

SENATE BILL NO. 254—SENATOR NEAL

FEBRUARY 27, 2001

JOINT SPONSORS: ASSEMBLYMEN ANDERSON, LESLIE,
WILLIAMS, ARBERRY AND GIUNCHIGLIANI

Referred to Committee on Judiciary

SUMMARY—Abolishes capital punishment. (BDR 15-871)

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 capital punishment; abolishing the imposition of a sentence of death; amending or repealing related statutes pertaining to the existence, imposition and execution of a sentence of death; 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.

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 and
3 punishable upon conviction by ~~death,~~ imprisonment, fine or other penal
4 discipline.
5 2. Every crime ~~which may be punished by death or~~ *punishable* by
6 imprisonment in the state prison is a felony.
7 3. Every crime punishable by a fine of not more than \$1,000, or by
8 imprisonment in a county jail for not more than 6 months, is a
9 misdemeanor.
10 4. Every other crime is a gross misdemeanor.
11 **Sec. 2.** NRS 193.130 is hereby amended to read as follows:
12 193.130 1. Except when a person is convicted of a category A
13 felony, and except as otherwise provided by specific statute, a person
14 convicted of a felony shall be sentenced to a minimum term and a
15 maximum term of imprisonment which must be within the limits
16 prescribed by the applicable statute, unless the statute in force at the time
17 of commission of the felony prescribed a different penalty. The minimum



1 term of imprisonment that may be imposed must not exceed 40 percent of
2 the maximum term imposed.

3 2. Except as otherwise provided by specific statute, for each felony
4 committed on or after ~~July 1, 1995:~~ **October 1, 2001:**

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

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

12 (c) A category C felony is a felony for which a court shall sentence a
13 convicted person to imprisonment in the state prison for a minimum term
14 of not less than 1 year and a maximum term of not more than 5 years. In
15 addition to any other penalty, the court may impose a fine of not more than
16 \$10,000, unless a greater fine is authorized or required by statute.

17 (d) A category D felony is a felony for which a court shall sentence a
18 convicted person to imprisonment in the state prison for a minimum term
19 of not less than 1 year and a maximum term of not more than 4 years. In
20 addition to any other penalty, the court may impose a fine of not more than
21 \$5,000, unless a greater fine is authorized or required by statute.

22 (e) A category E felony is a felony for which a court shall sentence a
23 convicted person to imprisonment in the state prison for a minimum term
24 of not less than 1 year and a maximum term of not more than 4 years.
25 Except as otherwise provided in paragraph (b) of subsection 1 of NRS
26 176A.100, upon sentencing a person who is found guilty of a category E
27 felony, the court shall suspend the execution of the sentence and grant
28 probation to the person upon such conditions as the court deems
29 appropriate. Such conditions of probation may include, but are not limited
30 to, requiring the person to serve a term of confinement of not more than 1
31 year in the county jail. In addition to any other penalty, the court may
32 impose a fine of not more than \$5,000, unless a greater penalty is
33 authorized or required by statute.

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

35 194.010 All persons are liable to punishment except those belonging to
36 the following classes:

- 37 1. Children under the age of 8 years.
- 38 2. Children between the ages of 8 years and 14 years, in the absence of
39 clear proof that at the time of committing the act charged against them they
40 knew its wrongfulness.
- 41 3. Idiots.
- 42 4. Persons who committed the act or made the omission charged under
43 an ignorance or mistake of fact, which disproves any criminal intent, where
44 a specific intent is required to constitute the offense.
- 45 5. Persons who committed the act charged without being conscious
46 thereof.
- 47 6. Persons who committed the act or made the omission charged,
48 through misfortune or by accident, when it appears that there was no evil
49 design, intention or culpable negligence.



1 7. Persons, unless the crime is ~~punishable with death,~~ *murder of the*
2 *first degree*, who committed the act or made the omission charged under
3 threats or menaces sufficient to show that they had reasonable cause to
4 believe, and did believe, their lives would be endangered if they refused, or
5 that they would suffer great bodily harm.

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

7 200.030 1. Murder of the first degree is murder which is:

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

10 (b) Committed in the perpetration or attempted perpetration of sexual
11 assault, kidnapping, arson, robbery, burglary, invasion of the home, sexual
12 abuse of a child, sexual molestation of a child under the age of 14 years or
13 child abuse;

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

16 (d) Committed on the property of a public or private school, at an
17 activity sponsored by a public or private school or on a school bus while
18 the bus was engaged in its official duties by a person who intended to
19 create a great risk of death or substantial bodily harm to more than one
20 person by means of a weapon, device or course of action that would
21 normally be hazardous to the lives of more than one person.

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

23 3. The jury before whom any person indicted for murder is tried shall,
24 if they find him guilty thereof, designate by their verdict whether he is
25 guilty of murder of the first or second degree.

26 4. A person convicted of murder of the first degree is guilty of a
27 category A felony and shall be punished ~~+~~

28 ~~—(a) By death, only if one or more aggravating circumstances are found~~
29 ~~and any mitigating circumstance or circumstances which are found do not~~
30 ~~outweigh the aggravating circumstance or circumstances; or~~

31 ~~—(b) By~~ *by* imprisonment in the state prison:

32 ~~+(1)+~~ (a) For life without the possibility of parole;

33 ~~+(2)+~~ (b) For life with the possibility of parole, with eligibility for
34 parole beginning when a minimum of 20 years has been served; or

35 ~~+(3)+~~ (c) For a definite term of 50 years, with eligibility for parole
36 beginning when a minimum of 20 years has been served.

