

**(REPRINTED WITH ADOPTED AMENDMENTS)**  
**FIRST REPRINT** **A.C.R. 21**

---

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)

~

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



\* A C R 2 1 R 1 \*

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 committee to conduct the study consists of eight  
16 members of the 71st Legislative Session to be appointed by the Legislative  
17 Commission as follows:

18 1. Four members of the Assembly, at least two of whom are members  
19 of the Assembly Standing Committee on Judiciary; and

20 2. Four members from the Senate, at least two of whom are members  
21 of the Senate Standing Committee on Judiciary; and be it further

22 RESOLVED, That the chairman of the committee may appoint a technical  
23 advisory committee to assist the committee in carrying out the study; and  
24 be it further

25 RESOLVED, That the interim study must include, without limitation,  
26 consideration of the following issues regarding the death penalty:

27 1. The costs in Nevada of prosecuting capital cases and incarcerating a  
28 person under the death penalty versus the cost of prosecuting a noncapital  
29 case and sentencing a person for life without the possibility of parole;

30 2. The number of prisoners actually executed compared with the  
31 number of those who were sentenced to death;

32 3. The impact of race, color, religion, national origin, gender,  
33 economic status and geographic location of defendants in capital cases with  
34 respect to decisions concerning charging, prosecuting and sentencing;

35 4. Whether defendants who are under 18 years of age or who are  
36 mentally retarded at the time of committing an offense should be sentenced  
37 to death;

38 5. The competency and expertise of counsel to defendants in capital  
39 cases;

40 6. The adequacy of resources provided to defendants in capital cases;

41 7. Whether jurors have a proper and adequate understanding of the  
42 application of the law and of jury instructions in capital cases;

43 8. Whether rules pertaining to arguments during any phase of a trial  
44 are an impediment in capital cases;

45 9. Whether capital punishment serves as an effective deterrent against  
46 the commission of murder;

47 10. The expertise of judges that hear capital cases; and

48 11. The process of appealing a sentence of death; and be it further



\* A C R 2 1 R 1 \*

1 RESOLVED, That the study must also include, without limitation,  
2 consideration of the following issues concerning DNA testing:  
3 1. The availability, cost and extent of its use, both in Nevada and in the  
4 rest of the country;  
5 2. Current policies regarding the use of DNA testing in Nevada  
6 compared with policies in the remainder of the states;  
7 3. The manner for storing and using such DNA information;  
8 4. Post-conviction DNA testing, criteria for requests by prisoners and  
9 procedures for handling those requests; and  
10 5. Any Fifth Amendment or other constitutional issues related to the  
11 use of DNA evidence in capital cases; and be it further  
12 RESOLVED, That any recommended legislation proposed by the  
13 committee must be approved by a majority of the members of the Senate  
14 and a majority of the members of the Assembly appointed to the  
15 committee; and be it further  
16 RESOLVED, That the Legislative Commission shall submit a report of  
17 the results of the study and any recommendations for legislation to the  
18 72nd session of the Nevada Legislature.

⑩



\* A C R 2 1 R 1 \*