
ASSEMBLY BILL NO. 281—ASSEMBLYMEN FLORES, TORRES,
WATTS, FUMO, ASSEFA; BILBRAY-AXELROD, CARRILLO,
DURAN, MARTINEZ, MCCURDY, MUNK AND NGUYEN

MARCH 18, 2019

Referred to Committee on Judiciary

SUMMARY—Restricts certain state and local law enforcement agencies from performing certain actions relating to immigration enforcement. (BDR 14-898)

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 criminal procedure; restricting certain state and local law enforcement agencies from performing certain actions relating to immigration enforcement; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 This bill prohibits a state or local law enforcement agency, school police unit or
2 campus police department from detaining a person on the basis of a hold request
3 relating to immigration enforcement, except where there is an independent finding
4 of probable cause. This bill also provides that the provisions of this bill must not be
5 construed to prevent any state or local law enforcement agency, school police unit
6 or campus police department from participation in a delegated authority program,
7 which is defined as a program implemented pursuant to section 287(g) of the
8 Immigration and Nationality Act, 8 U.S.C. § 1357(g).

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

1 **Section 1.** Chapter 171 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. No state or local law enforcement agency, school police*
4 *unit or campus police department shall detain a person on the*
5 *basis of a hold request, except where there is an independent*
6 *finding of probable cause.*



1 2. *This section must not be construed to prevent any state or*
2 *local law enforcement agency, school police unit or campus police*
3 *department from participation in a delegated authority program.*

4 3. *As used in this section:*

5 (a) *“Campus police department” has the meaning ascribed to*
6 *it in NRS 179D.015.*

7 (b) *“Delegated authority program” means a program*
8 *implemented pursuant to section 287(g) of the Immigration and*
9 *Nationality Act, 8 U.S.C. § 1357(g).*

10 (c) *“Federal immigration authority” means any officer,*
11 *employee or person who is paid by or acting as an agent of:*

12 (1) *The United States Immigration and Customs*
13 *Enforcement of the United States Department of Homeland*
14 *Security, or any division thereof;*

15 (2) *The United States Customs and Border Protection of the*
16 *United States Department of Homeland Security, or any division*
17 *thereof; or*

18 (3) *The United States Department of Homeland Security or*
19 *any other component thereof and is charged with immigration*
20 *enforcement.*

21 (d) *“Hold request” means a request by a federal immigration*
22 *authority that a state or local law enforcement agency, school*
23 *police unit or campus police department maintain custody of a*
24 *person who is in the custody of the agency, unit or department, as*
25 *applicable, beyond the time the person would otherwise be eligible*
26 *for release to facilitate the transfer of custody of the person to the*
27 *federal immigration authority and includes, without limitation,*
28 *Department of Homeland Security Form I-247D.*

29 (e) *“Independent finding of probable cause” means:*

30 (1) *A warrant which is based upon probable cause and*
31 *which is issued by a federal judge, federal magistrate judge or a*
32 *neutral and independent adjudicator; or*

33 (2) *A determination which is based upon clear and*
34 *convincing evidence and which is made by a neutral and*
35 *independent adjudicator,*

36 ↳ *that authorizes a federal immigration authority to take into*
37 *custody the person who is the subject of the warrant or*
38 *determination, as applicable.*

39 **Sec. 2.** *This act becomes effective on July 1, 2019.*

