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February 15, 2012

Assemblyman Richard "Tick" Segerblom  
700 South Third Street  
Las Vegas, NV 89101

Dear Assemblyman Segerblom:

You have asked whether school police officers have jurisdiction to enforce traffic laws in areas beyond school property or apart from streets that are adjacent to school property. Specifically, you have asked whether school police have jurisdiction to engage in, and issue citations as part of, multi-jurisdictional traffic enforcement programs on state highways which are not located near a school. To answer your question, we will examine the applicable statutory provisions governing the jurisdiction of school police officers and consider the relevant principles of statutory construction employed by the Nevada Supreme Court.

### **BACKGROUND**

The jurisdiction of school police officers is set forth in NRS 391.275. Subsection 1 of NRS 391.275 prescribes the general jurisdiction of a school police officer with respect to school property, buildings and facilities within the school district. Subsection 1 of NRS 391.275 provides:

1. The jurisdiction of each school police officer of a school district extends to all school property, buildings and facilities within the school district for the purpose of:
  - (a) Protecting school district personnel, pupils, or real or personal property; or
  - (b) Cooperating with local law enforcement agencies in matters relating to personnel, pupils or real or personal property of the school district.

NRS 391.275(1). Subsection 2 of NRS 391.275 sets forth the jurisdiction that a school police officer has in addition to the jurisdiction set forth above in subsection 1. Subsection 2 of NRS 391.275 states:

2. In addition to the jurisdiction set forth in subsection 1, a school police officer of a school district has jurisdiction:

(a) Beyond the school property, buildings and facilities when in hot pursuit of a person believed to have committed a crime;

(b) At activities or events sponsored by the school district that are in a location other than the school property, buildings or facilities within the school district; and

(c) When authorized by the superintendent of schools of the school district, on the streets that are adjacent to the school property, buildings and facilities within the school district for the purpose of issuing traffic citations for violations of traffic laws and ordinances during the times that the school is in session or school-related activities are in progress.

NRS 391.275(2) (emphasis added).

### DISCUSSION

In considering the provisions of NRS 391.275 governing the jurisdiction of school police officers, we are guided by several rules of statutory construction employed by the Nevada Supreme Court. As a general rule of statutory construction, a court presumes that the plain meaning of statutory language reflects a full and complete statement of the Legislature's intent. Villanueva v. State, 117 Nev. 664, 669 (2001). Therefore, when the plain meaning of statutory language is clear and unambiguous on its face, a court generally will apply the plain meaning of the statutory language and will not search for any meaning beyond the language of the statute itself. Erwin v. State, 111 Nev. 1535, 1538-39 (1995). This is especially true when the plain meaning of the statutory language is supported by the legislative history of the statute. See, e.g., Gaines v. State, 116 Nev. 359, 366-67 (2000). Under such circumstances, a court will be reluctant to interpret the statutory language in a manner that is contrary to its plain meaning and the legislative history of the statute. Id.

Based upon our reading of NRS 391.275, the plain meaning of NRS 391.275 is clear and unambiguous. Subsection 1 of NRS 391.275 grants a school police officer jurisdiction with respect to school property, buildings and facilities within the school district. Subsection 2 of NRS 391.275, the provision which applies under the circumstances raised by your question, explicitly delineates the additional jurisdiction of a school police officer with respect to areas and property that are not encompassed by the provisions of subsection 1. Subsection 2 of NRS 391.275 clearly and unambiguously provides that a school police officer has jurisdiction: (1) beyond the school property, buildings and facilities when in hot pursuit of a person believed to have committed a crime; (2) at activities or events sponsored by the school district that are in a location other than the school property, buildings or facilities within the school district; and (3) when authorized by the superintendent of schools of the school district, on the streets that are adjacent to the school property, buildings and facilities within the school district for the purpose of issuing traffic citations for violations of traffic laws and ordinances during the times that the

school is in session or school-related activities are in progress. Thus, with respect to the enforcement of traffic laws and ordinances on streets that are not adjacent to school property, buildings and facilities, the plain language of subsection 2 of NRS 391.275 does not grant a school police officer jurisdiction to enforce traffic laws and ordinances or to issue citations on such streets.

Furthermore, the plain meaning of the statutory language set forth above is supported by an examination of the legislative history of NRS 391.275. NRS 391.275 was amended in 2007 by Senate Bill Nos. 354 and 534 of the 2007 Legislative Session (chapter 263, Statutes of Nevada 2007, at page 927, and chapter 418, Statutes of Nevada 2007, at page 1921). Those bills, which contained nearly identical language, added the new language in subsection 2 of NRS 391.275 extending the jurisdiction of school police officers to streets adjacent to the school for the purpose of issuing traffic citations during the times school is in session or school-related activities are in progress. The legislative history of those measures reveals that the Legislature was circumspect in its grant of jurisdiction to school police officers.

