

ASSEMBLY BILL NO. 243—ASSEMBLYMEN ORENTLICHER,
BILBRAY-AXELROD; AND C.H. MILLER

MARCH 11, 2021

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to the administration of justice. (BDR 14-785)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 the administration of justice; revising certain provisions relating to the sentences of offenders who are less than 21 years of age; authorizing a prosecutorial office to establish a system of race-blind charging to be used when determining whether criminal charges should be filed against a person; authorizing a district attorney to establish a system of race-blind charging to be used when determining whether a petition alleging delinquency of a child should be filed; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires a court to consider the differences between juvenile and
2 adult offenders in determining the appropriate sentence for a person convicted as an
3 adult of a crime the person committed when he or she was less than 18 years of age.
4 (NRS 176.017) **Section 7** of this bill requires a court to consider the differences
5 between a person less than 21 years of age and a person 21 years of age or older in
6 determining the appropriate sentence for a person convicted as an adult of a crime
7 committed when he or she was less than 21 years of age.
8 **Section 8** of this bill: (1) authorizes a prosecutorial office in this State to
9 establish a system of race-blind charging to be used when determining whether
10 criminal charges should be filed against a person; and (2) provides that the system
11 may include certain attributes and procedures. **Section 9** of this bill: (1) similarly
12 authorizes a district attorney to establish a system of race-blind charging to be used
13 when determining whether a petition alleging delinquency of a child should be
14 filed; and (2) provides that the system may include certain attributes and
15 procedures.



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

1 **Section 1.** (Deleted by amendment.)

2 **Sec. 2.** (Deleted by amendment.)

3 **Sec. 3.** (Deleted by amendment.)

4 **Sec. 4.** (Deleted by amendment.)

5 **Sec. 5.** (Deleted by amendment.)

6 **Sec. 6.** (Deleted by amendment.)

7 **Sec. 7.** NRS 176.017 is hereby amended to read as follows:

8 176.017 1. If a person is convicted as an adult for an offense
9 that the person committed when he or she was less than ~~[18]~~ **21**
10 years of age, in addition to any other factor that the court is required
11 to consider before imposing a sentence upon such a person, the
12 court shall consider the differences between ~~[juvenile]~~ **a person who**
13 **is less than 21 years of age** and ~~[adult-offenders]~~ **a person who is**
14 **21 years of age or older**, including, without limitation, the
15 diminished culpability of ~~[juveniles]~~ **a person who is less than 21**
16 **years of age** as compared to that of ~~[adults]~~ **a person who is 21**
17 **years of age or older** and the typical characteristics of youth.

18 2. Notwithstanding any other provision of law, after
19 considering the factors set forth in subsection 1, the court may, in its
20 discretion, reduce any mandatory minimum period of incarceration
21 that the person is required to serve by not more than 35 percent if
22 the court determines that such a reduction is warranted given the age
23 of the person and his or her prospects for rehabilitation.

24 **Sec. 8.** Chapter 178 of NRS is hereby amended by adding
25 thereto a new section to read as follows:

26 **1. A prosecutorial office in this State may establish a system**
27 **of race-blind charging. The system may include, without**
28 **limitation, the following attributes and procedures:**

29 **(a) Redaction of the identifying information of a person and**
30 **the name and recommended charge of the arresting officer from**
31 **the documents reviewed by the prosecutor who is assigned the duty**
32 **to consider whether to file or not file any criminal charge against**
33 **the person while the prosecutor is making the initial decision**
34 **whether to file or not file any criminal charge against the person.**

35 **(b) Upon making the initial decision whether to file or not file**
36 **any criminal charge against the person, the prosecutor shall**
37 **record that initial decision in the case file.**

38 **(c) After the initial decision is made and recorded in the case**
39 **file, the identifying information of the person and the name and**
40 **recommended charge of the arresting officer may be disclosed to**
41 **the prosecutor and the prosecutor may determine whether to**
42 **change the initial decision.**



1 (d) *If the final decision to file or not file any criminal charge*
2 *against the person is different from the initial decision, the*
3 *prosecutor shall record in the case file an explanation of the*
4 *reasons for changing the decision.*

