

ASSEMBLY BILL NO. 283—ASSEMBLYMAN HANSEN

MARCH 13, 2015

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to law enforcement.  
(BDR 14-397)

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 law enforcement; establishing the circumstances under which state and local law enforcement agencies may recognize the exercise of law enforcement authority by certain federal employees; authorizing state and local law enforcement agencies to enter into agreements with federal agencies concerning the enforcement of federal, state and local laws under certain circumstances; prohibiting state and local governmental agencies from allowing a federal agency to access or use certain correctional and communication facilities and equipment without the express written consent of the appropriate responsible official; prohibiting a person from impersonating a federal officer; designating the county sheriff as the primary law enforcement officer in certain areas of a county; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Under existing law, on land owned by the United States, the Federal  
2 Government has: (1) exclusive jurisdiction; (2) concurrent jurisdiction; or (3)  
3 proprietary jurisdiction. On land over which the Federal Government has acquired  
4 exclusive or concurrent jurisdiction, the State has ceded all or part of its  
5 jurisdiction, and the Federal Government has criminal jurisdiction in the area.  
6 (*United States v. Unzueta*, 281 U.S. 138 (1930); *Paul v. United States*, 371 U.S.  
7 245, 264 (1963)) When the State has not ceded jurisdiction to the Federal  
8 Government, the Federal Government has proprietary jurisdiction and may enact  
9 laws governing conduct on those lands pursuant to the Property Clause of the  
10 United States Constitution. (U.S. Const. Art. IV, § 3, cl. 2; *Kleppe v. New Mexico*,  
11 426 U.S. 529 (1976); *United States v. Bohn*, 622 F.3d 1129 (2010)) This bill



\* A B 2 8 3 R 2 \*

12 establishes the circumstances under which a state or local law enforcement officer  
13 may recognize a federal employee's exercise of law enforcement power on federal  
14 lands.

15 **Sections 3-7** of this bill define terms to establish the lands and agencies to  
16 which the provisions of this bill apply. **Section 5** of this bill excludes from the  
17 provisions of this bill the exercise of law enforcement authority by: (1) a special  
18 agent of the Federal Bureau of Investigation; (2) a special agent of the United  
19 States Secret Service; (3) a special agent of the United States Drug Enforcement  
20 Administration; (4) a United States Postal Inspector; or (5) an officer or agent of  
21 the Bureau of Indian Affairs.

22 **Section 8** of this bill sets forth the circumstances under which a state or local  
23 law enforcement officer may recognize the enforcement of federal law by certain  
24 federal employees. Under **section 8**, a state or local law enforcement officer may  
25 recognize a federal employee's exercise of law enforcement authority if the federal  
26 employee is enforcing a federal law other than the Assimilative Crimes Act, which  
27 is a federal law providing that a violation of a state criminal law on federal enclaves  
28 where the Federal Government exercises exclusive or concurrent jurisdiction is a  
29 violation of federal law. (18 U.S.C. § 13) However, **section 8** provides that: (1) on  
30 federal enclaves where the Federal Government exercises exclusive or concurrent  
31 jurisdiction, a state or local law enforcement officer may recognize the exercise of  
32 law enforcement authority by a federal employee who is enforcing any federal law,  
33 including, without limitation, the Assimilative Crimes Act; and (2) if a federal  
34 employee is enforcing a provision of the Federal Land Policy and Management Act,  
35 43 U.S.C. §§ 1701 et seq., on federal land that is not a federal enclave, a state or  
36 local law enforcement officer may recognize such an exercise of law enforcement  
37 authority if the federal employee is enforcing a federal statute other than the  
38 Assimilative Crimes Act or a federal regulation that is necessary to implement  
39 the provisions of the Act with respect to the management, use and protection of the  
40 public lands and property located on those lands.

41 **Section 9** of this bill authorizes a state or local law enforcement agency to  
42 assist a federal agency with the enforcement of federal law on land managed by the  
43 Federal Government pursuant to the Federal Land Policy and Management Act, 43  
44 U.S.C. 1701 et seq., if the agreement requires the payment of fair compensation for  
45 such assistance.

