

ASSEMBLY CONCURRENT RESOLUTION NO. 21—ASSEMBLYMEN ANDERSON, LESLIE, GIUNCHIGLIANI, WILLIAMS, PARNELL, ANGLE, ARBERRY, BACHE, BEERS, BERMAN, BUCKLEY, CARPENTER, CEGAVSKE, CHOWNING, CLABORN, COLLINS, DE BRAGA, DINI, FREEMAN, GIBBONS, GOLDWATER, GUSTAVSON, HETRICK, HUMKE, KOIVISTO, LEE, MANENDO, MARVEL, MCCLAIN, MORTENSON, NEIGHBORS, OCEGUERA, OHRENSCHALL, PARKS, PERKINS, PRICE, SMITH AND TIFFANY

APRIL 11, 2001

JOINT SPONSOR: SENATOR NEAL

Referred to Committee on Elections, Procedures, and Ethics

SUMMARY—Directs Legislative Commission to conduct interim study of issues regarding death penalty and related DNA testing. (BDR R-1265)

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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 State 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



1 WHEREAS, In the last several years, DNA testing has emerged as the  
2 most reliable forensic technique for identifying criminals when biological  
3 material is left at a crime scene; and

4 WHEREAS, Post-conviction exoneration of more than 75 innocent men  
5 and women, including some incarcerated under a sentence of death, has  
6 been achieved through DNA testing; and

7 WHEREAS, Because collection of a DNA sample from an inmate  
8 consists simply of obtaining a swab of saliva and costs approximately  
9 \$100, it is now less costly and less burdensome to make DNA testing  
10 available to inmates in appropriate cases; now, therefore, be it

11 RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE  
12 CONCURRING, That the Legislative Commission is hereby directed to  
13 appoint a committee to conduct an interim study of issues regarding the  
14 death penalty and related DNA testing; and 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; and

20 2. The number of prisoners actually executed compared with the  
21 number of those who were sentenced to death; and be it further

22 RESOLVED, That the study must also include, without limitation,  
23 consideration of the following issues concerning DNA testing:

24 1. The availability, cost and extent of its use, both in Nevada and in the  
25 rest of the country;

26 2. Current policies regarding the use of DNA testing in Nevada  
27 compared with policies in the remainder of the states;

28 3. The manner for storing and using such DNA information;

29 4. Post-conviction DNA testing, criteria for requests by prisoners and  
30 procedures for handling those requests; and

31 5. Any Fifth Amendment or other constitutional issues related to the  
32 use of DNA evidence in capital cases; and be it further

33 RESOLVED, That any recommended legislation proposed by the  
34 committee must be approved by a majority of the members of the Senate  
35 and a majority of the members of the Assembly appointed to the  
36 committee; and be it further

37 RESOLVED, That the Legislative Commission shall submit a report of  
38 the results of the study and any recommendations for legislation to the  
39 72nd session of the Nevada Legislature.

