

ASSEMBLY BILL NO. 395—COMMITTEE ON JUDICIARY

MARCH 24, 2021

Referred to Committee on Judiciary

SUMMARY—Abolishes capital punishment. (BDR 15-580)

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; abolishing the imposition of a sentence of death on a person convicted of first degree murder; amending or repealing related statutes pertaining to the existence, imposition and execution of a sentence of death on a person convicted of first degree murder; reducing the sentence of any person sentenced to death to a sentence of imprisonment for life without the possibility of parole; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides that a sentence of death may be imposed on a person
2 convicted of first degree murder under certain circumstances. (NRS 200.030)
3 **Section 4** of this bill eliminates the possibility of the imposition of a sentence of
4 death on a person convicted of first degree murder. **Section 46** of this bill reduces
5 the sentence of any person sentenced to death to a sentence of imprisonment for life
6 without the possibility of parole. **Sections 2-42 and 45** of this bill make
7 conforming changes to reflect that a sentence of death may no longer be imposed.

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

1 **Section 1.** NRS 193.120 is hereby amended to read as follows:
2 193.120 1. A crime is an act or omission forbidden by law
3 and punishable upon conviction by ~~death,~~ imprisonment, fine or
4 other penal discipline.
5 2. Every crime ~~which may be punished by death or~~
6 *punishable* by imprisonment in the state prison is a felony.



1 3. Every crime punishable by a fine of not more than \$1,000,
2 or by imprisonment in a county jail for not more than 6 months, is a
3 misdemeanor.

4 4. Every other crime is a gross misdemeanor.

5 **Sec. 2.** NRS 193.130 is hereby amended to read as follows:

6 193.130 1. Except when a person is convicted of a category
7 A felony, and except as otherwise provided by specific statute, a
8 person convicted of a felony shall be sentenced to a minimum term
9 and a maximum term of imprisonment which must be within the
10 limits prescribed by the applicable statute, unless the statute in force
11 at the time of commission of the felony prescribed a different
12 penalty. The minimum term of imprisonment that may be imposed
13 must not exceed 40 percent of the maximum term imposed.

14 2. Except as otherwise provided by specific statute, for each
15 felony committed on or after ~~July 1, 1995:~~ *the effective date of*
16 *this act:*

17 (a) A category A felony is a felony for which a sentence of
18 ~~death or~~ imprisonment in the state prison for life with or without
19 the possibility of parole may be imposed, as provided by specific
20 statute.

21 (b) A category B felony is a felony for which the minimum term
22 of imprisonment in the state prison that may be imposed is not less
23 than 1 year and the maximum term of imprisonment that may be
24 imposed is not more than 20 years, as provided by specific statute.

25 (c) A category C felony is a felony for which a court shall
26 sentence a convicted person to imprisonment in the state prison for a
27 minimum term of not less than 1 year and a maximum term of not
28 more than 5 years. In addition to any other penalty, the court may
29 impose a fine of not more than \$10,000, unless a greater fine is
30 authorized or required by statute.

31 (d) A category D felony is a felony for which a court shall
32 sentence a convicted person to imprisonment in the state prison for a
33 minimum term of not less than 1 year and a maximum term of not
34 more than 4 years. In addition to any other penalty, the court may
35 impose a fine of not more than \$5,000, unless a greater fine is
36 authorized or required by statute.

37 (e) A category E felony is a felony for which a court shall
38 sentence a convicted person to imprisonment in the state prison for a
39 minimum term of not less than 1 year and a maximum term of not
40 more than 4 years. Except as otherwise provided in paragraph (b) of
41 subsection 1 of NRS 176A.100 or paragraph (a) of subsection 2 of
42 NRS 453.336, upon sentencing a person who is found guilty of a
43 category E felony, the court shall suspend the execution of the
44 sentence and grant probation to the person upon such conditions as
45 the court deems appropriate. Such conditions of probation may



1 include, but are not limited to, requiring the person to serve a term
2 of confinement of not more than 1 year in the county jail. In
3 addition to any other penalty, the court may impose a fine of not
4 more than \$5,000, unless a greater penalty is authorized or required
5 by statute.

6 **Sec. 3.** NRS 194.010 is hereby amended to read as follows:

7 194.010 All persons are liable to punishment except those
8 belonging to the following classes:

9 1. Children under the age of 8 years.

10 2. Children between the ages of 8 years and 10 years, unless
11 the child is charged with murder or a sexual offense as defined in
12 NRS 62F.100.

13 3. Children between the ages of 8 years and 14 years, in the
14 absence of clear proof that at the time of committing the act charged
15 against them they knew its wrongfulness.

16 4. Persons who committed the act charged or made the
17 omission charged in a state of insanity.

18 5. Persons who committed the act or made the omission
19 charged under an ignorance or mistake of fact, which disproves any
20 criminal intent, where a specific intent is required to constitute the
21 offense.

22 6. Persons who committed the act charged without being
23 conscious thereof.

24 7. Persons who committed the act or made the omission
25 charged, through misfortune or by accident, when it appears that
26 there was no evil design, intention or culpable negligence.

27 8. Persons, unless the crime is ~~punishable with death,~~ *murder*
28 *of the first degree*, who committed the act or made the omission
29 charged under threats or menaces sufficient to show that they had
30 reasonable cause to believe, and did believe, their lives would be
31 endangered if they refused, or that they would suffer great bodily
32 harm.

33 **Sec. 4.** NRS 200.030 is hereby amended to read as follows:

34 200.030 1. Murder of the first degree is murder which is:

35 (a) Perpetrated by means of poison, lying in wait or torture, or
36 by any other kind of willful, deliberate and premeditated killing;

37 (b) Committed in the perpetration or attempted perpetration of
38 sexual assault, kidnapping, arson, robbery, burglary, invasion of the
39 home, sexual abuse of a child, sexual molestation of a child under
40 the age of 14 years, child abuse or abuse of an older person or
41 vulnerable person pursuant to NRS 200.5099;

42 (c) Committed to avoid or prevent the lawful arrest of any
43 person by a peace officer or to effect the escape of any person from
44 legal custody;



1 (d) Committed on the property of a public or private school, at
2 an activity sponsored by a public or private school or on a school
3 bus while the bus was engaged in its official duties by a person who
4 intended to create a great risk of death or substantial bodily harm to
5 more than one person by means of a weapon, device or course of
6 action that would normally be hazardous to the lives of more than
7 one person; or

8 (e) Committed in the perpetration or attempted perpetration of
9 an act of terrorism.

10 2. Murder of the second degree is all other kinds of murder.

11 3. The jury before whom any person indicted for murder is
12 tried shall, if they find the person guilty thereof, designate by their
13 verdict whether the person is guilty of murder of the first or second
14 degree.

15 4. A person convicted of murder of the first degree is guilty of
16 a category A felony and shall be punished ~~[-~~

17 ~~—(a) By death, only if one or more aggravating circumstances are~~
18 ~~found and any mitigating circumstance or circumstances which are~~
19 ~~found do not outweigh the aggravating circumstance or~~
20 ~~circumstances, unless a court has made a finding pursuant to NRS~~
21 ~~174.098 that the defendant is a person with an intellectual disability~~
22 ~~and has stricken the notice of intent to seek the death penalty; or~~

23 ~~—(b) By} by~~ imprisonment in the state prison:

24 ~~{(1)}~~ (a) For life without the possibility of parole;

25 ~~{(2)}~~ (b) For life with the possibility of parole, with eligibility
26 for parole beginning when a minimum of 20 years has been served;
27 or

28 ~~{(3)}~~ (c) For a definite term of 50 years, with eligibility for
29 parole beginning when a minimum of 20 years has been served.

30 ~~{→ A determination of whether aggravating circumstances exist is~~
31 ~~not necessary to fix the penalty at imprisonment for life with or~~
32 ~~without the possibility of parole.]~~

33 5. A person convicted of murder of the second degree is guilty
34 of a category A felony and shall be punished by imprisonment in the
35 state prison:

36 (a) For life with the possibility of parole, with eligibility for
37 parole beginning when a minimum of 10 years has been served; or

38 (b) For a definite term of 25 years, with eligibility for parole
39 beginning when a minimum of 10 years has been served.

40 6. As used in this section:

41 (a) “Act of terrorism” has the meaning ascribed to it in
42 NRS 202.4415;

43 (b) “Child abuse” means physical injury of a nonaccidental
44 nature to a child under the age of 18 years;

45 (c) “School bus” has the meaning ascribed to it in NRS 483.160;



1 (d) "Sexual abuse of a child" means any of the acts described in
2 NRS 432B.100; and

3 (e) "Sexual molestation" means any willful and lewd or
4 lascivious act, other than acts constituting the crime of sexual
5 assault, upon or with the body, or any part or member thereof, of a
6 child under the age of 14 years, with the intent of arousing,
7 appealing to, or gratifying the lust, passions or sexual desires of the
8 perpetrator or of the child.

9 **Sec. 5.** NRS 7.125 is hereby amended to read as follows:

10 7.125 1. Except as limited by subsections 2, 3 and 4, an
11 attorney, other than a public defender, who is appointed by a
12 magistrate or a district court to represent or defend a defendant at
13 any stage of the criminal proceedings from the defendant's initial
14 appearance before the magistrate or the district court through the
15 appeal, if any, is entitled to receive a fee for court appearances and
16 other time reasonably spent on the matter to which the appointment
17 is made of ~~[\$125 per hour in cases in which the death penalty is~~
18 ~~sought and]~~ \$100 per hour . ~~[in all other cases.]~~ Except for cases in
19 which the most serious crime is a felony punishable ~~[by death or]~~ by
20 imprisonment for life with or without possibility of parole, this
21 subsection does not preclude a governmental entity from contracting
22 with a private attorney who agrees to provide such services for a
23 lesser rate of compensation.

24 2. Except as otherwise provided in subsection 4, the total fee
25 for each attorney in any matter regardless of the number of offenses
26 charged or ancillary matters pursued must not exceed:

27 (a) If the most serious crime is a felony punishable ~~[by death or]~~
28 by imprisonment for life with or without possibility of parole,
29 \$20,000;

30 (b) If the most serious crime is a felony other than a felony
31 included in paragraph (a) or is a gross misdemeanor, \$2,500;

32 (c) If the most serious crime is a misdemeanor, \$750;

33 (d) For an appeal of one or more misdemeanor convictions,
34 \$750; or

35 (e) For an appeal of one or more gross misdemeanor or felony
36 convictions, \$2,500.

