

Assembly Bill No. 364—Assemblymen Horne, Parks, Allen, Arberry, Atkinson, Gerhardt, Goedhart, Kihuen, Koivisto, Marvel, McClain, Ohrenschall, Pierce, Segerblom, Weber and Womack

Joint Sponsors: Senators Coffin, Beers, Rhoads, Schneider, Wiener and Woodhouse

CHAPTER.....

AN ACT relating to criminal procedure; authorizing a defendant to submit a statement concerning the results of a preliminary hearing to a grand jury; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill authorizes a defendant to submit a statement to a grand jury providing whether a preliminary hearing was held and, if so, that the evidence presented was considered insufficient to warrant holding the defendant for trial. (NRS 172.145)

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

Section 1. (Deleted by amendment.)

Sec. 2. NRS 172.145 is hereby amended to read as follows:

172.145 1. The grand jury is not bound to hear evidence for the defendant ~~H~~, *except that the defendant is entitled to submit a statement which the grand jury must receive providing whether a preliminary hearing was held concerning the matter and, if so, that the evidence presented was considered insufficient to warrant holding the defendant for trial.* It is their duty, however, to weigh all evidence submitted to them, and when they have reason to believe that other evidence within their reach will explain away the charge, they shall order that evidence to be produced, and for that purpose may require the district attorney to issue process for the witnesses.

2. If the district attorney is aware of any evidence which will explain away the charge, he shall submit it to the grand jury.

3. The grand jury may invite any person, without process, to appear before the grand jury to testify.

