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SENATE BILL NO. 254—SENATOR NEAL

FEBRUARY 27, 2001

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

Referred to Committee on Judiciary

SUMMARY—Establishes moratorium on execution of sentences of death until July 1, 2003, and provides for study of issues regarding death penalty. (BDR S-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; establishing a moratorium on the execution of sentences of death until July 1, 2003; providing for a study of issues regarding the death penalty; 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.** 1. Notwithstanding the provisions of any law, rule of
2 court or order issued by a court of competent jurisdiction, a moratorium on
3 the execution of all sentences of death is hereby established until July 1,
4 2003, and the sentence of any person sentenced to death before, on or after
5 the effective date of this act must not be executed until July 1, 2003.
6 2. Notwithstanding the provisions of any law, rule of court or order
7 issued by a court of competent jurisdiction:
8 (a) If, before the effective date of this act, a court has issued a warrant
9 of execution of a sentence of death that appoints a week within which the
10 judgment of death is to be executed which is before July 1, 2003, the court
11 shall, not later than 60 days after the effective date of this act, issue a new
12 warrant of execution of the sentence of death appointing a week within
13 which the judgment of death is to be executed which is on or after
14 July 1, 2003.
15 (b) On or after the effective date of this act, a court shall not issue a
16 warrant of execution of a sentence of death that appoints a week within
17 which the judgment of death is to be executed which is before July 1, 2003.
18 3. The provisions of this section must not be construed to:



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1 (a) Affect any procedures regarding charging, prosecution or sentencing
2 with respect to any offense committed before, on or after the effective date
3 of this act;

4 (b) Prevent any person from being sentenced to death before, on or after
5 the effective date of this act;

6 (c) Constitute the granting of a commutation or pardon to a person
7 sentenced to death before, on or after the effective date of this act;

8 (d) Alter or amend the sentence of any person sentenced to death
9 before, on or after the effective date of this act; or

10 (e) Affect any appeal, petition for a writ of habeas corpus or other
11 request for judicial relief filed before, on or after the effective date of this
12 act.

13 **Sec. 2.** 1. Except as otherwise provided in this subsection, the
14 Legislative Commission shall direct a legislative committee established by
15 statute to conduct a study of issues regarding the death penalty. If the study
16 of issues regarding the death penalty is a subject that is not appropriately
17 within the jurisdiction of any such legislative committee, the Legislative
18 Commission shall appoint a committee to conduct an interim study of
19 issues regarding the death penalty.

20 2. The study must include, without limitation, consideration of the
21 following issues regarding the death penalty:

22 (a) The impact of race, color, religion, national origin, sexual
23 orientation, economic status or geographic location of defendants in capital
24 cases with respect to decisions concerning charging, prosecuting and
25 sentencing.

26 (b) Whether defendants who are under 18 years of age or mentally
27 retarded at the time of committing an offense should be sentenced to death.

28 (c) The competency of counsel to defendants in capital cases.

29 (d) The adequacy of resources provided to defendants in capital cases.

30 (e) Whether jurors have a proper and adequate understanding of the
31 application of the law and of jury instructions in capital cases.

32 (f) Whether capital punishment serves as an effective deterrent against
33 the commission of murder.

34 (g) The costs in Nevada of prosecuting capital cases and incarcerating a
35 person under the death penalty versus the cost of prosecuting a noncapital
36 case and sentencing a person for life without the possibility of parole.

37 (h) The number of defendants actually executed compared with the
38 number of those who were sentenced to death.

39 (i) With respect to DNA testing:

40 (1) The availability, cost and extent of its use, both in Nevada and in
41 the rest of the country.

42 (2) Current policies regarding the use of DNA testing in Nevada
43 compared with policies in the remainder of the states.

44 (3) The manner for storing and using such DNA information.

45 (4) Post-conviction DNA testing, criteria for requests by prisoners
46 and procedures for handling those requests.

47 (5) Any Fifth Amendment or other constitutional issues related to the
48 use of DNA evidence in capital cases.



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1 (j) The need for any appropriate legislation or adoption of court rules
2 which would contribute or assist in ensuring that the death penalty is
3 administered fairly and impartially and in accordance with all applicable
4 constitutional provisions and that persons who are innocent are not
5 sentenced to death or executed.

6 3. A report of the results of the study and any recommendations for
7 legislation must be submitted to the 72nd session of the Nevada
8 Legislature.

9 **Sec. 3.** This act becomes effective upon passage and approval and
10 expires by limitation on July 1, 2003.

