

SENATE BILL NO. 250—SENATOR DENIS

MARCH 8, 2017

Referred to Committee on Government Affairs

SUMMARY—Revises the certification requirements for constables in certain townships. (BDR 20-947)

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 constables; requiring a person seeking election or appointment to the office of constable in certain townships to complete certain training as a peace officer before declaring or accepting candidacy for or accepting appointment to the office; revising provisions relating to the circumstances under which a constable or deputy constable has the powers of a peace officer; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires each constable of a township whose population is
2 100,000 or more and which is located in a county whose population is 700,000 or
3 more (currently only Clark County), and each constable of a township whose
4 population is 250,000 or more and which is located in a county whose population is
5 less than 700,000 (currently all counties other than Clark County), to be certified by
6 the Peace Officers’ Standards and Training Commission as a category II peace
7 officer within 1 year after the constable’s date of hire. (NRS 258.007) **Section 1.3**
8 of this bill requires a person who seeks election or appointment to the office of
9 constable in a township in which a city is located whose population is 150,000 or
10 more (currently the cities of Las Vegas, Henderson, Reno and North Las Vegas) to
11 complete certain certification or training programs before he or she declares or
12 accepts candidacy for the office or accepts appointment to the office.

13 **Section 1.7** of this bill removes the requirements that: (1) the chief of police of
14 the city authorize and consent to a constable’s power as a peace officer when the
15 constable is acting in an incorporated city; and (2) the sheriff of the county
16 authorize and consent to a constable’s power as a peace officer when the constable
17 is acting in an area that is not within the limits of an incorporated city.



* S B 2 5 0 R 2 *

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

1 **Section 1.** (Deleted by amendment.)

2 **Sec. 1.3.** NRS 258.005 is hereby amended to read as follows:

3 258.005 1. No person is eligible to the office of constable
4 unless the person:

5 (a) Will have attained the age of 21 years on the date he or she
6 would take office if so elected or appointed. ~~†; and†~~

7 (b) Is a qualified elector.

8 (c) *If the person is seeking election or appointment to the*
9 *office of constable in a township in which is located a city whose*
10 *population is 150,000 or more, before the time of his or her*
11 *declaration of candidacy, acceptance of candidacy or appointment*
12 *to the office:*

13 (1) *Is certified as a category I or category II peace officer*
14 *by the Peace Officers' Standards and Training Commission; or*

15 (2) *Is certified as a category I or category II peace officer*
16 *or its equivalent by the certifying authority of another state or a*
17 *federal law enforcement agency that imposes requirements for*
18 *certification substantially similar to the requirements imposed by*
19 *this State, as determined by the Commission.*

20 2. A person who has been convicted of a felony in this state or
21 any other state is not qualified to be a candidate for or elected or
22 appointed to the office of constable regardless of whether the person
23 has been restored to his or her civil rights.

24 **Sec. 1.7.** NRS 258.070 is hereby amended to read as follows:

25 258.070 1. Subject to the provisions of subsections 2 and 3,
26 each constable shall:

27 (a) Be a peace officer.

28 (b) Execute the process, writs or warrants of courts of justice,
29 judicial officers and coroners, when delivered to the constable for
30 that purpose.

31 (c) Discharge such other duties as are or may be prescribed by
32 law.

33 2. Subject to the provisions of subsection 3, a constable or
34 deputy constable has the powers of a peace officer:

35 (a) For the discharge of duties as are or may be prescribed by
36 law; *and*

37 (b) For the purpose of arresting a person for a public offense
38 committed or attempted in the presence of the constable or deputy
39 constable, if the constable or deputy constable has reasonable cause
40 to believe that the arrest is necessary to prevent harm to other
41 persons or the escape of the person who committed or attempted the
42 public offense. ~~†; and~~



1 ~~—(c) In addition to the circumstances described in paragraphs (a)~~
2 ~~and (b):~~

3 ~~—(1) In an area within the limits of an incorporated city, for the~~
4 ~~purposes authorized by and with the consent of the chief of police of~~
5 ~~the city; and~~

6 ~~—(2) In an area that is not within the limits of an incorporated~~
7 ~~city, for the purposes authorized by and with the consent of the~~
8 ~~sheriff of the county.]~~

9 3. The constable and each deputy constable of a township shall
10 not carry a firearm in the performance of his or her duties unless:

11 (a) The constable has adopted a written policy on the use of
12 deadly force by the constable and each deputy constable; and

13 (b) The constable and each deputy constable has received
14 training regarding the policy.

15 4. A constable or deputy constable authorized to carry a
16 firearm pursuant to subsection 3 must receive training approved by
17 the Peace Officers' Standards and Training Commission in the use
18 of firearms at least once every 6 months.

19 5. A constable or deputy constable who wears a uniform in the
20 performance of his or her duties shall display prominently as part of
21 that uniform a badge, nameplate or other uniform piece which
22 clearly displays the name or an identification number of the
23 constable or deputy constable.

24 6. Pursuant to the procedures and subject to the limitations set
25 forth in chapters 482 and 484A to 484E, inclusive, of NRS, a
26 constable may issue a citation to an owner or driver, as appropriate,
27 of a vehicle which is located in his or her township at the time the
28 citation is issued and which is required to be registered in this State
29 if the constable determines that the vehicle is not properly
30 registered. Upon the imposition of punishment pursuant to
31 NRS 482.385 on the person to whom the citation is issued, the
32 constable is entitled to charge and collect a fee of \$100 from
33 the person to whom the citation is issued, which may be retained by
34 the constable as compensation.

35 7. If a sheriff or the sheriff's deputy in any county in this State
36 arrests a person charged with a criminal offense or in the
37 commission of an offense, the sheriff or the sheriff's deputy shall
38 serve all process, whether mesne or final, and attend the court
39 executing the order thereof in the prosecution of the person so
40 arrested, whether in a justice court or a district court, to the
41 conclusion, and whether the offense is an offense of which a justice
42 of the peace has jurisdiction, or whether the proceeding is a
43 preliminary examination or hearing. The sheriff or the sheriff's
44 deputy shall collect the same fees and in the same manner therefor



- 1 as the constable of the township in which the justice court is held
- 2 would receive for the same service.
- 3 **Sec. 2.** (Deleted by amendment.)
- 4 **Sec. 3.** (Deleted by amendment.)
- 5 **Sec. 4.** This act becomes effective on July 1, 2017.