37 3. Except as otherwise provided in subsection 4, an attorney
38 appointed by a district court to represent an indigent petitioner for a
39 writ of habeas corpus or other postconviction relief, if the petitioner
40 is imprisoned pursuant to a judgment of conviction of a gross
41 misdemeanor or felony, is entitled to be paid a fee not to exceed
42 \$750.

43 4. If the appointing court because of:

44 (a) The complexity of a case or the number of its factual or legal
45 issues;



- 1 (b) The severity of the offense;
- 2 (c) The time necessary to provide an adequate defense; or
- 3 (d) Other special circumstances,

4 → deems it appropriate to grant a fee in excess of the applicable
5 maximum, the payment must be made, but only if the court in which
6 the representation was rendered certifies that the amount of the
7 excess payment is both reasonable and necessary and the payment is
8 approved by the presiding judge of the judicial district in which the
9 attorney was appointed, or if there is no such presiding judge or if
10 he or she presided over the court in which the representation was
11 rendered, then by the district judge who holds seniority in years of
12 service in office.

13 5. The magistrate, the district court, the Court of Appeals or the
14 Supreme Court may, in the interests of justice, substitute one
15 appointed attorney for another at any stage of the proceedings, but
16 the total amount of fees granted to all appointed attorneys must not
17 exceed those allowable if but one attorney represented or defended
18 the defendant at all stages of the criminal proceeding.

19 **Sec. 6.** NRS 34.724 is hereby amended to read as follows:

20 34.724 1. Any person convicted of a crime and under
21 sentence of ~~death or~~ imprisonment who claims that the conviction
22 was obtained, or that the sentence was imposed, in violation of the
23 Constitution of the United States or the Constitution or laws of this
24 State, or who, after exhausting all available administrative remedies,
25 claims that the time the person has served pursuant to the judgment
26 of conviction has been improperly computed, may, without paying a
27 filing fee, file a postconviction petition for a writ of habeas corpus
28 to obtain relief from the conviction or sentence or to challenge the
29 computation of time that the person has served.

30 2. Such a petition:

31 (a) Is not a substitute for and does not affect any remedies which
32 are incident to the proceedings in the trial court or the remedy of
33 direct review of the sentence or conviction.

34 (b) Comprehends and takes the place of all other common-law,
35 statutory or other remedies which have been available for
36 challenging the validity of the conviction or sentence, and must be
37 used exclusively in place of them.

38 (c) Is the only remedy available to an incarcerated person to
39 challenge the computation of time that the person has served
40 pursuant to a judgment of conviction, after all available
41 administrative remedies have been exhausted.

42 3. For the purposes of this section, a motion to withdraw a plea
43 of guilty, guilty but mentally ill or nolo contendere pursuant to NRS
44 176.165 that is made after sentence is imposed or imposition of



1 sentence is suspended is a remedy which is incident to the
2 proceedings in the trial court if:

3 (a) The person has not filed a prior motion to withdraw the plea
4 and has not filed a prior postconviction petition for a writ of habeas
5 corpus;

6 (b) The motion is filed within 1 year after the date on which the
7 person was convicted, unless the person pleads specific facts
8 demonstrating that some impediment external to the defense
9 precluded bringing the motion earlier;

10 (c) At the time the person files the motion to withdraw the plea,
11 the person is not incarcerated for the charge for which the person
12 entered the plea; and

13 (d) The motion is not barred by the doctrine of laches. A motion
14 filed more than 5 years after the date on which the person was
15 convicted creates a rebuttable presumption of prejudice to the State
16 on the basis of laches.

17 4. The court shall not appoint counsel to represent a person for
18 the purpose of subsection 3.

19 **Sec. 7.** NRS 34.735 is hereby amended to read as follows:

20 34.735 A petition must be in substantially the following form,
21 with appropriate modifications if the petition is filed in the Court of
22 Appeals or the Supreme Court:

23
24 Case No.

25 Dept. No.

26
27 IN THE JUDICIAL DISTRICT COURT OF THE
28 STATE OF NEVADA IN AND FOR THE COUNTY
29 OF.....

30
31
32 Petitioner,

33
34 v.

PETITION FOR WRIT
OF HABEAS CORPUS
(POSTCONVICTION)

35
36
37 Respondent.

38
39
40 **INSTRUCTIONS:**

41 (1) This petition must be legibly handwritten or
42 typewritten, signed by the petitioner and verified.

43 (2) Additional pages are not permitted except where noted
44 or with respect to the facts which you rely upon to support
45 your grounds for relief. No citation of authorities need be



furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.

(3) If you want an attorney appointed, you must complete the Affidavit in Support of Request to Proceed in Forma Pauperis. You must have an authorized officer at the prison complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution.

(4) You must name as respondent the person by whom you are confined or restrained. If you are in a specific institution of the Department of Corrections, name the warden or head of the institution. If you are not in a specific institution of the Department but within its custody, name the Director of the Department of Corrections.

(5) You must include all grounds or claims for relief which you may have regarding your conviction or sentence. Failure to raise all grounds in this petition may preclude you from filing future petitions challenging your conviction and sentence.

(6) You must allege specific facts supporting the claims in the petition you file seeking relief from any conviction or sentence. Failure to allege specific facts rather than just conclusions may cause your petition to be dismissed. If your petition contains a claim of ineffective assistance of counsel, that claim will operate to waive the attorney-client privilege for the proceeding in which you claim your counsel was ineffective.

(7) When the petition is fully completed, the original and one copy must be filed with the clerk of the state district court for the county in which you were convicted. One copy must be mailed to the respondent, one copy to the Attorney General's Office, and one copy to the district attorney of the county in which you were convicted or to the original prosecutor if you are challenging your original conviction or sentence. Copies must conform in all particulars to the original submitted for filing.

PETITION

1. Name of institution and county in which you are presently imprisoned or where and how you are presently restrained of your liberty:



2. Name and location of court which entered the judgment of conviction under attack:

3. Date of judgment of conviction:

4. Case number:

5. ~~[(a)]~~ Length of sentence:

~~[(b) If sentence is death, state any date upon which execution is scheduled:.....]~~

6. Are you presently serving a sentence for a conviction other than the conviction under attack in this motion? Yes No

If "yes," list crime, case number and sentence being served at this time:

7. Nature of offense involved in conviction being challenged:

8. What was your plea? (check one)

(a) Not guilty

(b) Guilty

(c) Guilty but mentally ill

(d) Nolo contendere

9. If you entered a plea of guilty or guilty but mentally ill to one count of an indictment or information, and a plea of not guilty to another count of an indictment or information, or if a plea of guilty or guilty but mentally ill was negotiated, give details:

10. If you were found guilty or guilty but mentally ill after a plea of not guilty, was the finding made by: (check one)

(a) Jury

(b) Judge without a jury

11. Did you testify at the trial? Yes No

12. Did you appeal from the judgment of conviction? Yes No

13. If you did appeal, answer the following:

(a) Name of court:

(b) Case number or citation:

(c) Result:

(d) Date of result:

(Attach copy of order or decision, if available.)



1 14. If you did not appeal, explain briefly why you did
2 not:

3
4

5 15. Other than a direct appeal from the judgment of
6 conviction and sentence, have you previously filed any
7 petitions, applications or motions with respect to this
8 judgment in any court, state or federal? Yes No

9 16. If your answer to No. 15 was "yes," give the
10 following information:

11 (a) (1) Name of court:

12 (2) Nature of proceeding:

13
14 (3) Grounds raised:

15

16

17 (4) Did you receive an evidentiary hearing on your
18 petition, application or motion? Yes No

19 (5) Result:

20 (6) Date of result:

21 (7) If known, citations of any written opinion or date
22 of orders entered pursuant to such result:

23
24 (b) As to any second petition, application or motion, give
25 the same information:

26 (1) Name of court:

27 (2) Nature of proceeding:

28 (3) Grounds raised:

29 (4) Did you receive an evidentiary hearing on your
30 petition, application or motion? Yes No

31 (5) Result:

32 (6) Date of result:

33 (7) If known, citations of any written opinion or date
34 of orders entered pursuant to such result:

35
36 (c) As to any third or subsequent additional applications
37 or motions, give the same information as above, list them on
38 a separate sheet and attach.

39 (d) Did you appeal to the highest state or federal court
40 having jurisdiction, the result or action taken on any petition,
41 application or motion?

42 (1) First petition, application or motion? Yes No

43
44 Citation or date of decision:



1 (2) Second petition, application or motion? Yes
2 No

3 Citation or date of decision:

4 (3) Third or subsequent petitions, applications or
5 motions? Yes No

6 Citation or date of decision:

7 (e) If you did not appeal from the adverse action on any
8 petition, application or motion, explain briefly why you
9 did not. (You must relate specific facts in response to
10 this question. Your response may be included on paper which
11 is 8 1/2 by 11 inches attached to the petition. Your response
12 may not exceed five handwritten or typewritten pages in
13 length.)

14
15
16 17. Has any ground being raised in this petition been
17 previously presented to this or any other court by way of
18 petition for habeas corpus, motion, application or any other
19 postconviction proceeding? If so, identify:

20 (a) Which of the grounds is the same:

21
22 (b) The proceedings in which these grounds were
23 raised:

24
25 (c) Briefly explain why you are again raising these
26 grounds. (You must relate specific facts in response to
27 this question. Your response may be included on paper which
28 is 8 1/2 by 11 inches attached to the petition. Your response
29 may not exceed five handwritten or typewritten pages in
30 length.)

31
32 18. If any of the grounds listed in Nos. 23(a), (b), (c) and
33 (d), or listed on any additional pages you have attached, were
34 not previously presented in any other court, state or federal,
35 list briefly what grounds were not so presented, and give your
36 reasons for not presenting them. (You must relate specific
37 facts in response to this question. Your response may be
38 included on paper which is 8 1/2 by 11 inches attached to the
39 petition. Your response may not exceed five handwritten or
40 typewritten pages in length.)

