

ASSEMBLY BILL NO. 190—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA SUPREME COURT)

FEBRUARY 27, 2007

Referred to Committee on Judiciary

SUMMARY—Makes various changes to provisions governing criminal procedure. (BDR 14-655)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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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 criminal procedure; revising the provisions pertaining to the exoneration of a surety; revising the provisions relating to the submission by district attorneys of annual reports concerning certain criminal cases; repealing the requirement that reports concerning certain criminal cases be submitted to the Director of the Legislative Counsel Bureau; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a court may exonerate a surety before the date of a forfeiture under certain circumstances. (NRS 178.509) **Section 1** of this bill requires a court that exonerates a surety in certain cases to prepare an order exonerating the surety and to forward a copy of the order to the Office of Court Administrator.

Section 2 of this bill revises existing law to require the district attorney for each county to submit an annual report concerning certain cases to the Attorney General instead of the Supreme Court. (NRS 178.750)

Section 3 of this bill repeals existing law which requires the Supreme Court to submit to the Director of the Legislative Counsel Bureau a report of the information concerning certain cases submitted to the Supreme Court by the district attorneys. (NRS 2.193)



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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 178.509 is hereby amended to read as follows:

178.509 1. If the defendant fails to appear when his presence in court is lawfully required, the court shall not exonerate the surety before the date of forfeiture prescribed in NRS 178.508 unless:

(a) The defendant appears before the court and the court, upon hearing the matter, determines that the defendant has presented a satisfactory excuse or that the surety did not in any way cause or aid the absence of the defendant; or

(b) The surety submits an application for exoneration on the ground that the defendant is unable to appear because the defendant:

(1) Is dead;

(2) Is ill;

(3) Is insane;

(4) Is being detained by civil or military authorities; or

(5) Has been deported,

➔ and the court, upon hearing the matter, determines that one or more of the grounds described in this paragraph exist and that the surety did not in any way cause or aid the absence of the defendant.

2. If the requirements of subsection 1 are met, the court may exonerate the surety upon such terms as may be just.

3. If the court exonerates a surety pursuant to this section and there is any undertaking or money deposited instead of bail bond where the defendant has been charged with a gross misdemeanor or felony, the court shall:

(a) Prepare an order exonerating the surety; and

(b) Forward a copy of the order to the Office of Court Administrator.

Sec. 2. NRS 178.750 is hereby amended to read as follows:

178.750 1. The district attorney for each county shall prepare and submit a report , *on a form approved by the Attorney General*, to the ~~Supreme Court~~ *Attorney General* not later than February 1 of each year concerning each case filed during the previous calendar year that included a charge for murder or voluntary manslaughter. The district attorney shall exclude from the report any charge for manslaughter that resulted from a death in an accident or collision involving a motor vehicle.

2. The report required pursuant to subsection 1 must include, without limitation:

(a) The age, gender and race of the defendant;

(b) The age, gender and race of any codefendant or other person charged or suspected of having participated in the homicide and in any alleged related offense;



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- 1 (c) The age, gender and race of the victim of the homicide and
2 any alleged related offense;
3 (d) The date of the homicide and of any alleged related offense;
4 (e) The date of filing of the information or indictment;
5 (f) The name of each court in which the case was prosecuted;
6 (g) Whether or not the prosecutor filed a notice of intent to seek
7 the death penalty and, if so, when the prosecutor filed the notice;
8 (h) The final disposition of the case and whether or not the case
9 was tried before a jury;
10 (i) The race, ethnicity and gender of each member of the jury, if
11 the case was tried by a jury; and
12 (j) The identity of:
13 (1) Each prosecuting attorney who participated in the
14 decision to file the initial charges against the defendant;
15 (2) Each prosecuting attorney who participated in the
16 decision to offer or accept a plea, if applicable;
17 (3) Each prosecuting attorney who participated in the
18 decision to seek the death penalty, if applicable; and
19 (4) Each person outside the office of the district attorney who
20 was consulted in determining whether to seek the death penalty or to
21 accept or reject a plea, if any.
22 3. If all the information required pursuant to subsection 1
23 cannot be provided because the case is still in progress, an
24 additional report must be filed with the ~~Supreme Court~~ **Attorney**
25 **General** each time a subsequent report is filed until all the
26 information, to the extent available, has been provided.
27 **Sec. 3.** NRS 2.193 is hereby repealed.
28 **Sec. 4.** This act becomes effective on July 1, 2007.

TEXT OF REPEALED SECTION

2.193 Duty to submit report to Legislature concerning cases that included charge for murder or voluntary manslaughter. Not later than March 1 of each odd-numbered year, the Supreme Court shall prepare and submit to the Director of the Legislative Counsel Bureau for distribution to each regular session of the Legislature a report of the information submitted to the Supreme Court by the district attorneys during the preceding biennium pursuant to NRS 178.750.