37 ~~{A determination of whether aggravating circumstances exist is not~~
38 ~~necessary to fix the penalty at imprisonment for life with or without the~~
39 ~~possibility of parole.}~~

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

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

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

47 6. As used in this section:

48 (a) "Child abuse" means physical injury of a nonaccidental nature to a
49 child under the age of 18 years;



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1 (b) "School bus" has the meaning ascribed to it in NRS 483.160;
2 (c) "Sexual abuse of a child" means any of the acts described in NRS
3 432B.100; and

4 (d) "Sexual molestation" means any willful and lewd or lascivious act,
5 other than acts constituting the crime of sexual assault, upon or with the
6 body, or any part or member thereof, of a child under the age of 14 years,
7 with the intent of arousing, appealing to, or gratifying the lust, passions or
8 sexual desires of the 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 attorney
11 other than a public defender appointed by a magistrate or a district court to
12 represent or defend a defendant at any stage of the criminal proceedings
13 from the defendant's initial appearance before the magistrate or the district
14 court through the appeal, if any, is entitled to receive a fee for court
15 appearances and other time reasonably spent on the matter to which the
16 appointment is made, \$75 per hour. Except for cases in which the most
17 serious crime is a felony punishable by ~~death or by~~ imprisonment for life
18 with or without possibility of parole, this subsection does not preclude a
19 governmental entity from contracting with a private attorney who agrees to
20 provide such services for a lesser rate of compensation.

21 2. The total fee for each attorney in any matter regardless of the
22 number of offenses charged or ancillary matters pursued must not exceed:

23 (a) If the most serious crime is a felony punishable by ~~death or by~~
24 imprisonment for life with or without possibility of parole, \$12,000;

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

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

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

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

31 3. An attorney appointed by a district court to represent an indigent
32 petitioner for a writ of habeas corpus or other post-conviction relief, if the
33 petitioner is imprisoned pursuant to a judgment of conviction of a gross
34 misdemeanor or felony, is entitled to be paid a fee not to exceed \$750.

35 4. If the appointing court because of:

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

37 (b) The severity of the offense;

38 (c) The time necessary to provide an adequate defense; or

39 (d) Other special circumstances,

40 deems it appropriate to grant a fee in excess of the applicable maximum,
41 the payment must be made, but only if the court in which the representation
42 was rendered certifies that the amount of the excess payment is both
43 reasonable and necessary and the payment is approved by the presiding
44 judge of the judicial district in which the attorney was appointed, or if there
45 is no such presiding judge or if he presided over the court in which the
46 representation was rendered, then by the district judge who holds seniority
47 in years of service in office.

48 5. The magistrate, the district court or the supreme court may, in the
49 interests of justice, substitute one appointed attorney for another at any



stage of the proceedings, but the total amount of fees granted all appointed attorneys must not exceed those allowable if but one attorney represented or defended the defendant at all stages of the criminal proceeding.

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

34.724 1. Any person convicted of a crime and under sentence of ~~death or~~ imprisonment who claims that the conviction was obtained, or that the sentence was imposed, in violation of the Constitution of the United States or the constitution or laws of this state, or who claims that the time he has served pursuant to the judgment of conviction has been improperly computed, may, without paying a filing fee, file a post-conviction petition for a writ of habeas corpus to obtain relief from the conviction or sentence or to challenge the computation of time that he has served.

2. Such a petition:

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

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

(c) Is the only remedy available to an incarcerated person to challenge the computation of time that he has served pursuant to a judgment of conviction.

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

34.735 A petition must be in substantially the following form, with appropriate modifications if the petition is filed in the supreme court:

Case No.
Dept. No.

IN THE JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR THE COUNTY OF.....

Petitioner,
v.

PETITION FOR WRIT
OF HABEAS CORPUS
(POST-CONVICTION)

Respondent.

INSTRUCTIONS:

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

(2) Additional pages are not permitted except where noted or with respect to the facts which you rely upon to support 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.



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

6 (4) You must name as respondent the person by whom you are confined
7 or restrained. If you are in a specific institution of the department of
8 prisons, name the warden or head of the institution. If you are not in a
9 specific institution of the department but within its custody, name the
10 director of the department of prisons.

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

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

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

28 PETITION

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

32
33 2. Name and location of court which entered the judgment of
34 conviction under attack:

35

36 3. Date of judgment of conviction:

37 4. Case number:

38 5. ~~(a)~~ Length of sentence:

39

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

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

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

46

47

48 7. Nature of offense involved in conviction being challenged:

49



- 1 8. What was your plea? (check one)
2 (a) Not guilty
3 (b) Guilty
4 (c) Guilty but mentally ill
5 (d) Nolo contendere
6 9. If you entered a plea of guilty or guilty but mentally ill to one count
7 of an indictment or information, and a plea of not guilty to another count of
8 an indictment or information, or if a plea of guilty or guilty but mentally ill
9 was negotiated, give details:
10
11
12 10. If you were found guilty after a plea of not guilty, was the finding
13 made by: (check one)
14 (a) Jury
15 (b) Judge without a jury
16 11. Did you testify at the trial? Yes No
17 12. Did you appeal from the judgment of conviction? Yes
18 No
19 13. If you did appeal, answer the following:
20 (a) Name of court:
21 (b) Case number or citation:
22 (c) Result:
23 (d) Date of result:
24 (Attach copy of order or decision, if available.)
25 14. If you did not appeal, explain briefly why you did not:
26
27
28 15. Other than a direct appeal from the judgment of conviction and
29 sentence, have you previously filed any petitions, applications or motions
30 with respect to this judgment in any court, state or federal? Yes
31 No
32 16. If your answer to No. 15 was "yes," give the following
33 information:
34 (a)(1) Name of court:
35 (2) Nature of proceeding:
36
37 (3) Grounds raised:
38
39
40 (4) Did you receive an evidentiary hearing on your petition,
41 application or motion? Yes No
42 (5) Result:
43 (6) Date of result:
44 (7) If known, citations of any written opinion or date of orders
45 entered pursuant to such result:
46
47 (b) As to any second petition, application or motion, give the same
48 information:
49 (1) Name of court:



- 1 (2) Nature of proceeding:
2 (3) Grounds raised:
3 (4) Did you receive an evidentiary hearing on your petition,
4 application or motion? Yes No
5 (5) Result:
6 (6) Date of result:
7 (7) If known, citations of any written opinion or date of orders
8 entered pursuant to such result:
9
10 (c) As to any third or subsequent additional applications or motions,
11 give the same information as above, list them on a separate sheet and
12 attach.
13 (d) Did you appeal to the highest state or federal court having
14 jurisdiction, the result or action taken on any petition, application or
15 motion?
16 (1) First petition, application or motion? Yes No
17 Citation or date of decision:
18 (2) Second petition, application or motion? Yes No
19 Citation or date of decision:
20 (3) Third or subsequent petitions, applications or motions? Yes
21 No
22 Citation or date of decision:
23 (e) If you did not appeal from the adverse action on any petition,
24 application or motion, explain briefly why you did not. (You must relate
25 specific facts in response to this question. Your response may be included
26 on paper which is 8 1/2 by 11 inches attached to the petition. Your
27 response may not exceed five handwritten or typewritten pages in
28 length.)
29
30
31 17. Has any ground being raised in this petition been previously
32 presented to this or any other court by way of petition for habeas corpus,
33 motion, application or any other post-conviction proceeding? If so,
34 identify:
35 (a) Which of the grounds is the same:
36
37 (b) The proceedings in which these grounds were raised:
38
39 (c) Briefly explain why you are again raising these grounds. (You must
40 relate specific facts in response to this question. Your response may be
41 included on paper which is 8 1/2 by 11 inches attached to the petition.
42 Your response may not exceed five handwritten or typewritten pages in
43 length.)
44
45 18. If any of the grounds listed in Nos. 23(a), (b), (c) ~~and~~ or (d), or
46 listed on any additional pages you have attached, were not previously
47 presented in any other court, state or federal, list briefly what grounds were
48 not so presented, and give your reasons for not presenting them. (You must
49 relate specific facts in response to this question. Your response may be



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1 included on paper which is 8 1/2 by 11 inches attached to the petition.
2 Your response may not exceed five handwritten or typewritten pages in
3 length.)
4
5 19. Are you filing this petition more than 1 year following the filing of
6 the judgment of conviction or the filing of a decision on direct appeal? If
7 so, state briefly the reasons for the delay. (You must relate specific facts in
8 response to this question. Your response may be included on paper which
9 is 8 1/2 by 11 inches attached to the petition. Your response may not
10 exceed five handwritten or typewritten pages in length.)
11
12 20. Do you have any petition or appeal now pending in any court,
13 either state or federal, as to the judgment under attack? Yes No
14 If yes, state what court and the case number:
15
16 21. Give the name of each attorney who represented you in the
17 proceeding resulting in your conviction and on direct appeal:
18
19 22. Do you have any future sentences to serve after you complete the
20 sentence imposed by the judgment under attack? Yes No
21 If yes, specify where and when it is to be served, if you know:
22
23 23. State concisely every ground on which you claim that you are
24 being held unlawfully. Summarize briefly the facts supporting each
25 ground. If necessary you may attach pages stating additional grounds and
26 facts supporting same.
27 (a) Ground one:
28
29 Supporting FACTS (Tell your story briefly without citing cases or law.): ...
30
31
32 (b) Ground two:
33
34 Supporting FACTS (Tell your story briefly without citing cases or law.): ..
35
36
37 (c) Ground three:
38
39 Supporting FACTS (Tell your story briefly without citing cases or law.): ..
40
41
42 (d) Ground four:
43
44 Supporting FACTS (Tell your story briefly without citing cases or law.): ..
45
46
47 WHEREFORE, petitioner prays that the court grant petitioner relief to
48 which he may be entitled in this proceeding.



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

3
4 Signature of petitioner
5

6 Address
7

8 Signature of attorney (if any)
9

10 Attorney for petitioner
11

12 Address
13

14 VERIFICATION

15
16 Under penalty of perjury, the undersigned declares that he is the
17 petitioner named in the foregoing petition and knows the contents thereof;
18 that the pleading is true of his own knowledge, except as to those matters
19 stated on information and belief, and as to such matters he believes them to
20 be true.