During testimony on SB 534 before the Assembly Committee on Education, the following discussion occurred concerning the scope of the jurisdiction granted to school police officers with respect to the enforcement of traffic laws and ordinances on streets adjacent to school property:

**Chair Parnell:**

On page 2, where it extends the jurisdiction, is it just the streets surrounding the school? Where does their jurisdiction end?

**Craig Kadlub, Director of Government Affairs, Clark County School District:**

It would only be the streets that touch the school property. If private property divides property, then they cannot go there. This is about parents that double and triple-park, make illegal u-turns, park in the crosswalks, et cetera. The officers would not be engaged in anything out in the community. If you think that it is not explicit enough, we would welcome a recommendation.

**Chair Parnell:**

We just needed to know where the jurisdiction would end.

**Assemblyman Denis:**

I need further clarification. The front of the school by my house touches the road but there is an exit in the back that the majority of the students use, and there is a crosswalk there. There is a row of houses between the school and the street. Would the school police be able to issue citations in the back, or only in the front of the school?

**Craig Kadlub:**

If there is private property between the school and the street, then this bill would not apply to that street.

\* \* \*

**Chair Parnell:**

So this just extends their jurisdiction to the street surrounding the school?

**Craig Kadlub:**

Yes.

**Chair Parnell:**

I am wondering if we should be more specific and say how many feet around the school building or facility, instead of using the word adjacent.

**Craig Kadlub:**

If there is some other language that captures the intent, we are amendable to that.

\* \* \*

**Raymond Flynn, Assistant Sheriff, Las Vegas Metropolitan Police Department:**

We have been brought in since the beginning of the bill. We have no problem with it the way it is written, and we do support the bill. We are comfortable with the word "adjacent."

Minutes of the Assembly Committee on Education, April 30, 2007, at pages 14-16.

Thus, the legislative history shows that the Legislature was careful in prescribing the jurisdiction of school police officers and did not intend for such jurisdiction to extend beyond school property except under the specific circumstances set forth in subsection 2 of NRS 391.275. With respect to the enforcement of traffic laws and ordinances, it is clear that the Legislature did not intend for the jurisdiction of school police officers to extend beyond the streets adjacent to school property.

Therefore, based upon the plain meaning of the language of NRS 391.075 and the legislative history of the statute which supports that plain meaning, it is the opinion of this office that a school police officer does not have jurisdiction to engage in, and issue citations as part of, multi-jurisdictional traffic enforcement programs on state highways which are not located near a school. We are aware that it has been suggested that other provisions of the Nevada Revised Statutes may be interpreted to authorize school police officers to exercise such jurisdiction and participate in such traffic enforcement programs on state highways which are not located near a school. For that reason, we will now address those arguments, as we understand them.

First, it has been argued that NRS 277.035 provides for the establishment of an implied agreement between law enforcement agencies in the absence of an interlocal or cooperative agreement and such an implied agreement authorizes school police officers to enforce traffic laws and ordinances and issue citations on streets that are not adjacent to school property. Subsection 1 of NRS 277.035 states:

1. In the absence of an interlocal or cooperative agreement entered into pursuant to this chapter, if a law enforcement agency requests the assistance of another law enforcement agency which responds to the request, the law enforcement agencies shall be deemed to have entered into an implied agreement whereby:

(a) Both law enforcement agencies shall be deemed, for the limited purpose of the exclusive remedy set forth in NRS 616A.020, to employ jointly a person who:

(1) Is an employee of either law enforcement agency; and  
(2) Sustains an injury by accident while participating in the matter for which assistance was requested.

(b) Each law enforcement agency shall defend, hold harmless and indemnify the other law enforcement agency and its employees from any claim or liability arising from an act or omission performed by its own employee while participating in the matter for which assistance was requested, unless such act or omission is a negligent act or omission for which the law enforcement agency who employs that employee is not liable pursuant to NRS 41.0336.

NRS 277.035(1).

In reviewing the plain language of NRS 277.035 and the relevant legislative history of the statute, it is clear that the effect of NRS 277.035 is to create the legal fiction of an implied agreement, in the absence of an actual agreement, between law enforcement agencies strictly for the purposes of resolving issues pertaining to workers' compensation and civil liability between those agencies. The plain language and legislative history of the statute recognize that NRS 277.035 is not intended to grant or expand any authority possessed by a law enforcement agency, but rather to assist in resolving issues of workers' compensation and civil liability when a law enforcement agency responds to a request for assistance from another law enforcement agency.

