

(REPRINTED WITH ADOPTED AMENDMENTS)
SECOND REPRINT S.B. 254

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 of certain persons 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.

~

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 of certain persons 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. Except as otherwise provided in subsection 2,
2 notwithstanding the provisions of any law, rule of court, order issued by a
3 court of competent jurisdiction or warrant of execution of a sentence of
4 death, a moratorium on the execution of all sentences of death is hereby
5 established until July 1, 2003, and the sentence of any person sentenced to
6 death before, on or after the effective date of this act must not be executed
7 until July 1, 2003.
- 8 2. The provisions of subsection 1 do not apply to the execution of a
9 sentence of death of any person who, not later than 30 days before the
10 beginning of the week within which his judgment of death is to be
11 executed, submits a written statement to the Director of the Department of
12 Prisons, on a form prescribed and provided by the Director, that:
- 13 (a) Is signed by the person in the presence of two attesting witnesses;
14 and
15 (b) States that the person:



1 (1) Is submitting a written statement pursuant to this subsection
2 voluntarily and not under duress or coercion;

3 (2) Has had the opportunity to consult with an attorney regarding the
4 provisions of this section and the effect of submitting a written statement
5 pursuant to this subsection;

6 (3) Is competent and not under the influence of intoxicating liquor or
7 a controlled substance that would impair his ability to understand the effect
8 of submitting a written statement pursuant to this subsection;

9 (4) Understands that submitting a written statement pursuant to this
10 subsection will result in the execution of his sentence of death; and

11 (5) Desires that his sentence of death be executed, despite the fact
12 that a moratorium on the execution of sentences of death has been
13 established pursuant to this section.

14 3. The provisions of this section must not be construed to:

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

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

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

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

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

27 **Sec. 2.** 1. Except as otherwise provided in this subsection, the
28 Legislative Commission shall direct a legislative committee established by
29 statute to conduct a study of issues regarding the death penalty. If the study
30 of issues regarding the death penalty is a subject that is not appropriately
31 within the jurisdiction of any such legislative committee, the Legislative
32 Commission shall appoint a committee to conduct an interim study of
33 issues regarding the death penalty.

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

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

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

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

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

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

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



* S B 2 5 4 R 2 *

- 1 (g) The costs in Nevada of prosecuting capital cases and incarcerating a
2 person under the death penalty versus the cost of prosecuting a noncapital
3 case and sentencing a person for life without the possibility of parole.
4 (h) The number of defendants actually executed compared with the
5 number of those who were sentenced to death.
6 (i) With respect to DNA testing:
7 (1) The availability, cost and extent of its use, both in Nevada and in
8 the rest of the country.
9 (2) Current policies regarding the use of DNA testing in Nevada
10 compared with policies in the remainder of the states.
11 (3) The manner for storing and using such DNA information.
12 (4) Post-conviction DNA testing, criteria for requests by prisoners
13 and procedures for handling those requests.
14 (5) Any Fifth Amendment or other constitutional issues related to the
15 use of DNA evidence in capital cases.
16 (j) The need for any appropriate legislation or adoption of court rules
17 which would contribute or assist in ensuring that the death penalty is
18 administered fairly and impartially and in accordance with all applicable
19 constitutional provisions and that persons who are innocent are not
20 sentenced to death or executed.
21 3. A report of the results of the study and any recommendations for
22 legislation must be submitted to the 72nd session of the Nevada
23 Legislature.
24 **Sec. 3.** This act becomes effective upon passage and approval and
25 expires by limitation on July 1, 2003.