21
22 Petitioner
23

24 Attorney for petitioner
25

26 CERTIFICATE OF SERVICE BY MAIL

27
28 I,, hereby certify pursuant to N.R.C.P. 5(b), that on
29 this day of the month of of the year, I mailed a true and
30 correct copy of the foregoing PETITION FOR WRIT OF HABEAS
31 CORPUS addressed to:

32
33 Respondent prison or jail official
34

35 Address
36

37
38 Attorney General
39 Heroes' Memorial Building
40 Capitol Complex
41 Carson City, Nevada 89710
42

43 District Attorney of County of Conviction
44

45 Address
46

47 Signature of Petitioner



1 **Sec. 8.** NRS 174.065 is hereby amended to read as follows:

2 174.065 Except as otherwise provided in NRS 174.061:

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

8 2. On a plea of guilty or guilty but mentally ill to an indictment or
9 information for murder of the first degree, when consented to by the
10 prosecuting attorney in open court and approved by the court, the plea may
11 specify a punishment. ~~less than death.~~ The specified punishment, or any
12 lesser punishment, may be imposed by a single judge.

13 **Sec. 9.** NRS 175.011 is hereby amended to read as follows:

14 175.011 1. In a district court, cases required to be tried by jury must
15 be so tried unless the defendant waives a jury trial in writing with the
16 approval of the court and the consent of the state. A defendant who pleads
17 not guilty to the charge of ~~a capital~~ *the offense of murder of the first*
18 *degree* must be tried by jury.

19 2. In a justice's court, a case must be tried by jury only if the defendant
20 so demands in writing not less than 30 days before trial. Except as
21 otherwise provided in NRS 4.390 and 4.400, if a case is tried by jury, a
22 reporter must be present who is a certified court reporter and shall report
23 the trial.

24 **Sec. 10.** NRS 175.051 is hereby amended to read as follows:

25 175.051 1. If the offense charged is punishable ~~by death or~~ by
26 imprisonment for life, each side is entitled to eight peremptory challenges.

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

30 3. The state and the defendant shall exercise their challenges
31 alternately, in that order. Any challenge not exercised in its proper order is
32 waived.

33 **Sec. 11.** NRS 175.151 is hereby amended to read as follows:

34 175.151 If the indictment or information ~~be for an offense punishable~~
35 ~~with death,~~ *is for the offense of murder of the first degree*, two counsel
36 on each side may argue the case to the jury, but in such case, as well as in
37 all others, the counsel for the state must open and conclude the argument.
38 If ~~it be~~ *the indictment or information is* for any other offense, the court
39 may, in its discretion, restrict the argument to one counsel on each side.

40 **Sec. 12.** NRS 175.552 is hereby amended to read as follows:

41 175.552 1. Except as otherwise provided in subsection 2, in every
42 case in which there is a finding that a defendant is guilty of murder of the
43 first degree, ~~whether or not the death penalty is sought,~~ the court shall
44 conduct a separate penalty hearing. The separate penalty hearing must be
45 conducted as follows:

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

48 (b) ~~If the finding is made upon a plea of guilty or guilty but mentally ill~~
49 ~~or a trial without a jury and the death penalty is sought, the separate~~



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1 ~~penalty hearing must be conducted before a panel of three district judges,~~
2 ~~as soon as practicable.~~

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

7 2. ~~[In a case in which the death penalty is not sought, the]~~ *The* parties
8 may by stipulation waive the separate penalty hearing required in
9 subsection 1. When stipulating to such a waiver, the parties may also
10 include an agreement to have the sentence, if any, imposed by the trial
11 judge. Any stipulation pursuant to this subsection must be in writing and
12 signed by the defendant, his attorney, if any, and the prosecuting attorney.

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

23 ~~—4.— In a case in which the death penalty is not sought, the]~~

24 4. *The* jury or the trial judge shall determine whether the defendant
25 should be sentenced to life with the possibility of parole or life without the
26 possibility of parole.

27 **Sec. 13.** NRS 175.556 is hereby amended to read as follows:

28 175.556 ~~[1.— In a case in which the death penalty is sought, if a jury is~~
29 ~~unable to reach a unanimous verdict upon the sentence to be imposed, the~~
30 ~~supreme court shall appoint two district judges from judicial districts other~~
31 ~~than the district in which the plea is made, who shall with the district judge~~
32 ~~who conducted the trial, or his successor in office, conduct the required~~
33 ~~penalty hearing to determine the presence of aggravating and mitigating~~
34 ~~circumstances, and give sentence accordingly. A sentence of death may be~~
35 ~~given only by unanimous vote of the three judges, but any other sentence~~
36 ~~may be given by the vote of a majority.~~

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

40 **Sec. 14.** NRS 176.035 is hereby amended to read as follows:

41 176.035 1. Except as otherwise provided in subsection 2, whenever a
42 person is convicted of two or more offenses, and sentence has been
43 pronounced for one offense, the court in imposing any subsequent sentence
44 may provide that the sentences subsequently pronounced run either
45 concurrently or consecutively with the sentence first imposed. Except as
46 otherwise provided in subsections 2 and 3, if the court makes no order with
47 reference thereto, all such subsequent sentences run concurrently.

48 2. Except as otherwise provided in this subsection, whenever a person
49 under sentence of imprisonment for committing a felony commits another



1 crime constituting a felony and is sentenced to another term of
2 imprisonment for that felony, the latter term must not begin until the
3 expiration of all prior terms. If the person is a probationer at the time the
4 subsequent felony is committed, the court may provide that the latter term
5 of imprisonment run concurrently with any prior terms or portions thereof.

6 3. Whenever a person under sentence of imprisonment commits
7 another crime constituting a misdemeanor or gross misdemeanor, the court
8 shall provide expressly whether the sentence subsequently pronounced runs
9 concurrently or consecutively with the one first imposed.