46 **Section 10** of this bill prohibits a state or local law enforcement officer from  
47 recognizing a federal employee's exercise of law enforcement authority if the  
48 federal employee is enforcing state or local law, except that a state or local law  
49 enforcement officer may recognize such an exercise of law enforcement authority:  
50 (1) under certain emergency circumstances; and (2) if the county sheriff or a state  
51 law enforcement agency, with the consent of the county sheriff, has entered into an  
52 agreement with the relevant federal agency authorizing specific federal employees  
53 to enforce state and local laws. Under **section 10**: (1) an agreement with a federal  
54 agency which authorizes specific federal employees to enforce state or local laws  
55 must be for a term of not more than 2 years; and (2) the federal employees granted  
56 authority to enforce state or local laws are required to successfully complete an  
57 80-hour online training course approved by the Peace Officers' Standards and  
58 Training Commission.

59 **Section 11** of this bill prohibits a state or local governmental agency from  
60 authorizing a federal agency to access or use the correctional and communication  
61 facilities and equipment of any state or local law enforcement agency without the  
62 express written consent of the appropriate responsible official of the state or local  
63 law enforcement agency.

64 Existing law prohibits a person from impersonating a public officer, a police  
65 officer or a person having special authority by law to perform an act affecting the  
66 rights or interests of another person. (NRS 199.430) For the purposes of that



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67 prohibition, the term “public officer” is defined to include only state and local  
68 officers, not federal officers. (NRS 193.019) **Section 12.5** of this bill expands the  
69 scope of existing law to prohibit the impersonation of a federal officer.

70 **Section 13** of this bill specifically states that the sheriff of a county and his or  
71 her deputies are the primary law enforcement officers in the unincorporated areas  
72 of their county. If a county has a metropolitan police department, **section 13**  
73 provides that the sheriff and his or her deputies are the primary law enforcement  
74 officers in the unincorporated areas of that county and in any incorporated city over  
75 which the department has jurisdiction.

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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 the provisions set forth as sections 2 to 12, inclusive, of this  
3 act.

4 **Sec. 2.** *As used in sections 2 to 12, inclusive, of this act,*  
5 *unless the context otherwise requires, the words and terms defined*  
6 *in sections 3 to 7, inclusive, of this act have the meanings ascribed*  
7 *to them in those sections.*

8 **Sec. 3.** *“Exercise law enforcement authority” and “exercise*  
9 *of law enforcement authority” mean:*

10 1. *To take any action on private land, state-owned land or*  
11 *federally managed land, to investigate, stop, serve process, search,*  
12 *arrest, cite, book or incarcerate a person for a federal, state or*  
13 *local criminal violation when the action is based on:*

14 (a) *A federal statute, regulation or rule; or*

15 (b) *A state or local statute, ordinance, regulation or rule; or*

16 2. *To gain access to or use the correctional or*  
17 *communication facilities and equipment of any state or local law*  
18 *enforcement agency.*

19 **Sec. 4.** *“Federal agency” means an agency that manages*  
20 *federally managed land or regulates activities on such land,*  
21 *including, without limitation:*

22 1. *The United States Bureau of Land Management;*

23 2. *The United States Forest Service;*

24 3. *The National Park Service;*

25 4. *The United States Fish and Wildlife Service;*

26 5. *The United States Bureau of Reclamation;*

27 6. *The United States Environmental Protection Agency; and*

28 7. *The United States Army Corps of Engineers.*

29 **Sec. 5.** *“Federal employee” means an employee or other*  
30 *agent of a federal agency, but does not include:*

31 1. *A special agent of the Federal Bureau of Investigation;*

32 2. *A special agent of the United States Secret Service;*

33 3. *A special agent of the Drug Enforcement Administration;*



1 4. *A United States Postal Inspector of the United States*  
2 *Postal Inspection Service; and*

