

NRS 458.175 Powers and duties of peace officers.

1. If a peace officer arrests or takes into custody a person who is found in any public place unlawfully under the influence of a controlled substance and in such a condition that the person is unable to exercise care for his or her health or safety or the health or safety of other persons, the peace officer may deliver the person to a licensed facility for the treatment of persons who abuse controlled substances or other appropriate facility for observation and care.

2. A person who is unlawfully under the influence of a controlled substance who is arrested or taken into custody by a peace officer must immediately be taken to a secure detoxification unit or other appropriate medical facility if the person's condition appears to require emergency medical treatment. Upon release from the detoxification unit or medical facility, the person must immediately be remanded to the custody of the apprehending peace officer and the criminal proceedings proceed as prescribed by law.

3. Every peace officer and other public employee or agency acting pursuant to this section is performing a discretionary function or duty.

4. As used in this section, "secure detoxification unit" includes, without limitation, a detoxification unit in which the staff of the detoxification unit ensures the security of the detoxification unit.

(Added to NRS by [2003, 1454](#))

CIVIL PROTECTIVE CUSTODY OF ABUSERS OF ALCOHOL

NRS 458.250 Legislative declaration of purpose. The Legislature finds and declares that the handling of alcohol abusers within the criminal justice system is ineffective, whereas treating alcohol abuse as a health problem allows its prevention and treatment and relieves law enforcement agencies of a large and inappropriate burden. The provisions of [NRS 458.250 to 458.280](#), inclusive, are intended to provide for the prevention of alcohol abuse and the treatment of alcohol abusers. The provisions of [NRS 458.250 to 458.280](#), inclusive, are further intended to transfer the handling of public intoxication from statutes providing criminal sanctions, including, without limitation, loitering and vagrancy, to statutes providing for civil protective custody. To accomplish these purposes, the Department of Health and Human Services shall continue to direct itself to the problem of alcohol abuse at large, attempting to combat the problem at the community level.

(Added to NRS by [1973, 1059](#); A [1975, 1145](#); [2001, 425](#))

NRS 458.260 Intoxication not public offense; exceptions.

1. Except as otherwise provided in subsection 2, the use of alcohol, the status of drunkard and the fact of being found in an intoxicated condition are not:

(a) Public offenses and shall not be so treated in any ordinance or resolution of a county, city or town.

(b) Elements of an offense giving rise to a criminal penalty or civil sanction.

2. The provisions of subsection 1 do not apply to:

(a) A civil or administrative violation for which intoxication is an element of the violation pursuant to the provisions of a specific statute or regulation;

(b) A criminal offense for which intoxication is an element of the offense pursuant to the provisions of a specific statute or regulation;

(c) A homicide resulting from driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by [NRS 484C.110, 484C.130, 484C.430](#), subsection 2 of [NRS 488.400, NRS 488.410, 488.420](#) or [488.425](#); and

(d) Any offense or violation which is similar to an offense or violation described in paragraph (a), (b) or (c) and which is set forth in an ordinance or resolution of a county, city or town.

3. This section does not make intoxication an excuse or defense for any criminal act.

(Added to NRS by [1973, 1060](#); A [1975, 1145](#); [1983, 1088](#); [1997, 333](#); [1999, 3406](#); [2005, 169](#))

NRS 458.270 Procedure for placing person in civil protective custody.

1. Except as otherwise provided in subsection 7, a person who is found in any public place under the influence of alcohol, in such a condition that the person is unable to exercise care for his or her health or safety or the health or safety of other persons, must be placed under civil protective custody by a peace officer.

2. A peace officer may use upon such a person the kind and degree of force which would be lawful if the peace officer were effecting an arrest for a misdemeanor with a warrant.

3. If a licensed facility for the treatment of persons who abuse alcohol that has been certified by the Division for civil protective custody exists in the community where the person is found, the person must be delivered to the facility

for observation and care. If no such facility exists in the community, the person so found may be placed in a county or city jail or detention facility for shelter or supervision for his or her health and safety until he or she is no longer under the influence of alcohol. The person may not be required against his or her will to remain in a licensed facility, jail or detention facility longer than 48 hours.

4. An intoxicated person taken into custody by a peace officer for a public offense must immediately be taken to a secure detoxification unit or other appropriate medical facility if the condition of the person appears to require emergency medical treatment. Upon release from the detoxification unit or medical facility, the person must immediately be remanded to the custody of the apprehending peace officer and the criminal proceedings proceed as prescribed by law.

5. The placement of a person found under the influence of alcohol in civil protective custody must be:

(a) Recorded at the facility, jail or detention facility to which the person is delivered; and

(b) Communicated at the earliest practical time to the person's family or next of kin if they can be located.

6. Every peace officer and other public employee or agency acting pursuant to this section is performing a discretionary function or duty.

7. The provisions of this section do not apply to a person who is apprehended or arrested for:

(a) A civil or administrative violation for which intoxication is an element of the violation pursuant to the provisions of a specific statute or regulation;

(b) A criminal offense for which intoxication is an element of the offense pursuant to the provisions of a specific statute or regulation;

(c) A homicide resulting from driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by [NRS 484C.110](#), [484C.130](#), [484C.430](#), subsection 2 of [NRS 488.400](#), [NRS 488.410](#), [488.420](#) or [488.425](#); and

(d) Any offense or violation which is similar to an offense or violation described in paragraph (a), (b) or (c) and which is set forth in an ordinance or resolution of a county, city or town.

(Added to NRS by [1973, 1060](#); A [1975, 1145](#); [1989, 1181](#); [1997, 333](#); [1999, 3407](#); [2001, 425](#); [2005, 170](#); [2015, 748](#))