

Assembly Bill No. 189—Assemblymen Martinez, Carrillo; Bilbray-Axelrod, Duran, Flores, Gorelow, Munk, Nguyen, Swank, Torres and Watts

CHAPTER.....

AN ACT relating to criminal procedure; prohibiting a law enforcement officer conducting a search of a person from performing a body cavity search unless the search warrant contains specific authorization to perform a body cavity search; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the issuance of a search warrant to search a place or a person for: (1) any property that is stolen or embezzled; (2) any property that is designed or intended for use or which is or has been used as the means of committing a criminal offense; or (3) any property when the property consists of any item or constitutes any evidence which tends to show that a criminal offense has been committed or that a particular person has committed a criminal offense. (NRS 179.035) This bill prohibits a law enforcement officer conducting a search of a person pursuant to a search warrant from performing a body cavity search unless the search warrant contains specific authorization to perform a body cavity search.

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

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

Section 1. Chapter 179 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An officer conducting a search of a person pursuant to a warrant shall not perform a body cavity search of the person unless the warrant contains specific authorization from the magistrate who issued the warrant to perform a body cavity search of the person. Such specific authorization must set forth the reasons for the necessity of a body cavity search of the person.

2. As used in this section:

(a) “Body cavity” means, with respect to:

(1) A male person, the rectum.

(2) A female person, the rectum or vagina.

(b) “Body cavity search” means the touching or probing of a body cavity of a person, regardless of whether or not there is actual penetration of that body cavity.

Sec. 2. NRS 179.015 is hereby amended to read as follows:

179.015 As used in NRS 179.015 to 179.115, inclusive, *and section 1 of this act*, the term “property” includes documents, books, papers and any other tangible objects.



Sec. 3. The amendatory provisions of this act apply to a warrant issued on or after October 1, 2019.

20 ~~~~~ 19

