
SENATE BILL NO. 260—SENATORS PICKARD, HAMMOND;
GOICOECHEA AND SETTELMAYER

MARCH 12, 2019

JOINT SPONSORS: ASSEMBLYMEN COHEN,
ROBERTS; HARDY AND LEAVITT

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to domestic relations.
(BDR 11-40)

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

~

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

AN ACT relating to domestic relations; prohibiting law enforcement representatives of investigative agencies and law enforcement officers from providing certain information on behalf of a party in a proceeding relating to the custody and visitation of children; establishing provisions relating to the civil liability of such representatives and officers under certain circumstances; authorizing such representatives and officers to provide information based upon personal knowledge; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law provides for the custody and visitation of children generally.
- 2 (Chapter 125C of NRS) This bill prohibits a representative of an investigative
- 3 agency or a law enforcement officer from providing information on behalf of a
- 4 party in a court determination regarding the custody or visitation of a child. This
- 5 bill also provides that a representative or officer who violates the provisions of this
- 6 bill may incur civil liability for such a violation under certain circumstances.
- 7 Finally, this bill provides that a representative of an investigative agency or a law
- 8 enforcement officer may provide information based upon personal knowledge.



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

1 **Section 1.** Chapter 125C of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *Except as otherwise provided in subsection 3, a*
4 *representative of an investigative agency or a law enforcement*
5 *officer shall not provide information on behalf of a party in a*
6 *proceeding in which a court is making a determination regarding*
7 *the legal custody or physical custody of a child or the rights to*
8 *visitation with a child.*

9 2. *A representative of an investigative agency or a law*
10 *enforcement officer who violates subsection 1 outside the ordinary*
11 *course of his or her duties is not immune from civil liability for*
12 *any damages resulting from a violation of subsection 1.*

13 3. *Nothing in this section:*

14 (a) *Shall be construed as relieving a representative of an*
15 *investigative agency or law enforcement officer from the duty to*
16 *report the abuse or neglect of a child pursuant to NRS 432B.220.*

17 (b) *Prohibits a representative of an investigative agency or a*
18 *law enforcement officer from providing information based upon*
19 *the personal knowledge of such a representative or officer.*

20 4. *As used in this section:*

21 (a) *“Investigative agency” means any public or private agency*
22 *designated by a law enforcement agency or a prosecuting attorney*
23 *to obtain information on behalf of the law enforcement agency or*
24 *prosecuting attorney.*

25 (b) *“Law enforcement officer” means:*

26 (1) *A prosecuting attorney or representative of a*
27 *prosecuting attorney;*

28 (2) *A sheriff of a county or the sheriff’s deputy;*

29 (3) *An officer of a metropolitan police department or a*
30 *police department of an incorporated city; or*

31 (4) *Any other person upon whom some or all of the powers*
32 *of a peace officer are conferred pursuant to NRS 289.150 to*
33 *289.360, inclusive.*

34 (c) *“Personal knowledge” does not include information*
35 *obtained by a representative of an investigative agency or a law*
36 *enforcement officer in the ordinary course of his or her duties.*