41
42 19. Are you filing this petition more than 1 year
43 following the filing of the judgment of conviction or the filing
44 of a decision on direct appeal? If so, state briefly the reasons
45 for the delay. (You must relate specific facts in response to



this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

20. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack? Yes No

If yes, state what court and the case number:

21. Give the name of each attorney who represented you in the proceeding resulting in your conviction and on direct appeal:

22. Do you have any future sentences to serve after you complete the sentence imposed by the judgment under attack? Yes No

If yes, specify where and when it is to be served, if you know:

23. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary you may attach pages stating additional grounds and facts supporting same.

(a) Ground one:

Supporting FACTS (Tell your story briefly without citing cases or law.):

(b) Ground two:

Supporting FACTS (Tell your story briefly without citing cases or law.):

(c) Ground three:

Supporting FACTS (Tell your story briefly without citing cases or law.):

(d) Ground four:



Supporting FACTS (Tell your story briefly without citing cases or law.):

WHEREFORE, petitioner prays that the court grant petitioner relief to which petitioner may be entitled in this proceeding.

EXECUTED at on the day of the month of of the year

.....
Signature of petitioner

.....
Address

.....
Signature of attorney (if any)

.....
Attorney for petitioner

.....
Address

VERIFICATION

Under penalty of perjury, the undersigned declares that the undersigned is the petitioner named in the foregoing petition and knows the contents thereof; that the pleading is true of the undersigned's own knowledge, except as to those matters stated on information and belief, and as to such matters the undersigned believes them to be true.

.....
Petitioner

.....
Attorney for petitioner

CERTIFICATE OF SERVICE BY MAIL

I,, hereby certify, pursuant to N.R.C.P. 5(b), that on this day of the month of of the year, I mailed a true and correct copy of the foregoing PETITION FOR WRIT OF HABEAS CORPUS addressed to:



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.....
Respondent prison or jail official
.....

.....
Address
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Attorney General
Heroes' Memorial Building
Capitol Complex
Carson City, Nevada 89710

.....
District Attorney of County of Conviction
.....

.....
Address
.....

.....
Signature of Petitioner
.....

Sec. 8. NRS 171.198 is hereby amended to read as follows:

171.198 1. Except as otherwise provided in subsection 2, a magistrate shall employ a certified court reporter to take down all the testimony and the proceedings on the hearing or examination and, within such time as the court may designate, have such testimony and proceedings transcribed into typewritten transcript.

2. A magistrate who presides over a preliminary hearing in a justice court ~~[, in any case other than in a case in which the death penalty is sought,]~~ may employ a certified court reporter to take down all the testimony and the proceedings on the hearing or appoint a person to use sound recording equipment to record all the testimony and the proceedings on the hearing. If the magistrate appoints a person to use sound recording equipment to record the testimony and proceedings on the hearing, the testimony and proceedings must be recorded and transcribed in the same manner as set forth in NRS 4.390 to 4.420, inclusive. Any transcript of the testimony and proceedings produced from a recording conducted pursuant to this subsection is subject to the provisions of this section in the same manner as a transcript produced by a certified court reporter.

3. When the testimony of each witness is all taken and transcribed by the reporter, the reporter shall certify to the transcript in the same manner as for a transcript of testimony in the district court, which certificate authenticates the transcript for all purposes of this title.

4. Before the date set for trial, either party may move the court before which the case is pending to add to, delete from or otherwise



1 correct the transcript to conform with the testimony as given and to
2 settle the transcript so altered.

3 5. The compensation for the services of a reporter employed as
4 provided in this section are the same as provided in NRS 3.370, to
5 be paid out of the county treasury as other claims against the county
6 are allowed and paid.

7 6. Testimony reduced to writing and authenticated according to
8 the provisions of this section must be filed by the examining
9 magistrate with the clerk of the district court of the magistrate's
10 county, and if the prisoner is subsequently examined upon a writ of
11 habeas corpus, such testimony must be considered as given before
12 such judge or court. A copy of the transcript must be furnished to
13 the defendant and to the district attorney.

14 7. The testimony so taken may be used:

15 (a) By the defendant; or

16 (b) By the State if the defendant was represented by counsel or
17 affirmatively waived his or her right to counsel,
18 ↪ upon the trial of the cause, and in all proceedings therein, when
19 the witness is sick, out of the State, dead, or persistent in refusing to
20 testify despite an order of the judge to do so, or when the witness's
21 personal attendance cannot be had in court.

22 **Sec. 9.** NRS 174.065 is hereby amended to read as follows:

23 174.065 Except as otherwise provided in NRS 174.061:

24 1. On a plea of guilty or guilty but mentally ill to an
25 information or indictment accusing a defendant of a crime divided
26 into degrees, when consented to by the prosecuting attorney in open
27 court and approved by the court, the plea may specify the degree,
28 and in such event the defendant shall not be punished for a higher
29 degree than that specified in the plea.

30 2. On a plea of guilty or guilty but mentally ill to an indictment
31 or information for murder of the first degree, when consented to by
32 the prosecuting attorney in open court and approved by the court,
33 the plea may specify a punishment . ~~[less than death.]~~ The specified
34 punishment, or any lesser punishment, may be imposed by a single
35 judge.

36 **Sec. 10.** NRS 175.011 is hereby amended to read as follows:

37 175.011 1. In a district court, cases required to be tried by
38 jury must be so tried unless the defendant waives a jury trial in
39 writing with the approval of the court and the consent of the State. A
40 defendant who pleads not guilty to the charge of ~~[a capital offense]~~
41 *murder of the first degree* must be tried by jury.

42 2. In a justice court, a case must be tried by jury only if the
43 defendant so demands in writing not less than 30 days before trial.
44 Except as otherwise provided in NRS 4.390 and 4.400, if a case is



1 tried by jury, a reporter must be present who is a certified court
2 reporter and shall report the trial.

3 **Sec. 11.** NRS 175.051 is hereby amended to read as follows:

4 175.051 1. If the offense charged is punishable ~~[by death or]~~
5 by imprisonment for life, each side is entitled to eight peremptory
6 challenges.

7 2. If the offense charged is punishable by imprisonment for any
8 other term or by fine or by both fine and imprisonment, each side is
9 entitled to four peremptory challenges.

10 3. The State and the defendant shall exercise their challenges
11 alternately, in that order. Any challenge not exercised in its proper
12 order is waived.

13 **Sec. 12.** NRS 175.151 is hereby amended to read as follows:

14 175.151 If the indictment or information ~~[be for an offense~~
15 ~~punishable with death,]~~ *is for murder of the first degree,* two
16 counsel on each side may argue the case to the jury, but in such
17 case, as well as in all others, the counsel for the State must open and
18 conclude the argument. If ~~[it be]~~ *the indictment or information is*
19 for any other offense, the court may, in its discretion, restrict the
20 argument to one counsel on each side.

21 **Sec. 13.** NRS 175.552 is hereby amended to read as follows:

22 175.552 1. Except as otherwise provided in subsection 2, in
23 every case in which there is a finding that a defendant is guilty or
24 guilty but mentally ill of murder of the first degree, ~~[whether or not~~
25 ~~the death penalty is sought,]~~ the court shall conduct a separate
26 penalty hearing. The separate penalty hearing must be conducted as
27 follows:

28 (a) If the finding is made by a jury, the separate penalty hearing
29 must be conducted in the trial court before the trial jury, as soon as
30 practicable.

31 ~~[If the finding is made upon a plea of guilty or guilty but~~
32 ~~mentally ill or a trial without a jury and the death penalty is sought,~~
33 ~~the separate penalty hearing must be conducted before a jury~~
34 ~~impaneled for that purpose, as soon as practicable.~~

35 ~~—(c)]~~ If the finding is made upon a plea of guilty or guilty but
36 mentally ill or a trial without a jury, ~~[and the death penalty is not~~
37 ~~sought,]~~ the separate penalty hearing must be conducted as soon as
38 practicable before the judge who conducted the trial or who
39 accepted the plea.

40 2. ~~[In a case in which the death penalty is not sought or in~~
41 ~~which a court has made a finding that the defendant is intellectually~~
42 ~~disabled and has stricken the notice of intent to seek the death~~
43 ~~penalty pursuant to NRS 174.098, the]~~ *The* parties may by
44 stipulation waive the separate penalty hearing required in subsection

45 1. When stipulating to such a waiver, the parties may also include an



1 agreement to have the sentence, if any, imposed by the trial judge.
2 Any stipulation pursuant to this subsection must be in writing and
3 signed by the defendant, the defendant's attorney, if any, and the
4 prosecuting attorney.

5 3. During the hearing, evidence may be presented concerning
6 aggravating and mitigating circumstances relative to the offense,
7 defendant or victim and on any other matter which the court deems
8 relevant to the sentence, whether or not the evidence is ordinarily
9 admissible. Evidence may be offered to refute hearsay matters. No
10 evidence which was secured in violation of the Constitution of the
11 United States or the Constitution of the State of Nevada may be
12 introduced. ~~[The State may introduce evidence of additional~~
13 ~~aggravating circumstances as set forth in NRS 200.033, other than~~
14 ~~the aggravated nature of the offense itself, only if it has been~~
15 ~~disclosed to the defendant before the commencement of the penalty~~
16 ~~hearing.]~~

17 4. ~~[In a case in which the death penalty is not sought or in~~
18 ~~which a court has found the defendant to be intellectually disabled~~
19 ~~and has stricken the notice of intent to seek the death penalty~~
20 ~~pursuant to NRS 174.098, the] *The* jury or the trial judge shall
21 determine whether the defendant should be sentenced to life with
22 the possibility of parole or life without the possibility of parole.~~

23 **Sec. 14.** NRS 175.556 is hereby amended to read as follows:

24 175.556 ~~[1. In a case in which the death penalty is sought, if~~
25 ~~a jury is unable to reach a unanimous verdict upon the sentence to~~
26 ~~be imposed, the district judge who conducted the trial or accepted~~
27 ~~the plea of guilty shall sentence the defendant to life imprisonment~~
28 ~~without the possibility of parole or impanel a new jury to determine~~
29 ~~the sentence.~~

30 ~~—2. In a case in which the death penalty is not sought, if] *If* a~~
31 jury is unable to reach a unanimous verdict upon the sentence to be
32 imposed, the trial judge shall impose the sentence.