10 4. Whenever a person under sentence of imprisonment commits
11 ~~another crime for which the punishment is death,~~ *the crime of murder of*
12 *the first degree*, the sentence must be executed without reference to the
13 unexpired term of imprisonment.

14 5. This section does not prevent the state board of parole
15 commissioners from paroling a person under consecutive sentences of
16 imprisonment from a current term of imprisonment to a subsequent term of
17 imprisonment.

18 **Sec. 15.** NRS 176.325 is hereby amended to read as follows:

19 176.325 When a judgment of imprisonment to be served in the state
20 prison has been pronounced, triplicate certified copies of the judgment of
21 conviction, attested by the clerk under the seal of the court, must forthwith
22 be furnished to the officers whose duty it is to execute the judgment, as
23 provided by NRS 176.335, and no other warrant or authority is necessary
24 to justify or require the execution thereof. ~~Except when a judgment of~~
25 ~~death is rendered.~~

26 **Sec. 16.** NRS 177.075 is hereby amended to read as follows:

27 177.075 1. ~~Except where appeal is automatic, an~~ *An* appeal from a
28 district court to the supreme court is taken by filing a notice of appeal with
29 the clerk of the district court. Bills of exception and assignments of error in
30 cases governed by this chapter are abolished.

31 2. When a court imposes sentence upon a defendant who has not
32 pleaded guilty or guilty but mentally ill and who is without counsel, the
33 court shall advise the defendant of his right to appeal, and if he so requests,
34 the clerk shall prepare and file forthwith a notice of appeal on his behalf.

35 3. A notice of appeal must be signed:

- 36 (a) By the appellant or appellant's attorney; or
37 (b) By the clerk if prepared by him.

38 **Sec. 17.** NRS 177.235 is hereby amended to read as follows:

39 177.235 Upon the argument of the appeal, if the offense is ~~punishable~~
40 ~~with death,~~ *murder of the first degree*, two counsel ~~shall~~ *must* be heard
41 on each side, if they require it. In any other case the court may, in its
42 discretion, restrict the argument to one counsel on each side.

43 **Sec. 18.** NRS 178.388 is hereby amended to read as follows:

44 178.388 1. Except as otherwise provided in this Title, the defendant
45 must be present at the arraignment, at every stage of the trial, including the
46 impaneling of the jury and the return of the verdict, and at the imposition
47 of sentence. A corporation may appear by counsel for all purposes.

48 2. In prosecutions for offenses ~~not punishable by death,~~ *other than*
49 *murder of the first degree:*



1 (a) The defendant's voluntary absence after the trial has been
2 commenced in his presence must not prevent continuing the trial to , and
3 including the return of , the verdict.

4 (b) If the defendant was present at the trial through the time he pleads
5 guilty or guilty but mentally ill or is found guilty but at the time of his
6 sentencing is incarcerated in another jurisdiction, he may waive his right to
7 be present at the sentencing proceedings and agree to be sentenced in this
8 state in his absence. The defendant's waiver is valid only if it is:

9 (1) Made knowingly, intelligently and voluntarily after consulting
10 with an attorney licensed to practice in this state;

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

13 (3) Signed and dated by his attorney after it has been signed by the
14 defendant and notarized.

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

21 4. The presence of the defendant is not required at the arraignment or
22 any preceding stage if the court has provided for the use of a closed-circuit
23 television to facilitate communication between the court and the defendant
24 during the proceeding. If closed-circuit television is provided for, members
25 of the news media may observe and record the proceeding from both
26 locations unless the court specifically provides otherwise.

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

29 **Sec. 19.** NRS 209.3925 is hereby amended to read as follows:

30 209.3925 1. Except as otherwise provided in subsection 6, the
31 director may assign an offender to the custody of the division of parole and
32 probation of the department of motor vehicles and public safety to serve a
33 term of residential confinement pursuant to NRS 213.380, for not longer
34 than the remainder of his sentence, if:

35 (a) The director has reason to believe that the offender is:

36 (1) Physically incapacitated to such a degree that he does not
37 presently, and likely will not in the future, pose a threat to the safety of the
38 public; or

39 (2) In ill health and expected to die within 12 months, and does not
40 presently, and likely will not in the future, pose a threat to the safety of the
41 public; and

42 (b) At least two physicians licensed pursuant to chapter 630 of NRS,
43 one of whom is not employed by the department, verify, in writing, that the
44 offender is:

45 (1) Physically incapacitated; or

46 (2) In ill health and expected to die within 12 months.

47 2. If the director intends to assign an offender to the custody of the
48 division of parole and probation pursuant to this section, at least 45 days



1 before the date the offender is expected to be released from the custody of
2 the department, the director shall notify:

3 (a) If the offender will reside within this state after he is released from
4 the custody of the department, the board of county commissioners of the
5 county in which the offender will reside; and

6 (b) The division of parole and probation.

7 3. If any victim of a crime committed by the offender has, pursuant to
8 subsection 4 of NRS 213.130, requested to be notified of the consideration
9 of a prisoner for parole and has provided a current address, the division of
10 parole and probation shall notify the victim that:

11 (a) The director intends to assign the offender to the custody of the
12 division of parole and probation pursuant to this section; and

13 (b) The victim may submit documents to the division of parole and
14 probation regarding such an assignment.

