless otherwise provided by specific statute.*

12 (c) *Apply the requirements of this section to a law enforcement*
13 *agency other than those described in subsection 4.*

14 4. As used in this section:

15 (a) "Law enforcement agency" means:

16 (1) The sheriff's office of a county;

17 (2) A metropolitan police department;

18 (3) A police department of an incorporated city;

19 (4) A department, division or municipal court of a city or
20 town that employs marshals;

21 (5) The Nevada Highway Patrol; or

22 (6) A board of trustees of any county school district that
23 employs or appoints school police officers.

24 (b) "Portable event recording device" means a device issued to a
25 peace officer by a law enforcement agency to be worn on his or her
26 body and which records both audio and visual events occurring
27 during an encounter with a member of the public while performing
28 his or her duties as a peace officer.

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