5 (e) *Use of computer software compatible with computer*
6 *programs that redact identifying information.*

7 2. *A prosecutorial office in this State may collaborate with a*
8 *law enforcement agency to:*

9 (a) *Redesign forms, to the extent possible, used in police*
10 *reports, witness statements or other documents to isolate*
11 *identifying information in an easily redactable section of the form;*
12 *and*

13 (b) *Train peace officers, to the extent possible, to avoid the use*
14 *of identifying information in narrative reports.*

15 3. *As used in this section:*

16 (a) *“Identifying information” means:*

17 (1) *Race;*

18 (2) *Name;*

19 (3) *Language spoken;*

20 (4) *Physical description; and*

21 (5) *Street address where the arrest or violation occurred*
22 *and street address of the residence of the person.*

23 (b) *“Law enforcement agency” means:*

24 (1) *The sheriff’s office of a county;*

25 (2) *A metropolitan police department; or*

26 (3) *A police department of an incorporated city.*

27 (c) *“Prosecutor” means:*

28 (1) *The Attorney General or any deputy attorney general;*

29 (2) *The district attorney or any deputy district attorney; or*

30 (3) *The city attorney of an incorporated city or any deputy*
31 *city attorney.*

32 (d) *“Prosecutorial office” means the office of:*

33 (1) *The Attorney General;*

34 (2) *The district attorney of a county; or*

35 (3) *The city attorney of an incorporated city.*

36 **Sec. 9.** Chapter 62C of NRS is hereby amended by adding
37 thereto a new section to read as follows:

38 1. *A district attorney in this State may establish a system of*
39 *race-blind charging to be used when determining whether to file*
40 *or not file a petition alleging that a child is delinquent. The system*
41 *may include, without limitation, the following attributes and*
42 *procedures:*

43 (a) *Redaction of the identifying information of the child and*
44 *the name and recommended charge of the peace officer or*
45 *probation officer who took the child into custody from the*



1 *documents reviewed by the attorney who is assigned the duty to*
2 *consider whether to file or not file the petition while the attorney*
3 *is making the initial decision whether to file or not file the*
4 *petition.*

5 *(b) Upon making the initial decision whether to file or not file*
6 *the petition, the attorney shall record that initial decision in the*
7 *case file.*

8 *(c) After the initial decision is made and recorded in the case*
9 *file, the identifying information of the child and the name and*
10 *recommended charge of the arresting officer may be disclosed to*
11 *the attorney and the attorney may determine whether to change*
12 *the initial decision.*

13 *(d) If the final decision to file or not file the petition is*
14 *different from the initial decision, the attorney shall record in*
15 *the case file an explanation of the reasons for changing the*
16 *decision.*

17 *(e) Use of computer software compatible with computer*
18 *programs that redact identifying information.*

19 **2. A district attorney in this State may collaborate with a law**
20 **enforcement agency to:**

21 *(a) Redesign forms, to the extent possible, used in police*
22 *reports, witness statements or other documents to isolate*
23 *identifying information in an easily redactable section of the form;*
24 *and*

25 *(b) Train peace officers, to the extent possible, to avoid the use*
26 *of identifying information in narrative reports.*

27 **3. As used in this section:**

28 *(a) "Identifying information" means:*

29 *(1) Race;*

30 *(2) Name;*

31 *(3) Language spoken;*

32 *(4) Physical description; and*

33 *(5) Street address where the violation occurred or where the*
34 *child was taken into custody and street address of the residence of*
35 *the child.*

36 *(b) "Law enforcement agency" means:*

37 *(1) The sheriff's office of a county;*

38 *(2) A metropolitan police department; or*

39 *(3) A police department of an incorporated city.*

40 **Sec. 10.** (Deleted by amendment.)

41 **Sec. 11.** (Deleted by amendment.)

42 **Sec. 12.** The amendatory provisions of section 7 of this act
43 apply to an offense committed:

44 1. Before October 1, 2021, if the person is convicted on or after
45 October 1, 2021; and



* A B 2 4 3 R 1 *

- 1 2. On or after October 1, 2021.
- 2 **Sec. 13.** (Deleted by amendment.)

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