

SENATE BILL NO. 294—SENATOR CANCELA

MARCH 18, 2019

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing privileges. (BDR 4-572)

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 privileges; providing a privilege against the disclosure of certain information prepared by a local law enforcement agency under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 This bill provides, with limited exceptions, that an administrative report
2 prepared by a local law enforcement agency in connection with an investigation of
3 an incident involving the use of force by a law enforcement officer is privileged.
4 The privilege may be claimed by an officer or former officer of a local law
5 enforcement agency; however, the findings or conclusions of the report are not
6 subject to the privilege.

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

1 Section 1. Chapter 49 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. Except as otherwise provided in subsections 2 and 3, a
4 local law enforcement agency has a privilege to refuse to disclose
5 and to prevent any other person from disclosing any information,
6 comments or documents included in an administrative report. The
7 privilege may be claimed by an officer or former officer of a local
8 law enforcement agency.

9 2. There is no privilege as to any findings or conclusions
10 included in an administrative report.



1 **3. The privilege is not intended to affect any obligation placed**
2 **upon a prosecuting attorney by the Nevada Constitution or the**
3 **United States Constitution to disclose exculpatory evidence to a**
4 **defendant in the prosecution of a criminal case.**

5 **4. As used in this section, unless the context otherwise**
6 **requires:**

7 **(a) "Administrative report" means an internal report prepared**
8 **by a local law enforcement agency in connection with the**
9 **investigation of an incident involving the use of force by an officer**
10 **of a local law enforcement agency.**

11 **(b) "Local law enforcement agency" has the meaning ascribed**
12 **to it in NRS 62A.200.**