15 If a current address has not been provided by a victim as required by
16 subsection 4 of NRS 213.130, the division of parole and probation must not
17 be held responsible if notification is not received by the victim. All
18 personal information, including, but not limited to, a current or former
19 address, which pertains to a victim and which is received by the division of
20 parole and probation pursuant to this subsection is confidential.

21 4. If an offender assigned to the custody of the division of parole and
22 probation pursuant to this section escapes or violates any of the terms or
23 conditions of his residential confinement:

24 (a) The division of parole and probation may, pursuant to the procedure
25 set forth in NRS 213.410, return the offender to the custody of the
26 department.

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

33 5. The assignment of an offender to the custody of the division of
34 parole and probation pursuant to this section shall be deemed:

35 (a) A continuation of his imprisonment and not a release on parole; and

36 (b) For the purposes of NRS 209.341, an assignment to a facility of the
37 department,

38 except that the offender is not entitled to obtain any benefits or to
39 participate in any programs provided to offenders in the custody of the
40 department.

41 6. The director may not assign an offender to the custody of the
42 division of parole and probation pursuant to this section if the offender is
43 sentenced to ~~death or~~ imprisonment for life without the possibility of
44 parole.

45 7. An offender does not have a right to be assigned to the custody of
46 the division of parole and probation pursuant to this section, or to remain in
47 that custody after such an assignment, and it is not intended that the
48 provisions of this section or of NRS 213.371 to 213.410, inclusive, create
49 any right or interest in liberty or property or establish a basis for any cause



1 of action against the state, its political subdivisions, agencies, boards,
2 commissions, departments, officers or employees.

3 **Sec. 20.** NRS 209.424 is hereby amended to read as follows:

4 209.424 An offender may not participate in a therapeutic community if
5 the offender:

6 1. Was sentenced to ~~{death-or}~~ a term of imprisonment for life without
7 the possibility of parole; or

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

11 **Sec. 21.** NRS 212.050 is hereby amended to read as follows:

12 212.050 1. If any person who has been sentenced to confinement in
13 the state prison, by any court having competent authority within this state,
14 escapes therefrom, or is charged with murder, ~~{for the perpetration of any~~
15 ~~crime punishable with death,}~~ the governor may, upon satisfactory
16 evidence of the guilt of the accused, offer a reward for information that
17 leads to his apprehension. The reward offered by the governor must not
18 exceed the sum of \$5,000, and must be paid out of the reserve for statutory
19 contingency account upon approval by the state board of examiners.

20 2. If any person who has been sentenced to confinement in a jail,
21 branch county jail or other local detention facility by any court having
22 competent authority within this state, escapes therefrom, or is charged with
23 murder, ~~{for perpetration of any crime punishable with death,}~~ the board of
24 county commissioners of the county, the governing body of the city or
25 other local government responsible for the operation of the facility may,
26 upon satisfactory evidence of the guilt of the accused, offer a reward for
27 information that leads to his apprehension. The reward offered by the
28 board, governing body or other local government must not exceed the sum
29 of \$5,000.

30 **Sec. 22.** NRS 213.030 is hereby amended to read as follows:

31 213.030 No notice ~~{shall be}~~ **is** required of an application for ~~{~~
32 ~~1. A}~~ **a** restoration to citizenship to take effect at the expiration of a
33 term of imprisonment. ~~{-or-~~

34 ~~2. The commutation of the death penalty.}~~

35 **Sec. 23.** NRS 213.085 is hereby amended to read as follows:

36 213.085 1. If a person is convicted of murder of the first degree
37 before, on or after July 1, 1995, the board shall not commute ~~{~~

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

39 ~~(b) A}~~ **a** sentence of imprisonment in the state prison for life without the
40 possibility of parole ~~{}~~ to a sentence that would allow parole.

41 2. If a person is convicted of any crime other than murder of the first
42 degree on or after July 1, 1995, the board shall not commute ~~{~~

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

44 ~~(b) A}~~ **a** sentence of imprisonment in the state prison for life without the
45 possibility of parole ~~{}~~ to a sentence that would allow parole.

46 **Sec. 24.** NRS 213.10885 is hereby amended to read as follows:

47 213.10885 1. The board shall adopt by regulation specific standards
48 for each type of convicted person to assist the board in determining
49 whether to grant or revoke parole. The regulations must include standards



1 for determining whether to grant or revoke the parole of a convicted
2 person:

- 3 (a) Who committed ~~the capital offense of~~ *murder of the first degree.*
- 4 (b) Who was sentenced to serve a term of imprisonment for life.
- 5 (c) Who was convicted of a sexual offense involving the use or threat of
- 6 use of force or violence.
- 7 (d) Who was convicted as a habitual criminal.
- 8 (e) Who is a repeat offender.
- 9 (f) Who was convicted of any other type of offense.

10 The standards must be based upon objective criteria for determining the
11 person's probability of success on parole.

12 2. In establishing the standards, the board shall consider the
13 information on decisions regarding parole that is compiled and maintained
14 pursuant to NRS 213.10887 and all other factors which are relevant in
15 determining the probability that a convicted person will live and remain at
16 liberty without violating the law if parole is granted or continued. The
17 other factors the board considers must include, but are not limited to:

- 18 (a) The severity of the crime committed;
- 19 (b) The criminal history of the person;
- 20 (c) Any disciplinary action taken against the person while incarcerated;
- 21 (d) Any previous parole violations or failures;
- 22 (e) Any potential threat to society or himself; and
- 23 (f) The length of his incarceration.

