

SENATE BILL NO. 358—COMMITTEE ON JUDICIARY

MARCH 25, 2021

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to wire communications. (BDR 15-1008)

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 crimes; revising provisions relating to the interception of certain wire communications; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law makes it unlawful, with certain exceptions, to intercept or attempt
2 to intercept any wire communication unless: (1) the interception or attempted
3 interception is made with the prior consent of one of the parties to the
4 communication; and (2) an emergency situation exists and it is impractical to obtain
5 a court order. (NRS 200.620) This bill provides that it is not unlawful for any
6 person to intercept or attempt to intercept the wire communication of a person who
7 has: (1) barricaded himself or herself and is not exiting or surrendering at the lawful
8 request of a peace officer, in circumstances in which there is imminent risk of harm
9 to the life of another person as a result of the actions of the person who is
10 barricaded or the actions of law enforcement in resolving the barricade situation; or
11 (2) created a hostage situation.

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

1 Section 1. NRS 200.620 is hereby amended to read as follows:
2 200.620 1. Except as otherwise provided in subsection 5 and
3 NRS 179.410 to 179.515, inclusive, 209.419 and 704.195, it is
4 unlawful for any person to intercept or attempt to intercept any wire
5 communication unless:

6 (a) The interception or attempted interception is made with the
7 prior consent of one of the parties to the communication; and



1 (b) An emergency situation exists and it is impractical to obtain
2 a court order as required by NRS 179.410 to 179.515, inclusive,
3 before the interception, in which event the interception is subject to
4 the requirements of subsection 3. If the application for ratification is
5 denied, any use or disclosure of the information so intercepted is
6 unlawful, and the person who made the interception shall notify the
7 sender and the receiver of the communication that:

8 (1) The communication was intercepted; and

9 (2) Upon application to the court, ratification of the
10 interception was denied.

11 2. This section does not apply to any person, or to the officers,
12 employees or agents of any person, engaged in the business of
13 providing service and facilities for wire communication where the
14 interception or attempted interception is to construct, maintain,
15 conduct or operate the service or facilities of that person.

16 3. Any person who has made an interception in an emergency
17 situation as provided in paragraph (b) of subsection 1 shall, within
18 72 hours of the interception, make a written application to a justice
19 of the Supreme Court or district judge for ratification of the
20 interception. The interception must not be ratified unless the
21 applicant shows that:

22 (a) An emergency situation existed and it was impractical to
23 obtain a court order before the interception; and

24 (b) Except for the absence of a court order, the interception met
25 the requirements of NRS 179.410 to 179.515, inclusive.

26 4. NRS 200.610 to 200.690, inclusive, do not prohibit the
27 recording, and NRS 179.410 to 179.515, inclusive, do not prohibit
28 the reception in evidence, of conversations on wire communications
29 installed in the office of an official law enforcement or fire-fighting
30 agency, or a public utility, if the equipment used for the recording is
31 installed in a facility for wire communications or on a telephone
32 with a number listed in a directory, on which emergency calls or
33 requests by a person for response by the law enforcement or fire-
34 fighting agency or public utility are likely to be received. In
35 addition, those sections do not prohibit the recording or reception in
36 evidence of conversations initiated by the law enforcement or fire-
37 fighting agency or public utility from such a facility or telephone in
38 connection with responding to the original call or request, if the
39 agency or public utility informs the other party that the conversation
40 is being recorded.

41 *5. The interception or attempted interception of a wire*
42 *communication is not unlawful if the person is intercepting the*
43 *communication of a person who has:*

44 *(a) Barricaded himself or herself and is not exiting or*
45 *surrendering at the lawful request of a peace officer, in*



1 *circumstances in which there is an imminent risk of harm to the*
2 *life of another person as a result of the actions of the person who*
3 *is barricaded or the actions of law enforcement in resolving the*
4 *barricade situation; or*

5 *(b) Created a hostage situation.*

6 *6. For the purposes of subsection 5:*

7 *(a) A barricade occurs when a person:*

8 *(1) Refuses to come out from a covered or enclosed position*
9 *after being provided an order to exit by a peace officer; or*

10 *(2) Is contained in an open area and the presence or*
11 *approach of a peace officer precipitates an imminent risk of harm*
12 *to the life of another person.*

13 *(b) A hostage situation occurs when a person holds another*
14 *person against his or her will, regardless of whether the person*
15 *holding the other person has made a demand.*

16 *7. As used in this section, "peace officer" means any person*
17 *upon whom some or all of the powers of a peace officer are*
18 *conferred pursuant to NRS 289.150 to 289.360, inclusive.*