33 **Sec. 15.** NRS 176.025 is hereby amended to read as follows:

34 176.025 A sentence of ~~[death or]~~ life imprisonment without the
35 possibility of parole must not be imposed or inflicted upon any
36 person convicted of a crime now punishable by ~~[death or]~~ life
37 imprisonment without the possibility of parole who at the time of
38 the commission of the crime was less than 18 years of age. As to
39 such a person, the maximum punishment that may be imposed is life
40 imprisonment with the possibility of parole.

41 **Sec. 16.** NRS 176.035 is hereby amended to read as follows:

42 176.035 1. Except as otherwise provided in subsection 3,
43 whenever a person is convicted of two or more offenses, and
44 sentence has been pronounced for one offense, the court in imposing
45 any subsequent sentence may provide that the sentences



1 subsequently pronounced run either concurrently or consecutively
2 with the sentence first imposed. Except as otherwise provided in
3 subsections 3 and 4, if the court makes no order with reference
4 thereto, all such subsequent sentences run concurrently. For offenses
5 committed on or after July 1, 2014, if the court imposes the
6 sentences to run consecutively, the court must pronounce the
7 minimum and maximum aggregate terms of imprisonment pursuant
8 to subsection 2, unless the defendant is sentenced to life
9 imprisonment without the possibility of parole. ~~for death.~~

10 2. When aggregating terms of imprisonment pursuant to
11 subsection 1:

12 (a) If at least one sentence imposes a maximum term of
13 imprisonment for life with the possibility of parole, the court must
14 aggregate the minimum terms of imprisonment to determine the
15 minimum aggregate term of imprisonment, and the maximum
16 aggregate term of imprisonment shall be deemed to be
17 imprisonment in the state prison for life with the possibility of
18 parole.

19 (b) If all the sentences impose a minimum and maximum term
20 of imprisonment, the court must aggregate the minimum terms
21 of imprisonment to determine the minimum aggregate term of
22 imprisonment and must aggregate the maximum terms
23 of imprisonment to determine the maximum aggregate term of
24 imprisonment.

25 3. Except as otherwise provided in this section, whenever a
26 person under sentence of imprisonment for committing a felony
27 commits another crime constituting a felony and is sentenced to
28 another term of imprisonment for that felony, the latter term must
29 not begin until the expiration of all prior terms, including the
30 expiration of any prior aggregated terms. If the person is a
31 probationer at the time the subsequent felony is committed, the court
32 may provide that the latter term of imprisonment run concurrently
33 with any prior terms or portions thereof.

34 4. Whenever a person under sentence of imprisonment
35 commits another crime constituting a misdemeanor or gross
36 misdemeanor, the court shall provide expressly whether the sentence
37 subsequently pronounced runs concurrently or consecutively with
38 the one first imposed.

39 5. Whenever a person under sentence of imprisonment
40 commits another crime for which the punishment is ~~death or~~
41 imprisonment for life without the possibility of parole, the sentence
42 must be executed without reference to the unexpired term of
43 imprisonment.

44 6. Regardless of whether a person is under sentence of
45 imprisonment, if the person commits another crime for which the



1 punishment is ~~[death or]~~ imprisonment for life without the
2 possibility of parole, the sentence must be executed without
3 reference to eligibility for parole.

4 7. If a court imposes an additional penalty pursuant to NRS
5 193.161 to 193.1685, inclusive, the sentence imposed for the
6 additional penalty must be aggregated with the sentence imposed for
7 the underlying offense. A prisoner upon whom a sentence for an
8 additional penalty is imposed pursuant to NRS 193.161 to 193.1685,
9 inclusive, before October 1, 2019, may elect to have the sentence
10 imposed for the additional penalty aggregated with the sentence
11 imposed for the underlying offense in accordance with subsection 5
12 of NRS 213.1212.

13 8. This section does not prevent the State Board of Parole
14 Commissioners from paroling a person under consecutive sentences
15 of imprisonment from a current term of imprisonment to a
16 subsequent term of imprisonment.

17 9. This section must not be construed to prohibit the
18 aggregation of any sentences of imprisonment relating to different
19 cases.

20 **Sec. 17.** NRS 176.0911 is hereby amended to read as follows:

21 176.0911 As used in NRS 176.0911 to ~~[176.0919,]~~ **176.09187,**
22 inclusive, unless the context otherwise requires, the words and terms
23 defined in NRS 176.09111 to 176.09119, inclusive, have the
24 meanings ascribed to them in those sections.

25 **Sec. 18.** NRS 176.09121 is hereby amended to read as
26 follows:

27 176.09121 1. The State DNA Database is hereby established
28 to serve as this State's repository for DNA records and to provide
29 DNA records to the Federal Bureau of Investigation.

30 2. The Forensic Science Division of the Washoe County
31 Sheriff's Office shall oversee, manage and administer the State
32 DNA Database and shall:

33 (a) Implement policies for the management and administration
34 of the State DNA Database, including, without limitation, any
35 system for the identification of DNA profiles and DNA records that
36 is necessary to support agencies of criminal justice.

37 (b) Adopt policies and protocols and enter into any necessary
38 agreements to implement the provisions of NRS 176.0911 to
39 ~~[176.0919,]~~ **176.09187,** inclusive.

40 (c) Ensure that all searches of the State DNA Database are
41 performed in accordance with state and federal law.

42 (d) Act as a liaison between the Federal Bureau of Investigation
43 and other state agencies of criminal justice relating to this State's
44 participation in CODIS.



1 **Sec. 19.** NRS 176.09165 is hereby amended to read as
2 follows:

3 176.09165 1. The Department of Public Safety shall establish
4 a standard form for use by every law enforcement agency in this
5 State that:

6 (a) Sets forth the authorized use of a biological specimen
7 pursuant to NRS 176.0911 to ~~[176.0919.]~~ **176.09187**, inclusive.

8 (b) Identifies the circumstances and process under which a
9 person may have his or her biological specimen destroyed and his or
10 her DNA profile or DNA record purged from the forensic
11 laboratory, the State DNA Database and CODIS.

12 (c) May be completed and submitted to the Central Repository
13 for Nevada Records of Criminal History by a person to request that
14 his or her biological specimen be destroyed and his or her DNA
15 profile or DNA record be purged from the forensic laboratory, the
16 State DNA Database and CODIS.

17 2. A law enforcement agency shall provide the form to a
18 person:

19 (a) Before obtaining a biological specimen;

20 (b) Upon release from custody if the person has submitted a
21 biological specimen; or

22 (c) At the request of the person, if the person believes that he or
23 she is eligible to have his or her biological specimen destroyed and
24 his or her DNA profile or DNA record purged from the forensic
25 laboratory, the State DNA Database and CODIS.

26 **Sec. 20.** NRS 176.09177 is hereby amended to read as
27 follows:

28 176.09177 Any person authorized to collect a biological
29 specimen pursuant to NRS 176.0911 to ~~[176.0919.]~~ **176.09187**,
30 inclusive, may not be held civilly or criminally liable for any act
31 relating to the collection of a biological specimen if the person
32 performed that act in good faith and in a reasonable manner.

33 **Sec. 21.** NRS 176.0918 is hereby amended to read as follows:

34 176.0918 1. A person convicted of a felony who otherwise
35 meets the requirements of this section may file a postconviction
36 petition requesting a genetic marker analysis of evidence within the
37 possession or custody of the State which may contain genetic
38 marker information relating to the investigation or prosecution that
39 resulted in the judgment of conviction. ~~[If the case involves a
40 sentence of death, the petition must include, without limitation, the
41 date scheduled for the execution, if it has been scheduled.]~~

42 2. Such a petition must be filed with the clerk of the district
43 court for the county in which the petitioner was convicted on a form
44 prescribed by the Department of Corrections. A copy of the petition
45 must be served by registered mail upon:



- 1 (a) The Attorney General; and
- 2 (b) The district attorney in the county in which the petitioner
- 3 was convicted.

4 3. A petition filed pursuant to this section must be
5 accompanied by a declaration under penalty of perjury attesting that
6 the information contained in the petition does not contain any
7 material misrepresentation of fact and that the petitioner has a good
8 faith basis relying on particular facts for the request. The petition
9 must include, without limitation:

10 (a) Information identifying specific evidence either known or
11 believed to be in the possession or custody of the State that can be
12 subject to genetic marker analysis;

13 (b) The rationale for why a reasonable possibility exists that the
14 petitioner would not have been prosecuted or convicted if
15 exculpatory results had been obtained through a genetic marker
16 analysis of the evidence identified in paragraph (a);

17 (c) An identification of the type of genetic marker analysis the
18 petitioner is requesting to be conducted on the evidence identified in
19 paragraph (a);

20 (d) If applicable, the results of all prior genetic marker analysis
21 performed on evidence in the trial which resulted in the petitioner's
22 conviction; and

23 (e) A statement that the type of genetic marker analysis the
24 petitioner is requesting was not available at the time of trial or, if it
25 was available, that the failure to request genetic marker analysis
26 before the petitioner was convicted was not a result of a strategic or
27 tactical decision as part of the representation of the petitioner at the
28 trial.

29 4. If a petition is filed pursuant to this section, the court may:

30 (a) Enter an order dismissing the petition without a hearing if
31 the court determines, based on the information contained in the
32 petition, that the petitioner does not meet the requirements set forth
33 in this section;

34 (b) After determining whether the petitioner is indigent pursuant
35 to NRS 171.188 and whether counsel was appointed in the case
36 which resulted in the conviction, appoint counsel for the limited
37 purpose of reviewing, supplementing and presenting the petition to
38 the court; or

39 (c) Schedule a hearing on the petition. If the court schedules a
40 hearing on the petition, the court shall determine which person or
41 agency has possession or custody of the evidence and shall
42 immediately issue an order requiring, during the pendency of the
43 proceeding, each person or agency in possession or custody of the
44 evidence to:



1 (1) Preserve all evidence within the possession or custody of
2 the person or agency that may be subjected to genetic marker
3 analysis pursuant to this section;

4 (2) Within 90 days, prepare an inventory of all evidence
5 relevant to the claims in the petition within the possession or
6 custody of the person or agency that may be subjected to genetic
7 marker analysis pursuant to this section; and

8 (3) Within 90 days, submit a copy of the inventory to the
9 petitioner, the prosecuting attorney and the court.

10 5. Within 90 days after the inventory of all evidence is
11 prepared pursuant to subsection 4, the prosecuting attorney may file
12 a written response to the petition with the court.