3 5. *An officer or agent of the Bureau of Indian Affairs.*

4 **Sec. 6.** *“Federally managed land” means land managed by:*

5 1. *The United States Bureau of Land Management;*

6 2. *The United States Forest Service;*

7 3. *The National Park Service;*

8 4. *The United States Fish and Wildlife Service; or*

9 5. *The United States Bureau of Reclamation.*

10 **Sec. 7.** *“Proprietary jurisdiction federally managed land”*  
11 *means federally managed land except:*

12 1. *Any building, installations and other structures under the*  
13 *exclusive jurisdiction of the Congress of the United States*  
14 *pursuant to Clause 17 of Section 8 of Article I of the United States*  
15 *Constitution.*

16 2. *Any parcel that constitutes a federal enclave subject to the*  
17 *jurisdiction of the United States and the State of Nevada.*

18 **Sec. 8.** 1. *Except as otherwise provided in this section, a*  
19 *state or local law enforcement officer may recognize a federal*  
20 *employee’s exercise of law enforcement authority, on or off*  
21 *federally managed land in this State, when the exercise of that*  
22 *authority is consistent with the United States Constitution and*  
23 *based on:*

24 (a) *A federal statute other than the Assimilative Crimes Act, 18*  
25 *U.S.C. § 13; or*

26 (b) *A federal regulation that is authorized by a federal statute*  
27 *other than the Assimilative Crimes Act, 18 U.S.C. § 13.*

28 2. *A state or local law enforcement officer may recognize a*  
29 *federal employee’s exercise of law enforcement authority on*  
30 *federally managed land in this State other than proprietary*  
31 *jurisdiction federally managed land, when the exercise of that*  
32 *authority is consistent with the United States Constitution and*  
33 *based on:*

34 (a) *A federal statute, including, without limitation, the*  
35 *Assimilative Crimes Act, 18 U.S.C. § 13; or*

36 (b) *A federal regulation that is authorized by a federal statute,*  
37 *including, without limitation, the Assimilative Crimes Act, 18*  
38 *U.S.C. § 13.*

39 3. *A state or local law enforcement officer may recognize a*  
40 *federal employee’s exercise of law enforcement authority to*  
41 *enforce the provisions of the Federal Land Policy and*  
42 *Management Act, 43 U.S.C. §§ 1701 et seq., on proprietary*  
43 *jurisdiction federally managed land, only if the exercise of that*  
44 *authority is consistent with the United States Constitution and*  
45 *based on:*



1 (a) *A federal statute other than the Assimilative Crimes Act, 18*  
2 *U.S.C. § 13; or*

3 (b) *A federal regulation that is:*

4 (1) *Authorized by a federal statute other than the*  
5 *Assimilative Crimes Act, 18 U.S.C. § 13; and*

6 (2) *Necessary to implement the provisions of the Federal*  
7 *Land Policy and Management Act, 43 U.S.C. § 1701 et seq., with*  
8 *respect to the management, use and protection of the public lands*  
9 *and property located on those lands, as provided in 43 U.S.C. §*  
10 *1733.*

11 **Sec. 9.** 1. *A state or local law enforcement agency may*  
12 *assist a federal agency or federal employee to enforce federal*  
13 *statutes and regulations on land managed pursuant to the Federal*  
14 *Land Policy and Management Act, 43 U.S.C. §§ 1701 et seq., if the*  
15 *state or local law enforcement agency has entered into an*  
16 *agreement pursuant to subsection 2.*

17 2. *The sheriff of a county may enter into an agreement with a*  
18 *federal agency requiring fair compensation for assisting a federal*  
19 *agency or federal employee to enforce federal statutes and*  
20 *regulations on lands managed by a federal agency pursuant to the*  
21 *Federal Land Policy and Management Act, 43 U.S.C. §§ 1701 et*  
22 *seq.*

23 **Sec. 10.** 1. *Except as otherwise provided in subsection 2 or*  
24 *an agreement entered into pursuant to subsection 3 or 4, a state or*  
25 *local law enforcement officer may not recognize a federal*  
26 *employee's exercise of law enforcement authority, on or off*  
27 *federally managed land, when the exercise of that authority is*  
28 *based on a state or local statute, ordinance, regulation or rule.*

