

SENATE BILL NO. 118—COMMITTEE ON JUDICIARY

(ON BEHALF OF DEPARTMENT OF PRISONS)

FEBRUARY 4, 1999

Referred to Committee on Judiciary

SUMMARY—Requires use of judgment of conviction as warrant or authority for execution of sentence. (BDR 14-453)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to judgments of conviction; requiring the use of the judgment of conviction as the warrant or authority for the execution of a sentence; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 176.315 is hereby amended to read as follows:
2 176.315 A judgment of imprisonment to be served in a county jail must
3 be executed by delivering the defendant into the custody of the sheriff or
4 other officer in charge of the county jail. A copy of the judgment ~~of~~ ***of***
5 ***conviction***, duly certified by the judge or justice, is a sufficient warrant for
6 the doing of every act necessary or proper in the due execution thereof. The
7 officer shall, upon discharging the defendant, return such copy to the
8 justice, with an account of his doings endorsed thereon, and must at the
9 same time pay over to the justice all money which he may have received
10 from the defendant in payment of the fine.
- 11 **Sec. 2.** NRS 176.325 is hereby amended to read as follows:
12 176.325 ~~{1.}~~ When a judgment of imprisonment to be served in the
13 state prison has been pronounced, triplicate certified copies of the ~~entry~~
14 ~~thereof in the minutes,~~ ***judgment of conviction***, attested by the clerk under
15 the seal of the court, must forthwith be furnished to the officers whose duty
16 it is to execute the judgment, as provided by NRS 176.335, and no other

1 warrant or authority is necessary to justify or require the execution thereof,
2 except when a judgment of death is rendered.

3 ~~[2.—The judgment of imprisonment must include:~~

4 ~~—(a) The plea;~~

5 ~~—(b) The verdict or finding;~~

6 ~~—(c) The adjudication and sentence, including the date of the sentence,~~
7 ~~the minimum term and maximum term of imprisonment or the definite term~~
8 ~~of imprisonment, if one is provided by statute, the amount and terms of any~~
9 ~~fine, restitution or administrative assessment, a reference to the statute~~
10 ~~under which the defendant is sentenced and, if necessary to determine~~
11 ~~eligibility for parole, the applicable provision of the statute; and~~

12 ~~—(d) The exact amount of credit granted for time spent in confinement~~
13 ~~before conviction, if any.]~~

14 **Sec. 3.** NRS 176.335 is hereby amended to read as follows:

15 176.335 1. If ~~[the]~~ **a** judgment is for imprisonment in the state prison,
16 the sheriff of the county shall, on receipt of the triplicate certified copies
17 ~~[thereof,]~~ **of the judgment of conviction**, immediately notify the director of
18 the department of prisons and the director shall, without delay, send some
19 authorized person to the county where the prisoner is held for commitment
20 to receive the prisoner.

21 2. When such an authorized person presents to the sheriff holding the
22 prisoner his order for the delivery of the prisoner, the sheriff shall deliver to
23 the authorized person two of the certified copies of the judgment **of**
24 **conviction** and a copy of the report of the presentence investigation if
25 required pursuant to NRS 176.159, and take from the person a receipt for
26 the prisoner, and the sheriff shall make return upon his certified copy of the
27 judgment ~~[,]~~ **of conviction**, showing his proceedings thereunder, and both
28 that copy with the return affixed thereto and the receipt from the authorized
29 person must be filed with the county clerk.

30 3. The term of imprisonment designated in the judgment **of conviction**
31 must begin on the date of sentence of the prisoner by the court.

32 4. Upon the expiration of the term of imprisonment of the prisoner, or
33 the termination thereof for any legal reason, the director of the department
34 of prisons shall return one of his certified copies of the judgment **of**
35 **conviction** to the county clerk of the county from whence it was issued,
36 with a brief report of his proceedings thereunder endorsed thereon, and the
37 endorsed copy must be filed with the county clerk. The return must show
38 the cause of the termination of such imprisonment, whether by death, legal
39 discharge or otherwise.

40 **Sec. 4.** NRS 176.345 is hereby amended to read as follows:

41 176.345 1. When a judgment of death has been pronounced, a
42 certified copy of the ~~[entry thereof in the minutes of the court]~~ **judgment of**
43 **conviction** must be forthwith executed and attested in triplicate by the clerk

1 under the seal of the court. There must be attached to the triplicate copies a
2 warrant signed by the judge, attested by the clerk, under the seal of the
3 court, which:

4 (a) Recites the fact of the conviction and judgment;

5 (b) Appoints a week, the first day being Monday and the last day being
6 Sunday, within which the judgment is to be executed, which must not be
7 less than 60 days nor more than 90 days from the time of judgment; and

8 (c) Directs the sheriff to deliver the prisoner to such authorized person
9 as the director of the department of prisons designates to receive the
10 prisoner, for execution. The prison must be designated in the warrant.

11 2. The original of the triplicate copies of the judgment **of conviction**
12 and warrant must be filed in the office of the county clerk, and two of the
13 triplicate copies must be immediately delivered by the clerk to the sheriff of
14 the county. One of the triplicate copies must be delivered by the sheriff,
15 with the prisoner, to such authorized person as the director of the
16 department of prisons designates, and is the warrant and authority of the
17 director for the imprisonment and execution of the prisoner, as therein
18 provided and commanded. The director shall return his certified copy of the
19 judgment **of conviction** to the county clerk of the county in which it was
20 issued. The other triplicate copy is the warrant and authority of the sheriff
21 to deliver the prisoner to the authorized person designated by the director.
22 The final triplicate copy must be returned to the county clerk by the sheriff
23 with his proceedings endorsed thereon.