13 6. If the court holds a hearing on a petition filed pursuant to
14 this section, the hearing must be presided over by the judge who
15 conducted the trial that resulted in the conviction of the petitioner,
16 unless that judge is unavailable. Any evidence presented at the
17 hearing by affidavit must be served on the opposing party at least 15
18 days before the hearing.

19 7. If a petitioner files a petition pursuant to this section, the
20 court schedules a hearing on the petition and a victim of the crime
21 for which the petitioner was convicted has requested notice pursuant
22 to NRS 178.5698, the district attorney in the county in which the
23 petitioner was convicted shall provide to the victim notice of:

24 (a) The fact that the petitioner filed a petition pursuant to this
25 section;

26 (b) The time and place of the hearing scheduled by the court as a
27 result of the petition; and

28 (c) The outcome of any hearing on the petition.

29 **Sec. 22.** NRS 176.325 is hereby amended to read as follows:

30 176.325 When a judgment of imprisonment to be served in the
31 state prison has been pronounced, triplicate certified paper or
32 electronic copies of the judgment of conviction, attested by the clerk
33 under the seal of the court, must forthwith be furnished to the
34 officers whose duty it is to execute the judgment, as provided by
35 NRS 176.335, and no other warrant or authority is necessary to
36 justify or require the execution thereof. ~~[, except when a judgment
37 of death is rendered.]~~

38 **Sec. 23.** NRS 177.015 is hereby amended to read as follows:

39 177.015 The party aggrieved in a criminal action may appeal
40 only as follows:

41 1. Whether that party is the State or the defendant:

42 (a) To the district court of the county from a final judgment of
43 the justice court.

44 (b) To the appellate court of competent jurisdiction pursuant to
45 the rules fixed by the Supreme Court pursuant to Section 4 of



1 Article 6 of the Nevada Constitution from an order of the district
2 court granting a motion to dismiss, a motion for acquittal or a
3 motion in arrest of judgment, or granting or refusing a new trial.

4 ~~[(e) To the appellate court of competent jurisdiction pursuant to~~
5 ~~the rules fixed by the Supreme Court pursuant to Section 4 of~~
6 ~~Article 6 of the Nevada Constitution from a determination of the~~
7 ~~district court about whether a defendant is intellectually disabled~~
8 ~~that is made as a result of a hearing held pursuant to NRS 174.098.~~
9 ~~If the appellate court of competent jurisdiction entertains the appeal,~~
10 ~~it shall enter an order staying the criminal proceedings against the~~
11 ~~defendant for such time as may be required.]~~

12 2. The State may, upon good cause shown, appeal to the
13 appellate court of competent jurisdiction pursuant to the rules fixed
14 by the Supreme Court pursuant to Section 4 of Article 6 of the
15 Nevada Constitution from a pretrial order of the district court
16 granting or denying a motion to suppress evidence made pursuant to
17 NRS 174.125. Notice of the appeal must be filed with the clerk of
18 the district court within 2 judicial days and with the Clerk of the
19 Supreme Court within 5 judicial days after the ruling by the district
20 court. The clerk of the district court shall notify counsel for the
21 defendant or, in the case of a defendant without counsel, the
22 defendant within 2 judicial days after the filing of the notice of
23 appeal. The appellate court of competent jurisdiction may establish
24 such procedures as it determines proper in requiring the appellant to
25 make a preliminary showing of the propriety of the appeal and
26 whether there may be a miscarriage of justice if the appeal is not
27 entertained. If the appellate court of competent jurisdiction
28 entertains the appeal, or if it otherwise appears necessary, it may
29 enter an order staying the trial for such time as may be required.

30 3. The defendant only may appeal from a final judgment or
31 verdict in a criminal case.

32 4. Except as otherwise provided in subsection 3 of NRS
33 174.035, the defendant in a criminal case shall not appeal a final
34 judgment or verdict resulting from a plea of guilty, guilty but
35 mentally ill or nolo contendere that the defendant entered into
36 voluntarily and with a full understanding of the nature of the charge
37 and the consequences of the plea, unless the appeal is based upon
38 reasonable constitutional, jurisdictional or other grounds that
39 challenge the legality of the proceedings. The appellate court of
40 competent jurisdiction may establish procedures to require the
41 defendant to make a preliminary showing of the propriety of the
42 appeal.

43 **Sec. 24.** NRS 177.075 is hereby amended to read as follows:

44 177.075 1. ~~[Except where appeal is automatic, an]~~ An appeal
45 from a district court to the appellate court of competent jurisdiction



1 pursuant to the rules fixed by the Supreme Court pursuant to Section
2 4 of Article 6 of the Nevada Constitution is taken by filing a notice
3 of appeal with the clerk of the district court. Bills of exception and
4 assignments of error in cases governed by this chapter are abolished.

5 2. When a court imposes sentence upon a defendant who has
6 not pleaded guilty or guilty but mentally ill and who is without
7 counsel, the court shall advise the defendant of the right to appeal,
8 and if the defendant so requests, the clerk shall prepare and file
9 forthwith a notice of appeal on the defendant's behalf.

10 3. A notice of appeal must be signed:

11 (a) By the appellant or appellant's attorney; or

12 (b) By the clerk if prepared by the clerk.

13 **Sec. 25.** NRS 177.235 is hereby amended to read as follows:

14 177.235 Upon the argument of the appeal, if the offense is
15 ~~[punishable with death,]~~ *murder of the first degree*, two counsel
16 ~~[shall]~~ *must* be heard on each side, if they require it. In any other
17 case the Court may, in its discretion, restrict the argument to one
18 counsel on each side.

19 **Sec. 26.** NRS 178.388 is hereby amended to read as follows:

20 178.388 1. Except as otherwise provided in this title, the
21 defendant must be present at the arraignment, at every stage of the
22 trial including the impaneling of the jury and the return of the
23 verdict, and at the imposition of sentence. A corporation may appear
24 by counsel for all purposes.

25 2. In prosecutions for offenses ~~[not punishable by death:]~~ *other*
26 *than murder of the first degree:*

27 (a) The defendant's voluntary absence after the trial has been
28 commenced in the defendant's presence must not prevent continuing
29 the trial to and including the return of the verdict.

30 (b) If the defendant was present at the trial through the time the
31 defendant pleads guilty or guilty but mentally ill or is found guilty
32 or guilty but mentally ill but at the time of sentencing is incarcerated
33 in another jurisdiction, the defendant may waive the right to be
34 present at the sentencing proceedings and agree to be sentenced in
35 this State in his or her absence. The defendant's waiver is valid only
36 if it is:

37 (1) Made knowingly, intelligently and voluntarily after
38 consulting with an attorney licensed to practice in this State;

39 (2) Signed and dated by the defendant and notarized by a
40 notary public or judicial officer;

41 (3) Signed and dated by the defendant's attorney after it has
42 been signed by the defendant and notarized; and

43 (4) Accompanied by a waiver of the issuance and service of a
44 warrant of arrest and all other procedures incidental to extradition
45 proceedings.



1 3. In prosecutions for offenses punishable by fine or by
2 imprisonment for not more than 1 year, or both, the court, with the
3 written consent of the defendant, may permit arraignment, plea, trial
4 and imposition of sentence in the defendant's absence, if the court
5 determines that the defendant was fully aware of the applicable
6 constitutional rights when the defendant gave consent.

7 4. The presence of the defendant is not required at the
8 arraignment or any preceding stage if the court has provided for the
9 use of a closed-circuit television to facilitate communication
10 between the court and the defendant during the proceeding. If
11 closed-circuit television is provided for, members of the news media
12 may observe and record the proceeding from both locations unless
13 the court specifically provides otherwise.

14 5. The defendant's presence is not required at the settling of
15 jury instructions.

16 **Sec. 27.** NRS 178.750 is hereby amended to read as follows:

17 178.750 1. The district attorney for each county shall prepare
18 and submit a report, on a form approved by the Attorney General, to
19 the Attorney General not later than February 1 of each year
20 concerning each case filed during the previous calendar year that
21 included a charge for murder or voluntary manslaughter. The district
22 attorney shall exclude from the report any charge for manslaughter
23 that resulted from a death in a crash involving a motor vehicle.

24 2. The report required pursuant to subsection 1 must include,
25 without limitation:

26 (a) The age, gender and race of the defendant;

27 (b) The age, gender and race of any codefendant or other person
28 charged or suspected of having participated in the homicide and in
29 any alleged related offense;

30 (c) The age, gender and race of the victim of the homicide and
31 any alleged related offense;

32 (d) The date of the homicide and of any alleged related offense;

33 (e) The date of filing of the information or indictment;

34 (f) The name of each court in which the case was prosecuted;

35 (g) ~~Whether or not the prosecutor filed a notice of intent to seek~~
36 ~~the death penalty and, if so, when the prosecutor filed the notice;~~

37 ~~—(h)~~ The final disposition of the case and whether or not the case
38 was tried before a jury;

39 ~~(h)~~ (h) The race, ethnicity and gender of each member of the
40 jury, if the case was tried by a jury; and

41 ~~(i)~~ (i) The identity of:

42 (1) Each prosecuting attorney who participated in the
43 decision to file the initial charges against the defendant;

44 (2) Each prosecuting attorney who participated in the
45 decision to offer or accept a plea, if applicable; *and*



1 (3) ~~Each prosecuting attorney who participated in the~~
2 ~~decision to seek the death penalty, if applicable; and~~

3 ~~—(4)~~ Each person outside the office of the district attorney
4 who was consulted in determining whether ~~to seek the death~~
5 ~~penalty or~~ to accept or reject a plea, if any.

6 3. If all the information required pursuant to subsection 1
7 cannot be provided because the case is still in progress, an
8 additional report must be filed with the Attorney General each time
9 a subsequent report is filed until all the information, to the extent
10 available, has been provided.