24 3. The standards adopted by the board must provide for a greater
25 punishment for a convicted person who has a history of repetitive criminal
26 conduct or who commits a serious crime, with a violent crime considered
27 the most serious, than for a convicted person who does not have a history
28 of repetitive crimes and did not commit a serious crime.

29 4. The board shall make available to the public a sample of the form
30 the board uses in determining the probability that a convicted person will
31 live and remain at liberty without violating the law if parole is granted or
32 continued.

33 5. On or before January 1 of each even-numbered year, the board shall
34 review comprehensively the standards adopted by the board. The review
35 must include a determination of whether the standards are effective in
36 predicting the probability that a convicted person will live and remain at
37 liberty without violating the law if parole is granted or continued. If a
38 standard is found to be ineffective, the board shall not use that standard in
39 its decisions regarding parole and shall adopt revised standards as soon as
40 practicable after the review.

41 6. The board shall report to each regular session of the legislature:

- 42 (a) The number and percentage of the board's decisions that conflicted
- 43 with the standards;
- 44 (b) The results and conclusions from the board's review pursuant to
- 45 subsection 5; and
- 46 (c) Any changes in the board's standards, policies, procedures,
- 47 programs or forms that have been or will be made as a result of the review.



1 **Sec. 25.** NRS 213.133 is hereby amended to read as follows:

2 213.133 1. Except as otherwise provided in subsections 6 and 7, the
3 board may delegate its authority to hear, consider and act upon the parole
4 of a prisoner and on any issue before the board to a panel consisting of:

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

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

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

12 3. The decision of a panel is subject to final approval by the
13 affirmative action of a majority of the members appointed to the board.
14 Such action may be taken at a meeting of the board, or without a meeting
15 by the delivery of written approval to the secretary of the board.

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

19 5. The board shall adopt regulations which establish the basic types of
20 delegable cases and the size of the panel required for each type of case.

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

23 (a) Who committed ~~ja capital offense;~~ *murder of the first degree;*

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

25 (c) Who has been convicted of a sexual offense involving the use or
26 threat of use of force or violence;

27 (d) Who is a habitual criminal; or

28 (e) Whose sentence has been commuted by the state board of pardons
29 commissioners,

30 must be conducted by at least three members of the board, and action may
31 be taken only with the concurrence of at least four members.

32 7. If a recommendation made by a panel deviates from the standards
33 adopted by the board pursuant to NRS 213.10885 or the recommendation
34 of the division, the chairman must concur in the recommendation.

35 **Sec. 26.** NRS 217.035 is hereby amended to read as follows:

36 217.035 "Crime" means:

37 1. An act or omission committed within this state which, if committed
38 by an adult, is forbidden by law and punishable upon conviction by ~~death;~~
39 imprisonment, fine or other penal discipline; or

40 2. An act of international terrorism as defined in 18 U.S.C. § 2331(1)
41 against a resident.

42 **Sec. 27.** NRS 353.264 is hereby amended to read as follows:

43 353.264 1. The reserve for statutory contingency account is hereby
44 created in the state general fund.

45 2. The state board of examiners shall administer the reserve for
46 statutory contingency account, and the money in the account must be
47 expended only for:

48 (a) The payment of claims which are obligations of the state pursuant to
49 NRS 41.03435, 41.0347, ~~176.485;~~ 179.310, 212.040, 212.050, 212.070,



* S B 2 5 4 *

1 214.040, 281.174, 282.290, 282.315, 288.203, 293.253, 293.405, 353.120,
2 353.262, 412.154 and 475.235;

3 (b) The payment of claims which are obligations of the state pursuant
4 to:

5 (1) Chapter 472 of NRS arising from operations of the division of
6 forestry of the state department of conservation and natural resources
7 directly involving the protection of life and property; and

8 (2) NRS 7.155, 34.750, 176A.640, 178.465, 179.225, 213.153 and
9 293B.210,

10 but the claims must be approved for the respective purposes listed in this
11 paragraph only when the money otherwise appropriated for those purposes
12 has been exhausted;

13 (c) The payment of claims which are obligations of the state pursuant to
14 NRS 41.0349 and 41.037, but only to the extent that the money in the fund
15 for insurance premiums is insufficient to pay the claims; and

16 (d) The payment of claims which are obligations of the state pursuant to
17 NRS 535.030 arising from remedial actions taken by the state engineer
18 when the condition of a dam becomes dangerous to the safety of life or
19 property.

20 **Sec. 28.** NRS 412.304 is hereby amended to read as follows:

21 412.304 1. In the Nevada National Guard not in federal service, there
22 are general, special and summary courts-martial constituted like similar
23 courts of the Army and Air Force. They have the jurisdiction and powers,
24 except as to punishments, and shall follow the forms and procedures
25 provided for those courts.

26 2. Courts-martial ~~shall~~ **must** be constituted as follows:

27 (a) General courts-martial consisting of:

28 (1) A military judge and not less than five members; or

29 (2) A military judge alone, if, before the court is assembled, the
30 accused, knowing the identity of the military judge, and after consultation
31 with defense counsel, requests in writing, a court composed only of a
32 military judge, provided the military judge approves. ~~A court composed~~
33 ~~only of a military judge is not available to one accused of an offense~~
34 ~~punishable by death, except when the case has been referred to a trial as a~~
35 ~~noncapital case.~~

36 (b) Special courts-martial consisting of:

37 (1) A military judge and not less than three members; or

38 (2) A military judge alone, if the accused, under the same conditions
39 as those prescribed in subparagraph (2) of paragraph (a) of this subsection,
40 so requests.

