

ASSEMBLY CONCURRENT RESOLUTION NO. 3—JOINT RULES COMMITTEE

JUNE 14, 2001

Read and Adopted

SUMMARY—Directs Legislative Commission to conduct interim study of issues regarding death penalty and related DNA testing. (BDR R-25)

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

ASSEMBLY CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct an interim study of issues regarding the death penalty and related DNA testing.

- 1 WHEREAS, It has been 25 years since the United States Supreme Court
- 2 allowed the death penalty to resume in the United States under certain
- 3 circumstances; and
- 4 WHEREAS, There have been almost 700 executions in the United States
- 5 since the reinstatement of the death penalty, eight of those have been in
- 6 Nevada; and
- 7 WHEREAS, The death row population in this country has continued to
- 8 grow, reaching over 3,700 prisoners in the year 2000; and
- 9 WHEREAS, Recent national studies have found that capital trials and
- 10 sentences cost more than noncapital ones and the time and expense
- 11 involved in curing errors in capital cases imposes a terrible cost on
- 12 taxpayers, victims' families, the judicial system and persons wrongly
- 13 condemned; and
- 14 WHEREAS, The determination of genetic markers, commonly referred to
- 15 as "DNA testing," was not widely available in criminal cases tried before
- 16 1994; and
- 17 WHEREAS, In the last several years, DNA testing has emerged as the
- 18 most reliable forensic technique for identifying criminals when biological
- 19 material is left at a crime scene; and
- 20 WHEREAS, Post-conviction exoneration of more than 75 innocent men
- 21 and women, including some incarcerated under a sentence of death, has
- 22 been achieved through DNA testing; and
- 23 WHEREAS, Because collection of a DNA sample from an inmate
- 24 consists simply of obtaining a swab of saliva and costs approximately
- 25 \$100, it is now less costly and less burdensome to make DNA testing
- 26 available to inmates in appropriate cases; now, therefore, be it



1 RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE  
2 CONCURRING, That the Legislative Commission is hereby directed to  
3 appoint a committee to conduct an interim study of issues regarding the  
4 death penalty and related DNA testing; and be it further  
5 RESOLVED, That the committee to conduct the study consists of eight  
6 members of the 71st Legislative Session to be appointed by the Legislative  
7 Commission as follows:  
8 1. Four members of the Assembly, at least two of whom are members  
9 of the Assembly Standing Committee on Judiciary; and  
10 2. Four members from the Senate, at least two of whom are members  
11 of the Senate Standing Committee on Judiciary; and be it further  
12 RESOLVED, That the chairman of the committee may appoint a technical  
13 advisory committee to assist the committee in carrying out the study; and  
14 be it further  
15 RESOLVED, That the interim study must include, without limitation,  
16 consideration of the following issues regarding the death penalty:  
17 1. The costs in Nevada of prosecuting capital cases and incarcerating a  
18 person under the death penalty versus the cost of prosecuting a noncapital  
19 case and sentencing a person for life without the possibility of parole;  
20 2. The number of prisoners actually executed compared with the  
21 number of those who were sentenced to death;  
22 3. The impact of race, color, religion, national origin, gender,  
23 economic status and geographic location of defendants in capital cases with  
24 respect to decisions concerning charging, prosecuting and sentencing;  
25 4. Whether defendants who are under 18 years of age or who are  
26 mentally retarded at the time of committing an offense should be sentenced  
27 to death;  
28 5. The competency and expertise of counsel to defendants in capital  
29 cases;  
30 6. The adequacy of resources provided to defendants in capital cases;  
31 7. Whether jurors have a proper and adequate understanding of the  
32 application of the law and of jury instructions in capital cases;  
33 8. Whether rules pertaining to arguments during any phase of a trial  
34 are an impediment in capital cases;  
35 9. Whether capital punishment serves as an effective deterrent against  
36 the commission of murder;  
37 10. The expertise of judges that hear capital cases; and  
38 11. The process of appealing a sentence of death; and be it further  
39 RESOLVED, That the study must also include, without limitation,  
40 consideration of the following issues concerning DNA testing:  
41 1. The availability, cost and extent of its use, both in Nevada and in the  
42 rest of the country;  
43 2. Current policies regarding the use of DNA testing in Nevada  
44 compared with policies in the remainder of the states;  
45 3. The manner for storing and using such DNA information;  
46 4. Post-conviction DNA testing, criteria for requests by prisoners and  
47 procedures for handling those requests; and  
48 5. Any Fifth Amendment or other constitutional issues related to the  
49 use of DNA evidence in capital cases; and be it further



1       RESOLVED, That any recommended legislation proposed by the  
2 committee must be approved by a majority of the members of the Senate  
3 and a majority of the members of the Assembly appointed to the  
4 committee; and be it further  
5       RESOLVED, That the Legislative Commission shall submit a report of  
6 the results of the study and any recommendations for legislation to the  
7 72nd session of the Nevada Legislature.