11 **Sec. 28.** NRS 209.3925 is hereby amended to read as follows:

12 209.3925 1. Except as otherwise provided in subsection 6,
13 the Director may approve a medical release and assign an offender
14 to the custody of the Division of Parole and Probation of the
15 Department of Public Safety to serve a term of residential
16 confinement pursuant to NRS 213.380 or other appropriate
17 supervision as determined by the Division of Parole and Probation,
18 for not longer than the remainder of his or her sentence, if:

19 (a) The Director has reason to believe that the offender is:

20 (1) Physically incapacitated or in ill health to such a degree
21 that the offender does not presently, and likely will not in the future,
22 pose a threat to the safety of the public; or

23 (2) In ill health and expected to die within 18 months, and
24 does not presently, and likely will not in the future, pose a threat to
25 the safety of the public; and

26 (b) At least two physicians or nurses licensed pursuant to
27 chapter 630, 632 or 633 of NRS, as applicable, one of whom is not
28 employed by the Department, verify, in writing, that the offender is:

29 (1) Physically incapacitated or in ill health; or

30 (2) In ill health and expected to die within 18 months.

31 2. A request for medical release pursuant to this section:

32 (a) May be submitted to the Director by:

33 (1) A prison official or employee;

34 (2) An offender;

35 (3) An attorney or representative of an offender;

36 (4) A family member of an offender; or

37 (5) A medical or mental health professional.

38 (b) Must be in writing and articulate the grounds supporting the
39 appropriateness of the medical release of the offender.

40 3. If the Director intends to assign an offender to the custody of
41 the Division of Parole and Probation pursuant to this section, at least
42 45 days before the date the offender is expected to be released from
43 the custody of the Department, the Director shall notify:

44 (a) The board of county commissioners of the county in which
45 the offender will reside; and



1 (b) The Division of Parole and Probation.

2 4. Except as otherwise provided in NRS 213.10915, if any
3 victim of a crime committed by the offender has, pursuant to
4 subsection 4 of NRS 213.131, requested to be notified of the
5 consideration of a prisoner for parole and has provided a current
6 address, the Division of Parole and Probation shall notify the victim
7 that:

8 (a) The Director intends to assign the offender to the custody of
9 the Division of Parole and Probation pursuant to this section; and

10 (b) The victim may submit documents to the Division of Parole
11 and Probation regarding such an assignment.

12 ➤ If a current address has not been provided by a victim as required
13 by subsection 4 of NRS 213.131, the Division of Parole and
14 Probation must not be held responsible if notification is not received
15 by the victim. All personal information, including, but not limited
16 to, a current or former address, which pertains to a victim and which
17 is received by the Division of Parole and Probation pursuant to this
18 subsection is confidential.

19 5. If an offender assigned to the custody of the Division of
20 Parole and Probation pursuant to this section escapes or violates any
21 of the terms or conditions of his or her residential confinement or
22 other appropriate supervision as determined by the Division of
23 Parole and Probation:

24 (a) The Division of Parole and Probation may, pursuant to the
25 procedure set forth in NRS 213.410, return the offender to the
26 custody of the Department.

27 (b) The offender forfeits all or part of the credits for good
28 behavior earned by the offender before the escape or violation, as
29 determined by the Director. The Director may provide for a
30 forfeiture of credits pursuant to this paragraph only after proof of the
31 offense and notice to the offender and may restore credits forfeited
32 for such reasons as the Director considers proper. The decision of
33 the Director regarding such a forfeiture is final.

34 6. The assignment of an offender to the custody of the Division
35 of Parole and Probation pursuant to this section shall be deemed:

36 (a) A continuation of the offender's imprisonment and not a
37 release on parole; and

38 (b) For the purposes of NRS 209.341, an assignment to a facility
39 of the Department,

40 ➤ except that the offender is not entitled to obtain any benefits or to
41 participate in any programs provided to offenders in the custody of
42 the Department.

43 7. The Director may not assign an offender to the custody of
44 the Division of Parole and Probation pursuant to this section if the



1 offender is sentenced to ~~[death or]~~ imprisonment for life without the
2 possibility of parole.

3 8. An offender does not have a right to be assigned to the
4 custody of the Division of Parole and Probation pursuant to this
5 section, or to remain in that custody after such an assignment, and it
6 is not intended that the provisions of this section or of NRS 213.371
7 to 213.410, inclusive, create any right or interest in liberty or
8 property or establish a basis for any cause of action against the
9 State, its political subdivisions, agencies, boards, commissions,
10 departments, officers or employees.

11 9. The Division of Parole and Probation may receive and
12 distribute restitution paid by an offender assigned to the custody of
13 the Division of Parole and Probation pursuant to this section.

14 **Sec. 29.** NRS 209.424 is hereby amended to read as follows:

15 209.424 An offender may not participate in a therapeutic
16 community if the offender:

17 1. Was sentenced to ~~[death or]~~ a term of imprisonment for life
18 without the possibility of parole; or

19 2. Is or was eligible to participate in the program of treatment
20 established pursuant to NRS 209.425, whether or not the offender
21 actually participated in or completed that program of treatment.

22 **Sec. 30.** NRS 212.050 is hereby amended to read as follows:

23 212.050 1. If any person who has been sentenced to
24 confinement in the state prison, by any court having competent
25 authority within this State, escapes therefrom ~~[]~~ or is charged with
26 murder , ~~[or the perpetration of any crime punishable with death,]~~
27 the Governor may, upon satisfactory evidence of the guilt of the
28 accused, offer a reward for information that leads to his or her
29 apprehension. The reward offered by the Governor must not exceed
30 the sum of \$5,000, and must be paid out of the Reserve for Statutory
31 Contingency Account upon approval by the State Board of
32 Examiners.

33 2. If any person who has been sentenced to confinement in a
34 jail, branch county jail or other local detention facility by any court
35 having competent authority within this State, escapes therefrom ~~[]~~
36 or is charged with murder , ~~[or the perpetration of any crime~~
37 ~~punishable with death,]~~ the board of county commissioners of the
38 county, the governing body of the city or other local government
39 responsible for the operation of the facility may, upon satisfactory
40 evidence of the guilt of the accused, offer a reward for information
41 that leads to his or her apprehension. The reward offered by the
42 board, governing body or other local government must not exceed
43 the sum of \$5,000.

44 **Sec. 31.** NRS 213.030 is hereby amended to read as follows:

45 213.030 No notice ~~[shall be]~~ **is** required of an application for ~~[]~~



1 ~~1. A] a~~ restoration to citizenship to take effect at the expiration
2 of a term of imprisonment. ~~}; or~~

3 ~~2. The commutation of the death penalty.]~~

4 **Sec. 32.** NRS 213.085 is hereby amended to read as follows:

5 213.085 1. If a person is convicted on or after July 1, 1995,
6 of any crime that the person committed when he or she was 18 years
7 of age or older, the Board shall not commute ~~};~~

8 ~~(a) A sentence of death; or~~

9 ~~(b) A] a~~ sentence of imprisonment in the state prison for life
10 without the possibility of parole ~~};~~

11 ~~};~~ to a sentence that would allow parole.

12 2. If a person is convicted of any crime that the person
13 committed when he or she was less than 18 years of age, the Board
14 may, in its discretion, commute ~~};~~

15 ~~(a) A sentence of death; or~~

16 ~~(b) A] a~~ sentence of imprisonment in the state prison for life
17 without the possibility of parole ~~};~~

18 ~~};~~ to a sentence that would allow parole.

19 **Sec. 33.** NRS 213.10885 is hereby amended to read as
20 follows:

21 213.10885 1. The Board shall adopt by regulation specific
22 standards for each type of convicted person to assist the Board in
23 determining whether to grant or revoke parole. The regulations must
24 include standards for determining whether to grant or revoke the
25 parole of a convicted person:

26 (a) ~~Who committed a capital offense.~~

27 ~~(b)]~~ Who was sentenced to serve a term of imprisonment for
28 life.

29 ~~(c)] (b)~~ Who was convicted of a sexual offense involving the
30 use or threat of use of force or violence.

31 ~~(d)] (c)~~ Who was convicted as a habitual criminal.

32 ~~(e)] (d)~~ Who is a repeat offender.

33 ~~(f)] (e)~~ Who was convicted of any other type of offense.

34 ~~;~~ The standards must be based upon objective criteria for
35 determining the person's probability of success on parole.

36 2. In establishing the standards, the Board shall consider the
37 information on decisions regarding parole that is compiled and
38 maintained pursuant to NRS 213.10887 and all other factors which
39 are relevant in determining the probability that a convicted person
40 will live and remain at liberty without violating the law if parole is
41 granted or continued. The other factors the Board considers must
42 include, but are not limited to:

43 (a) The severity of the crime committed;

44 (b) The criminal history of the person;



1 (c) Any disciplinary action taken against the person while
2 incarcerated;

3 (d) Any previous parole violations or failures;

4 (e) Any potential threat to society or to the convicted person;
5 and

6 (f) The length of his or her incarceration.

7 3. In determining whether to grant parole to a convicted
8 person, the Board shall not consider whether the person has
9 appealed the judgment of imprisonment for which the person is
10 being considered for parole.

11 4. The standards adopted by the Board must provide for a
12 greater punishment for a convicted person who has a history of
13 repetitive criminal conduct or who commits a serious crime, with a
14 violent crime considered the most serious, than for a convicted
15 person who does not have a history of repetitive crimes and did not
16 commit a serious crime.

17 5. The Board shall make available to the public a sample of the
18 form the Board uses in determining the probability that a convicted
19 person will live and remain at liberty without violating the law if
20 parole is granted or continued.

21 6. On or before January 1 of each odd-numbered year, the
22 Board shall review comprehensively the standards adopted by
23 the Board. The review must include a determination of whether the
24 standards are effective in predicting the probability that a convicted
25 person will live and remain at liberty without violating the law if
26 parole is granted or continued. If a standard is found to be
27 ineffective, the Board shall not use that standard in its decisions
28 regarding parole and shall adopt revised standards as soon as
29 practicable after the review.

30 7. The Board shall report to each regular session of the
31 Legislature:

32 (a) The number and percentage of the Board's decisions that
33 conflicted with the standards;

34 (b) The results and conclusions from the Board's review
35 pursuant to subsection 6; and

36 (c) Any changes in the Board's standards, policies, procedures,
37 programs or forms that have been or will be made as a result of the
38 review.

39 **Sec. 34.** NRS 213.1099 is hereby amended to read as follows:

40 213.1099 1. Except as otherwise provided in this section and
41 NRS 213.1215, the Board may release on parole a prisoner who is
42 otherwise eligible for parole pursuant to NRS 213.107 to 213.157,
43 inclusive.

