

ASSEMBLY BILL NO. 364—ASSEMBLYMEN HORNE, PARKS, ALLEN,
ARBERRY, ATKINSON, GERHARDT, GOEDHART, KIHUEN,
KOIVISTO, MARVEL, MCCLAIN, OHRENSCHALL, PIERCE,
SEGERBLOM, WEBER AND WOMACK

MARCH 15, 2007

JOINT SPONSORS: SENATORS COFFIN, BEERS, RHOADS,
SCHNEIDER, WIENER AND WOODHOUSE

Referred to Committee on Judiciary

SUMMARY—Revises certain provisions relating to the use of a
grand jury. (BDR 14-1303)

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 criminal procedure; prohibiting the use of a
grand jury in certain circumstances; and providing other
matters properly relating thereto.

Legislative Counsel's Digest:

- 1 This bill expands the existing limitations on the use of a grand jury so that a
- 2 district attorney is also prohibited from seeking the indictment of a person if the
- 3 evidence presented by the district attorney during the preliminary hearing was
- 4 insufficient to hold the person for trial, unless substantial evidence is discovered
- 5 that was not available at the time of the preliminary hearing. (NRS 172.107)

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

- 1 **Section 1.** NRS 172.107 is hereby amended to read as follows:
- 2 172.107 A district attorney shall not use a grand jury to :
- 3 *1. Seek the indictment of a person if the evidence presented*
- 4 *by the district attorney during a preliminary examination is*
- 5 *insufficient to warrant holding the person for trial, unless*



- 1 *substantial evidence that was not available at the time of the*
- 2 *preliminary examination is discovered; or*
- 3 2. Discover tangible, documentary or testimonial evidence to
- 4 assist in the prosecution of a defendant who has already been
- 5 charged with the public offense by indictment or information.