It has also been argued that subsection 1 of NRS 277.110 authorizes school police officers to enforce traffic laws and ordinances on streets that are not adjacent to school property under the theory that such enforcement constitutes a joint exercise of power with other law enforcement agencies. Subsection 1 of NRS 277.110 provides that:

Any power, privilege or authority exercised or capable of exercise by a public agency of this State, including, but not limited to, law enforcement, may be exercised jointly with any other public agency of this State, and jointly with

any public agency of any other state or of the United States to the extent that the laws of such other state or of the United States permit such joint exercise. Any agency of this State when acting jointly with any other public agency may exercise all the powers, privileges and authority conferred by NRS 277.080 to 277.180, inclusive, upon a public agency.

NRS 277.110(1). Reviewing the plain language of subsection 1 of NRS 277.110, the plain language of that statutory provision does not establish any new power, privilege or authority that may be exercised by a public agency, but rather authorizes a public agency to exercise any existing power, privilege or authority jointly with another public agency.

Based upon our review of the plain language of NRS 277.035 and 277.110, we do not believe that these statutory provisions may be reasonably interpreted to grant to school police officers the authority to enforce traffic laws and ordinances on streets that are not adjacent to school property. The plain language of NRS 277.035 and 277.110 does not create any new authority, power or privilege that would serve as the basis for the exercise of jurisdiction by a school police officer regarding the enforcement of traffic laws and ordinances on streets that are not adjacent to school property. Furthermore, this interpretation of the plain language of NRS 277.035 and 277.110 is also supported by several other principles of statutory construction.

For example, "it is an accepted rule of statutory construction that a provision which specifically applies to a given situation will take precedence over one that applies only generally." Nevada Power Co. v. Haggerty, 115 Nev. 353, 364 (1999), quoting Sierra Life Ins. Co. v. Rottman, 95 Nev. 654, 656, (1979) (citing W.R. Co. v. City of Reno, 63 Nev. 330 (1946)). Even assuming, for the purpose of argument, that NRS 277.035 and 277.110 could be interpreted to provide some general authority to a school police officer with respect to jurisdiction over traffic laws and ordinances, NRS 391.275 is a specific statute that expressly delineates the jurisdiction of a school police officer with respect to the enforcement of traffic laws and ordinances in relation to school property and streets that are not located on school property. In contrast, NRS 277.035 and 277.110 are both general statutes that do not address that subject. Thus, this rule of statutory construction dictates that NRS 391.275, the specific statute concerning the jurisdiction of school police officers, takes precedence over the general provisions of NRS 277.035 and 277.110.

Additionally, in interpreting a statute, the Nevada Supreme Court has stated that "no part of a statute should be rendered nugatory, nor any language turned to mere surplusage, if such consequences can properly be avoided." Metz v. Metz, 120 Nev. 786, 792 (2004), citing Paramount Ins. v. Rayson & Smitley, 86 Nev. 644, 649, (1970) (quoting Torreyson v. Board of Examiners, 7 Nev. 19, 22 (1871)). "Courts must construe statutes . . . to give meaning to all of their parts and language . . . The court should read each sentence, phrase, and word to render it meaningful within the context of the purpose of the legislation." Langon v. Washoe County, 116 Nev. 115, 118 (2000), quoting Bd. of County Comm'rs v. CMC of Nevada, 99 Nev. 739, 744 (1983). Here, if one were to interpret the provisions of NRS 277.035 regarding implied mutual

aid agreements or the provisions of NRS 277.110 regarding the joint exercise of power between public agencies as authorizing school police officers to conduct traffic stops beyond the streets adjacent to school property, then that interpretation of those statutory provisions would render the provisions of NRS 391.275 wholly nugatory and meaningless, in violation of the aforementioned principle of statutory construction. The Legislature would not have devoted time considering and discussing the scope and application of subsection 2 of NRS 391.275, as it did during the 2007 Legislative Session, if the provisions of NRS 391.275 could be rendered wholly nugatory and meaningless by interpreting the general provisions of NRS 277.035 or 277.110 to apply to the specific circumstances addressed by NRS 391.275.

Therefore, based upon the plain language of NRS 277.035 and 277.110 and the principles of statutory construction discussed above, it is the further opinion of this office that NRS 277.035 and 277.110 do not authorize a school police officer to enforce traffic laws and ordinances and issue citations on streets that are not adjacent to school property.

If you have any further questions regarding this matter, please do not hesitate to contact this office.

Very truly yours,

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Encl.

Ref No. 120202113833

File No. OP\_Segerblom12020391734