41 (c) Summary courts-martial, consisting of one commissioned officer.

42 **Sec. 29.** NRS 453.333 is hereby amended to read as follows:

43 453.333 If the death of a person is proximately caused by a controlled
44 substance which was sold, given, traded or otherwise made available to
45 him by another person in violation of this chapter, the person who sold,
46 gave or traded or otherwise made the substance available to him is guilty of
47 murder. If convicted of murder in the second degree, he is guilty of a
48 category A felony and shall be punished as provided in subsection 5 of
49 NRS 200.030. If convicted of murder in the first degree, he is guilty of a



* S B 2 5 4 *

1 category A felony and shall be punished as provided in subsection 4 of
2 NRS 200.030. ~~†, except that the punishment of death may be imposed only~~
3 ~~if the requirements of paragraph (a) of subsection 4 of that section have~~
4 ~~been met and if the defendant is or has previously been convicted of~~
5 ~~violating NRS 453.3385, 453.339 or 453.3395 or a law of any other~~
6 ~~jurisdiction which prohibits the same conduct.†~~

7 **Sec. 30.** NRS 453.377 is hereby amended to read as follows:

8 453.377 A controlled substance may be dispensed by:

9 1. A registered pharmacist upon a legal prescription from a practitioner
10 or to a pharmacy in a correctional institution upon the written order of the
11 prescribing practitioner in charge.

12 2. A pharmacy in a correctional institution, in case of emergency, upon
13 a written order signed by the chief medical officer.

14 3. A practitioner.

15 4. A registered nurse, when the state, county, city or district health
16 officer has declared a state of emergency.

17 5. A medical intern in the course of his internship.

18 6. An advanced practitioner of nursing who holds a certificate from the
19 state board of nursing and a certificate from the state board of pharmacy
20 permitting him to dispense controlled substances.

21 7. ~~†A pharmacy in an institution of the department of prisons to a~~
22 ~~person designated by the director of the department of prisons to~~
23 ~~administer a lethal injection to a person who has been sentenced to death.~~

24 ~~—8.†~~ A registered pharmacist from an institutional pharmacy, pursuant to
25 regulations adopted by the board.

26 **Sec. 31.** NRS 454.221 is hereby amended to read as follows:

27 454.221 1. A person who furnishes any dangerous drug except upon
28 the prescription of a practitioner is guilty of a category D felony and shall
29 be punished as provided in NRS 193.130, unless the dangerous drug was
30 obtained originally by a legal prescription.

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

33 (a) A practitioner to his patients;

34 (b) A physician's assistant if authorized by the board;

35 (c) A registered nurse while participating in a public health program
36 approved by the board, or an advanced practitioner of nursing who holds a
37 certificate from the state board of nursing and a certificate from the state
38 board of pharmacy permitting him to dispense dangerous drugs;

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

43 (e) A hospital pharmacy or a pharmacy so designated by a county health
44 officer in a county whose population is 100,000 or more, or by a district
45 health officer in any county within its jurisdiction or, in the absence of
46 either, by the state health officer or his designated medical director of
47 emergency medical services, to a person or agency described in subsection
48 3 of NRS 639.268 to stock ambulances or other authorized vehicles or
49 replenish the stock. ~~†; or~~



* S B 2 5 4 *

1 ~~— (f) A pharmacy in a correctional institution to a person designated by~~
2 ~~the director of the department of prisons to administer a lethal injection to a~~
3 ~~person who has been sentenced to death.]~~

4 **Sec. 32.** NRS 34.820, 171.194, 175.554, 175.558, 175.562, 176.025,
5 176.345, 176.355, 176.357, 176.365, 176.415, 176.425, 176.435, 176.445,
6 176.455, 176.465, 176.475, 176.485, 176.486, 176.487, 176.488, 176.489,
7 176.491, 176.492, 176.495, 176.505, 177.055, 177.095, 177.267, 200.033,
8 200.035, 213.080 and 353.094 are hereby repealed.

9 **Sec. 33.** The amendatory provisions of this act apply to offenses
10 committed before, on or after the effective date of this act.

11 **Sec. 34.** The sentence of any person sentenced to death before the
12 effective date of this act is hereby reduced to the sentence of imprisonment
13 in the state prison for life without the possibility of parole.

14 **Sec. 35.** This act becomes effective upon passage and approval.

LEADLINES OF REPEALED SECTIONS

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

171.194 Procedure when arrest for capital offense.

175.554 When death penalty sought: Instructions to jury; determinations; findings and verdict.

175.558 Procedure when person is convicted upon plea of guilty or guilty but mentally ill or upon trial without jury and death penalty is sought.

175.562 Procedure when panel of judges unable to obtain concurrence of majority for sentence less than death.

176.025 Death sentence not to be imposed on person under age of 16 years convicted of crime.

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 prisons 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.



* S B 2 5 4 *

- 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 supreme court.
- 177.095 Stay of execution upon sentence of death.
- 177.267 Time within which supreme court shall render opinion on appeal from judgment of death.
- 200.033 Circumstances aggravating first degree murder.
- 200.035 Circumstances mitigating first degree murder.
- 213.080 Procedure when death penalty is commuted.
- 353.094 Counties' trial assistance account: Claims by counties.

