

Assembly Bill No. 192–Committee on Judiciary

CHAPTER.....

AN ACT relating to criminal procedure; clarifying provisions concerning the authority to stay the execution of a judgment of death; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law sets forth the various ways in which a judgment of death may be stayed. (NRS 176.415) This bill clarifies that the Governor may also cause such a judgment to be stayed by granting a reprieve pursuant to Section 13 of Article 5 of the Nevada Constitution.

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

Section 1. NRS 176.415 is hereby amended to read as follows:

176.415 The execution of a judgment of death must be stayed only:

1. By the State Board of Pardons Commissioners as authorized in ~~{Sections 13 and}~~ **Section** 14 of Article 5 of the Constitution of the State of Nevada;

2. ***By the Governor if he grants a reprieve pursuant to Section 13 of Article 5 of the Constitution of the State of Nevada;***

3. When a direct appeal from the judgment of conviction and sentence is taken to the Supreme Court;

~~{3-}~~ 4. By a judge of the district court of the county in which the state prison is situated, for the purpose of an investigation of sanity or pregnancy as provided in NRS 176.425 to 176.485, inclusive;

~~{4-}~~ 5. By a judge of the district court in which a motion is filed pursuant to subsection 5 of NRS 175.554, for the purpose of determining whether the defendant is mentally retarded; or

~~{5-}~~ 6. Pursuant to the provisions of NRS 176.0919 or 176.486 to 176.492, inclusive.

Sec. 2. This act becomes effective upon passage and approval.