44 2. In determining whether to release a prisoner on parole, the
45 Board shall consider:



1 (a) Whether there is a reasonable probability that the prisoner
2 will live and remain at liberty without violating the laws;

3 (b) Whether the release is incompatible with the welfare of
4 society;

5 (c) The seriousness of the offense and the history of criminal
6 conduct of the prisoner;

7 (d) The standards adopted pursuant to NRS 213.10885 and the
8 recommendation, if any, of the Chief; and

9 (e) Any documents or testimony submitted by a victim notified
10 pursuant to NRS 213.131 or 213.10915.

11 3. When a person is convicted of a felony and is punished by a
12 sentence of imprisonment, the person remains subject to the
13 jurisdiction of the Board from the time the person is released on
14 parole under the provisions of this chapter until the expiration of the
15 maximum term or the maximum aggregate term of imprisonment
16 imposed by the court, as applicable, less any credits earned to
17 reduce his or her sentence pursuant to chapter 209 of NRS.

18 4. Except as otherwise provided in NRS 213.1215, the Board
19 may not release on parole a prisoner whose sentence ~~to death or~~
20 life without possibility of parole has been commuted to a lesser
21 penalty unless the Board finds that the prisoner has served at least
22 20 consecutive years in the state prison, is not under an order to be
23 detained to answer for a crime or violation of parole or probation in
24 another jurisdiction, and does not have a history of:

25 (a) Recent misconduct in the institution, and has been
26 recommended for parole by the Director of the Department of
27 Corrections;

28 (b) Repetitive criminal conduct;

29 (c) Criminal conduct related to the use of alcohol or drugs;

30 (d) Repetitive sexual deviance, violence or aggression; or

31 (e) Failure in parole, probation, work release or similar
32 programs.

33 5. In determining whether to release a prisoner on parole
34 pursuant to this section, the Board shall not consider whether the
35 prisoner will soon be eligible for release pursuant to NRS 213.1215.

36 6. The Board shall not release on parole an offender convicted
37 of an offense listed in NRS 179D.097 until the Central Repository
38 for Nevada Records of Criminal History has been provided an
39 opportunity to give the notice required pursuant to NRS 179D.475.

40 **Sec. 35.** NRS 213.12155 is hereby amended to read as
41 follows:

42 213.12155 1. Notwithstanding any other provision of law, the
43 Board may grant geriatric parole to a prisoner if he or she:

44 (a) Has not been convicted of:

45 (1) A crime of violence;



- 1 (2) A crime against a child as defined in NRS 179D.0357;
- 2 (3) A sexual offense as defined in NRS 179D.097;
- 3 (4) Vehicular homicide pursuant to NRS 484C.130; or
- 4 (5) A violation of NRS 484C.430;
- 5 (b) Has not been found to be a habitual criminal pursuant to
- 6 NRS 207.010;
- 7 (c) Is not serving a sentence of life imprisonment without the
- 8 possibility of parole ; ~~and has not been sentenced to death;~~
- 9 (d) Does not pose a significant and articulable risk to public
- 10 safety; and
- 11 (e) Is 65 years of age or older and has served at least a majority
- 12 of the maximum term or maximum aggregate term, as applicable, of
- 13 his or her sentence.

14 2. Consideration for geriatric parole may be initiated by the
15 submission of a written application and supporting documentation to
16 the Board, including, without limitation, relevant medical records,
17 plans for parole, program participation records, institutional records,
18 documents concerning eligibility for Medicaid or Medicare and any
19 other relevant documents, from:

- 20 (a) A prison official or employee;
- 21 (b) A prisoner;
- 22 (c) An attorney or representative of a prisoner;
- 23 (d) A family member of a prisoner; or
- 24 (e) A medical or mental health professional.

25 3. Not later than 15 days after receipt of an application
26 submitted pursuant to subsection 2, the Board shall notify the
27 Department of the application and request verification of the
28 prisoner's age and the length of time the prisoner has spent in
29 the custody of the Department.

30 4. Upon receipt of a request from the Board submitted pursuant
31 to subsection 3, if the Department determines that the prisoner:

32 (a) Meets the criteria set forth in subsection 1, the Department
33 shall:

34 (1) Notify the Board of the prisoner's eligibility for
35 consideration of geriatric parole;

36 (2) Place the prisoner on the next available list of persons
37 eligible for parole pursuant to NRS 209.254; and

38 (3) Provide to the Board a report prepared in accordance with
39 paragraph (c) of subsection 1 of NRS 213.131.

40 (b) Does not meet the criteria set forth in subsection 1, the
41 Department shall notify the Board and explain the reasons for such a
42 determination.

43 5. Upon receipt of the list prepared pursuant to NRS 209.254,
44 the Board shall, after sending copies of the list to all law
45 enforcement agencies in this State and other appropriate persons in



1 accordance with subsection 5 of NRS 213.1085, schedule a hearing
2 to consider the geriatric parole of an eligible prisoner whose name
3 appears on the list.

4 6. Except as otherwise provided in subsection 7, the Board
5 shall schedule and conduct the geriatric parole hearing of a prisoner
6 in the same general manner in which other prisoners are considered
7 for parole. The Board shall notify the prisoner and the person
8 submitting the application pursuant to subsection 2 of the date, time
9 and location of the geriatric parole hearing.

10 7. When determining whether to grant geriatric parole to a
11 prisoner, the Board must consider:

12 (a) The prisoner's:

13 (1) Age;

14 (2) Behavior while in custody; and

15 (3) Potential for violence;

16 (b) The reported severity of any illness, disease or infirmity of
17 the prisoner; and

18 (c) Any available alternatives for maintaining geriatric inmates
19 or inmates who have a medical condition in traditional settings.

20 8. The Board shall notify a prisoner of the Board's decision as
21 to whether to grant geriatric parole in accordance with subsection 11
22 of NRS 213.131.

23 9. At the time of the release of a prisoner on geriatric parole,
24 the Board shall prescribe the terms and conditions of the geriatric
25 parole.

26 10. A person who is granted geriatric parole pursuant to this
27 section is under the supervision of the Division. The Division is
28 responsible for supervising the person's compliance with the terms
29 and conditions prescribed by the Board.

30 11. Except as otherwise provided in this subsection, the Board
31 shall not take any action on an application submitted pursuant to
32 subsection 2 if the prisoner to whom the application pertains was
33 previously denied geriatric parole and less than 24 months have
34 elapsed since the most recent denial. The Board may take action on
35 such an application if a shorter period has been prescribed by the
36 Board or a request is made by the Director of the Department
37 because of the adverse health of the prisoner.

38 12. The provisions of this section are not intended to replace
39 the provisions relating to the general eligibility and consideration of
40 parole provided in NRS 213.1099 and 213.1215.

41 13. The Board shall adopt any regulations necessary to carry
42 out the provisions of this section.

43 14. As used in this section, "Department" means the
44 Department of Corrections.



1 **Sec. 36.** NRS 213.133 is hereby amended to read as follows:
2 213.133 1. Except as otherwise provided in subsections 6, 7
3 and 8, the Board may delegate its authority to hear, consider and act
4 upon the parole of a prisoner and on any issue before the Board to a
5 panel consisting of:

6 (a) Two or more members of the Board, two of whom constitute
7 a quorum; or

8 (b) One member of the Board who is assisted by a case hearing
9 representative.

10 2. No action taken by any panel created pursuant to paragraph
11 (a) of subsection 1 is valid unless concurred in by a majority vote of
12 those sitting on the panel.

13 3. The decision of a panel is subject to final approval by the
14 affirmative action of a majority of the members appointed to the
15 Board. Such action may be taken at a meeting of the Board or
16 without a meeting by the delivery of written approval to the
17 Executive Secretary of the Board.

18 4. The degree of complexity of issues presented must be taken
19 into account before the Board makes any delegation of its authority
20 and before it determines the extent of a delegation.

21 5. The Board shall adopt regulations which establish the basic
22 types of delegable cases and the size of the panel required for each
23 type of case.

24 6. A hearing concerning the parole of a prisoner or any
25 decision on an issue involving a person:

26 (a) ~~Who committed a capital offense;~~

27 ~~(b)~~ Who is serving a sentence of imprisonment for life;

28 ~~(e)~~ (b) Who has been convicted of a sexual offense involving
29 the use or threat of use of force or violence;

30 ~~(d)~~ (c) Who is a habitual criminal; or

31 ~~(e)~~ (d) Whose sentence has been commuted by the State Board
32 of Pardons Commissioners,

33 ↪ must be conducted by at least three members of the Board, and
34 action may be taken only with the concurrence of at least four
35 members.

36 7. If a recommendation made by a panel deviates from the
37 standards adopted by the Board pursuant to NRS 213.10885 or
38 the recommendation of the Division, the Chair must concur in the
39 recommendation.

40 8. In accordance with any regulations adopted by the Board, a
41 member of the Board or a person who has been designated as a case
42 hearing representative in accordance with NRS 213.135 shall review
43 the parole eligibility of a prisoner and recommend to the Board that
44 a prisoner be released on parole without a meeting if:



1 (a) The prisoner is not serving a sentence for a crime described
2 in subsection 6;

3 (b) The parole standards created pursuant to NRS 213.10885
4 suggest that parole should be granted;

5 (c) There are no current requests for notification of hearings
6 made in accordance with subsection 4 of NRS 213.131 or, if the
7 Board is not required to provide notification of hearings pursuant to
8 NRS 213.10915, the Board has not been notified by the automated
9 victim notification system that a victim of the prisoner has
10 registered with the system to receive notification of hearings; and

11 (d) Notice to law enforcement of the eligibility for parole of the
12 prisoner was given pursuant to subsection 5 of NRS 213.1085, and
13 no person objected to granting parole without a meeting during the
14 30-day notice period.

15 9. If a member of the Board or a person who has been
16 designated as a case hearing representative in accordance with NRS
17 213.135 does not recommend that a prisoner be released on parole
18 without a meeting pursuant to subsection 8, the prisoner must have a
19 parole hearing.

20 10. A recommendation made in accordance with subsection 8
21 is subject to final approval by the affirmative action of a majority of
22 the members appointed to the Board. The final approval by
23 affirmative action must not take place until the expiration of the 30-
24 day notice period to law enforcement of the eligibility for parole of
25 the prisoner in accordance with subsection 5 of NRS 213.1085.
26 Such action may be taken at a meeting of the Board or without a
27 meeting of the Board by delivery of written approval to the
28 Executive Secretary of the Board by a majority of the members.