29 2. *A state or local law enforcement officer may recognize a*  
30 *federal employee's limited exercise of law enforcement authority*  
31 *on federally managed land in cases of a violation of a state or*  
32 *local statute, ordinance, regulation or rule when:*

33 (a) *The offense is an emergency and poses an immediate risk*  
34 *of bodily injury or damage to property;*

35 (b) *A state or local law enforcement officer is not reasonably*  
36 *available to take action;*

37 (c) *The action is within the scope of the authority of the*  
38 *federal employee's law enforcement power; and*

39 (d) *The federal employee turns over the matter and custody of*  
40 *any person detained by the federal employee to a state or local law*  
41 *enforcement officer for further action as soon as such an officer*  
42 *becomes available.*

43 3. *The sheriff of a county may enter into an agreement with a*  
44 *federal agency granting limited authority to specific federal*



1 *employees to exercise law enforcement powers to enforce state and*  
2 *local laws if:*

3 (a) *The agreement is for a term of not more than 2 years; and*

4 (b) *The federal officers granted such authority have*  
5 *successfully completed an 80-hour online training course*  
6 *approved by the Peace Officers' Standards and Training*  
7 *Commission. Completion of such a course must not be construed*  
8 *as constituting certification of a federal officer as a peace officer*  
9 *in this State pursuant to chapter 289 of NRS or the regulations*  
10 *adopted pursuant thereto.*

11 4. *A state law enforcement agency may, with the consent of*  
12 *the sheriff of a county, enter into an agreement granting limited*  
13 *authority to specific federal employees to exercise law enforcement*  
14 *powers to enforce state and local laws in the county in accordance*  
15 *with the provisions of subsection 3.*

16 **Sec. 11.** *A state or local governmental agency may not allow*  
17 *a federal agency or federal employee to access or use the*  
18 *correctional and communication facilities and equipment of any*  
19 *state or local law enforcement agency without the express written*  
20 *consent of the appropriate responsible official of the state or local*  
21 *law enforcement agency.*

22 **Sec. 12.** (Deleted by amendment.)

23 **Sec. 12.5.** NRS 199.430 is hereby amended to read as follows:

24 199.430 ~~{Every}~~

25 1. A person who ~~{shall falsely personate}~~ :

26 (a) *Falsely personates* a public officer, civil or military, ~~{or}~~ a  
27 police officer, *a federal officer* or a private individual having  
28 special authority by law to perform an act affecting the rights or  
29 interests of another ~~{, or who, without} person; or~~

30 (b) *Without* authority ~~{shall assume}~~ , wears any uniform or  
31 badge by which such an officer or ~~{person}~~ *private individual*  
32 *described in paragraph (a)* is lawfully distinguished,

33 *and in such assumed character* ~~{shall do}~~ *does* any act purporting  
34 to be official, whereby another *person* is injured or defrauded, ~~{shall~~  
35 ~~be}~~ *is* guilty of a gross misdemeanor.

36 2. *As used in this section, "federal officer" means an officer*  
37 *of the Federal Government.*

38 **Sec. 13.** NRS 248.090 is hereby amended to read as follows:

39 248.090 1. *Sheriffs and their deputies are the primary law*  
40 *enforcement officers in the unincorporated areas of their*  
41 *respective counties. In a county within the jurisdiction of a*  
42 *metropolitan police department, the sheriff and his or her deputies*  
43 *are the primary law enforcement officers in the unincorporated*  
44 *areas of the county and in any incorporated city whose law*



1 *enforcement agency has been merged into the metropolitan police*  
2 *department.*

3 2. Sheriffs and their deputies shall keep and preserve the peace  
4 in their respective counties, and quiet and suppress all affrays, riots  
5 and insurrections, for which purpose, and for the service of process  
6 in civil or criminal cases, and in apprehending or securing any  
7 person for felony, or breach of the peace, they may call upon the  
8 power of their county to aid in such arrest or in preserving the  
9 peace.

10 **Sec. 14.** This act becomes effective on July 1, 2015.



