

SENATE BILL NO. 486—COMMITTEE ON JUDICIARY

MARCH 25, 2019

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions relating to the issuance of citations. (BDR 43-1149)

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

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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 citations; revising provisions relating to the form of certain citations and the notice to appear that results from the acceptance by a person of a citation from a peace officer in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, a traffic citation is deemed a lawful complaint for the
2 purposes of prosecution if the form of the citation: (1) includes an attestation
3 charging commission of the offense alleged; or (2) is prepared electronically. (NRS
4 484A.620) **Section 1** of this bill requires the attestation regardless of whether the
5 citation was prepared electronically or otherwise. Under existing law, if a person
6 refuses to sign a copy of certain citations issued by a peace officer who has halted
7 the person’s motor vehicle, the peace officer may deliver the citation to the person,
8 and acceptance of such a copy is deemed personal service of a notice to appear in
9 court to adjudicate the citation. (NRS 62C.070, 484A.630, 484A.720, 484A.760)
10 **Sections 2-5** of this bill revise the language to provide that when a person
11 physically receives a copy of a citation, receipt of the citation shall be deemed
12 personal service of a notice to appear in court to adjudicate the citation.

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

1 **Section 1.** NRS 484A.620 is hereby amended to read as
2 follows:
3 484A.620 ~~HF~~ *Regardless of whether a citation is prepared*
4 *electronically or by other means, if* the form of citation ~~F~~



1 ~~1. Includes~~ *includes* information whose truthfulness is attested
2 as required for a complaint charging commission of the offense
3 alleged in the citation to have been committed, ~~or~~

4 ~~2. Is prepared electronically,~~
5 ~~or~~ then the citation when filed with a court of competent
6 jurisdiction shall be deemed to be a lawful complaint for the purpose
7 of prosecution pursuant to chapters 484A to 484E, inclusive, of
8 NRS.

9 **Sec. 2.** NRS 484A.630 is hereby amended to read as follows:

10 484A.630 1. Whenever a person is halted by a peace officer
11 for any violation of chapters 484A to 484E, inclusive, of NRS
12 punishable as a misdemeanor and is not taken before a magistrate as
13 required or permitted by NRS 484A.720 and 484A.730, the peace
14 officer may prepare a traffic citation manually or electronically in
15 the form of a complaint issuing in the name of "The State of
16 Nevada," containing a notice to appear in court, the name and
17 address of the person, the state registration number of the person's
18 vehicle, if any, the number of the person's driver's license, if any,
19 the offense charged, including a brief description of the offense and
20 the NRS citation, the time and place when and where the person is
21 required to appear in court, and such other pertinent information as
22 may be necessary. The peace officer shall sign the citation and
23 deliver a copy of the citation to the person charged with the
24 violation. If the citation is prepared electronically, the peace officer
25 shall sign the copy of the citation that is delivered to the person
26 charged with the violation.

27 2. The time specified in the notice to appear must be at least 5
28 days after the alleged violation unless the person charged with the
29 violation demands an earlier hearing.

30 3. The place specified in the notice to appear must be before a
31 magistrate, as designated in NRS 484A.750.

32 4. The person charged with the violation may give his or her
33 written promise to appear in court by signing *or physically*
34 *receiving* at least one copy of the traffic citation prepared by the
35 peace officer and thereupon the peace officer shall not take the
36 person into physical custody for the violation. If the citation is
37 prepared electronically, the peace officer shall indicate on the
38 electronic record of the citation whether the person charged gave his
39 or her written promise to appear. A copy of the citation that is
40 signed by the person charged or the electronic record of the citation
41 which indicates that the person charged gave his or her written
42 promise to appear suffices as proof of service.

43 5. If the person charged with the violation refuses to sign a
44 copy of the traffic citation but ~~accepts~~ *physically receives* a copy
45 of the citation delivered by the peace officer:



1 (a) The ~~acceptance~~ *receipt* shall be deemed personal service of
2 the notice to appear in court;

3 (b) A copy of the citation signed by the peace officer suffices as
4 proof of service; and

5 (c) The peace officer shall not take the person into physical
6 custody for the violation.

7 **Sec. 3.** NRS 484A.720 is hereby amended to read as follows:

8 484A.720 Whenever any person is halted by a peace officer for
9 any violation of chapters 484A to 484E, inclusive, of NRS not
10 amounting to a gross misdemeanor or felony, the person shall be
11 taken without unnecessary delay before the proper magistrate, as
12 specified in NRS 484A.750, in either of the following cases:

13 1. When the person demands an immediate appearance before
14 a magistrate; or

15 2. In any other event when the person is issued a traffic citation
16 by an authorized person and refuses to sign or ~~accept~~ *take physical*
17 *delivery of* a copy of the traffic citation.

18 **Sec. 4.** NRS 484A.760 is hereby amended to read as follows:

19 484A.760 Whenever any person is taken into custody by a
20 peace officer for the purpose of taking him or her before a
21 magistrate or court as authorized or required in chapters 484A to
22 484E, inclusive, of NRS upon any charge other than a felony or the
23 offenses enumerated in paragraphs (a) to (e), inclusive, of
24 subsection 1 of NRS 484A.710, and no magistrate is available at the
25 time of arrest, and there is no bail schedule established by the
26 magistrate or court and no lawfully designated court clerk or other
27 public officer who is available and authorized to accept bail upon
28 behalf of the magistrate or court, the person must be released from
29 custody upon the issuance to the person of a misdemeanor citation
30 or traffic citation and the person signing a promise to appear, as
31 provided in NRS 171.1773 or 484A.630, respectively, or ~~accepting~~
32 *physically receiving* a copy of the traffic citation, as provided in
33 NRS 484A.630.

34 **Sec. 5.** NRS 62C.070 is hereby amended to read as follows:

35 62C.070 1. If a child is stopped by a peace officer for a
36 violation of any traffic law or ordinance which is punishable as a
37 misdemeanor, the peace officer may prepare and issue a traffic
38 citation pursuant to the same criteria as would apply to an adult
39 violator. The peace officer shall deliver a copy of the citation to the
40 child.

41 2. If a child who is issued a traffic citation executes a written
42 promise to appear in court by signing the citation, the peace officer
43 shall not take the child into physical custody for the violation.



1 3. If a child who is issued a traffic citation refuses to execute a
2 written promise to appear in court but ~~accepts~~ *physically receives*
3 a copy of the citation delivered by the peace officer:

4 (a) The ~~acceptance~~ *receipt* shall be deemed personal service of
5 the notice to appear in court;

6 (b) A copy of the citation signed by the peace officer suffices as
7 proof of service; and

8 (c) The peace officer shall not take the child into physical
9 custody for the violation.

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