29 **Sec. 37.** NRS 217.035 is hereby amended to read as follows:
30 217.035 "Crime" means:

31 1. An act or omission committed within this state which, if
32 committed by an adult, is forbidden by law and punishable upon
33 conviction by ~~[death,]~~ imprisonment, fine or other penal discipline;
34 or

35 2. An act of international terrorism as defined in 18 U.S.C. §
36 2331(1) against a person.

37 **Sec. 38.** NRS 353.094 is hereby amended to read as follows:

38 353.094 Claims may be made against the Counties' Trial
39 Assistance Account in the State General Fund by the board of
40 county commissioners of any county as other claims against the
41 State are made for jury fees, witness fees and necessary subsistence
42 expenses attendant to any criminal trial for ~~[a capital offense]~~
43 *murder of the first degree* where:

44 1. It is not established that the crime was actually committed in
45 the county where the indictment was found or the information filed;



1 2. The victim or victims of the crime were not residents of the
2 county where the indictment was found or the information filed; and

3 3. The trial is conducted in a county other than the county in
4 which the indictment was found or the information filed.

5 **Sec. 39.** NRS 353.264 is hereby amended to read as follows:

6 353.264 1. The Reserve for Statutory Contingency Account
7 is hereby created in the State General Fund.

8 2. The State Board of Examiners shall administer the Reserve
9 for Statutory Contingency Account. The money in the Account must
10 be expended only for:

11 (a) The payment of claims which are obligations of the State
12 pursuant to NRS 41.03435, 41.0347, 621.025, ~~176.485,~~ 179.310,
13 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, 288.203,
14 293.253, 293.405, 353.120, 353.262, 412.154 and 475.235;

15 (b) The payment of claims which are obligations of the State
16 pursuant to:

17 (1) Chapter 472 of NRS arising from operations of the
18 Division of Forestry of the State Department of Conservation and
19 Natural Resources directly involving the protection of life and
20 property; and

21 (2) NRS 7.155, 34.750, 176A.640, 179.225 and 213.153,
22 ↪ except that claims may be approved for the respective purposes
23 listed in this paragraph only when the money otherwise appropriated
24 for those purposes has been exhausted;

25 (c) The payment of claims which are obligations of the State
26 pursuant to NRS 41.0349 and 41.037, but only to the extent that the
27 money in the Fund for Insurance Premiums is insufficient to pay the
28 claims;

29 (d) The payment of claims which are obligations of the State
30 pursuant to NRS 41.950; and

31 (e) The payment of claims which are obligations of the State
32 pursuant to NRS 535.030 arising from remedial actions taken by the
33 State Engineer when the condition of a dam becomes dangerous to
34 the safety of life or property.

35 3. The State Board of Examiners may authorize its Clerk or a
36 person designated by the Clerk, under such circumstances as it
37 deems appropriate, to approve, on behalf of the Board, the payment
38 of claims from the Reserve for Statutory Contingency Account. For
39 the purpose of exercising any authority granted to the Clerk of the
40 State Board of Examiners or to the person designated by the Clerk
41 pursuant to this subsection, any statutory reference to the State
42 Board of Examiners relating to such a claim shall be deemed to refer
43 to the Clerk of the Board or the person designated by the Clerk.



1 **Sec. 40.** NRS 453.333 is hereby amended to read as follows:

2 453.333 If the death of a person is proximately caused by a
3 controlled substance which was sold, given, traded or otherwise
4 made available to him or her by another person in violation of this
5 chapter, the person who sold, gave or traded or otherwise made the
6 substance available to him or her is guilty of murder. If convicted of
7 murder in the second degree, the person is guilty of a category A
8 felony and shall be punished as provided in subsection 5 of NRS
9 200.030. If convicted of murder in the first degree, the person is
10 guilty of a category A felony and shall be punished as provided in
11 subsection 4 of NRS 200.030 . ~~[, except that the punishment of~~
12 ~~death may be imposed only if the requirements of paragraph (a) of~~
13 ~~subsection 4 of that section have been met and if the defendant is or~~
14 ~~has previously been convicted of violating NRS 453.3385 or~~
15 ~~453.339 or a law of any other jurisdiction which prohibits the same~~
16 ~~conduct.]~~

17 **Sec. 41.** NRS 453.377 is hereby amended to read as follows:

18 453.377 A controlled substance may be dispensed by:

- 19 1. A registered pharmacist upon a legal prescription from a
20 practitioner or to a pharmacy in a correctional institution upon the
21 written order of the prescribing practitioner in charge.
- 22 2. A pharmacy in a correctional institution, in case of
23 emergency, upon a written order signed by the chief medical officer.
- 24 3. A practitioner.
- 25 4. A registered nurse, when the state, county, city or district
26 health officer has declared a state of emergency.
- 27 5. A medical intern in the course of his or her internship.
- 28 6. ~~[A pharmacy in an institution of the Department of~~
29 ~~Corrections to a person designated by the Director of the~~
30 ~~Department of Corrections to administer a lethal injection to a~~
31 ~~person who has been sentenced to death.~~

32 ~~—7.]~~ A registered pharmacist from an institutional pharmacy,
33 pursuant to regulations adopted by the Board.

34 **Sec. 42.** NRS 454.221 is hereby amended to read as follows:

35 454.221 1. A person who furnishes any dangerous drug
36 except upon the prescription of a practitioner is guilty of a category
37 D felony and shall be punished as provided in NRS 193.130, unless
38 the dangerous drug was obtained originally by a legal prescription.

39 2. The provisions of this section do not apply to the furnishing
40 of any dangerous drug by:

- 41 (a) A practitioner to his or her patients;
- 42 (b) A physician assistant licensed pursuant to chapter 630 or 633
43 of NRS if authorized by the Board;
- 44 (c) A registered nurse while participating in a public health
45 program approved by the Board, or an advanced practice registered



1 nurse who holds a certificate from the State Board of Pharmacy
2 permitting him or her to dispense dangerous drugs;

3 (d) A manufacturer or wholesaler or pharmacy to each other or
4 to a practitioner or to a laboratory under records of sales and
5 purchases that correctly give the date, the names and addresses of
6 the supplier and the buyer, the drug and its quantity; *or*

7 (e) A hospital pharmacy or a pharmacy so designated by a
8 county health officer in a county whose population is 100,000 or
9 more, or by a district health officer in any county within its
10 jurisdiction or, in the absence of either, by the Chief Medical Officer
11 or the Chief Medical Officer's designated Medical Director of
12 Emergency Medical Services, to a person or agency described in
13 subsection 3 of NRS 639.268 to stock ambulances or other
14 authorized vehicles or replenish the stock. ~~;~~ *or*

15 ~~—(f) A pharmacy in a correctional institution to a person~~
16 ~~designated by the Director of the Department of Corrections to~~
17 ~~administer a lethal injection to a person who has been sentenced to~~
18 ~~death.]~~

19 **Sec. 43.** Any regulations adopted by the State Board of
20 Pardons Commissioners pursuant to NRS 213.085 regarding the
21 death penalty are void. The Legislative Counsel shall remove those
22 regulations from the Nevada Administrative Code as soon as
23 practicable after the effective date of this act.

24 **Sec. 44.** The provisions of subsection 1 of NRS 218D.380 do
25 not apply to any provision of this act which adds or revises a
26 requirement to submit a report to the Legislature.

27 **Sec. 45.** NRS 34.820, 171.194, 174.098, 175.554, 176.0919,
28 176.345, 176.355, 176.357, 176.365, 176.415, 176.425, 176.435,
29 176.445, 176.455, 176.465, 176.475, 176.485, 176.486, 176.487,
30 176.488, 176.489, 176.491, 176.492, 176.495, 176.505, 177.055,
31 177.095, 178.3971, 200.033, 200.035 and 213.080 are hereby
32 repealed.

33 **Sec. 46.** 1. This act becomes effective upon passage and
34 approval and applies retroactively to a sentence of death that has not
35 yet been executed on the effective date of this act.

36 2. The sentence of death of any person to whom this act applies
37 retroactively shall be deemed to be reduced to a sentence of life
38 without the possibility of parole on the effective date of this act.

39 3. The Director of the Department of Corrections shall take all
40 actions necessary to carry out the provisions of this section.



LEADLINES OF REPEALED SECTIONS

34.820 Procedure in cases where petitioner has been sentenced to death.

171.194 Procedure when arrest for capital offense.

174.098 Motion to declare that defendant is intellectually disabled: When authorized; procedure.

175.554 Death penalty cases: Instructions to jury; determinations; findings and verdict; hearing to set aside sentence of defendant alleged to be intellectually disabled.

176.0919 Execution stayed pending results of genetic marker analysis.

176.345 Proceedings when conviction carries death penalty.

176.355 Execution of death penalty: Method; time and place; witnesses.

176.357 Request for notification of execution of death penalty; request to attend.

176.365 Director of Department of Corrections to make return on death warrant.

176.415 When execution of death penalty may be stayed.

176.425 Sanity investigation: Filing of petition; stay of execution.

176.435 Sanity investigation: Conduct of hearing.

176.445 Execution of judgment when defendant found sane.

176.455 Suspension of execution when defendant found insane; proceedings on recovery of sanity.

176.465 Investigation of pregnancy: Procedure; hearing.

176.475 Proceedings after investigation: Execution of judgment; suspension of execution; issuance of warrant on termination of pregnancy.

176.485 Costs of investigations borne by State; manner of payment.

176.486 Authority to enter stay of execution.

176.487 Determination of whether to enter stay of execution.

176.488 Entry of stay of execution and necessary orders.

176.489 Vacation of stay of execution.

176.491 Stay of execution following denial of appeal.

176.492 Dissolution of stay of execution which was improperly entered.

176.495 New warrant generally.



- 176.505 Order following appeal.**
- 177.055 Automatic appeal in certain cases; mandatory review of death sentence by court of appeals or Supreme Court.**
- 177.095 Stay of execution upon sentence of death.**
- 178.3971 Appointment of defense team for defendant accused of murder of first degree.**
- 200.033 Circumstances aggravating first degree murder.**
- 200.035 Circumstances mitigating first degree murder.**
- 213.080 Procedure when death penalty is commuted.**

