

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 information
provided to 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; 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:

- 1 This bill authorizes a defendant to submit a statement to a grand jury providing
2 whether a preliminary hearing was held and, if so, that the evidence presented was
3 considered insufficient to warrant holding the defendant for trial. (NRS 172.145)
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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** (Deleted by amendment.)
2 **Sec. 2.** NRS 172.145 is hereby amended to read as follows:
3 172.145 1. The grand jury is not bound to hear evidence for
4 the defendant ***H***, ***except that the defendant is entitled to submit a***
5 ***statement which the grand jury must receive providing whether a***
6 ***preliminary hearing was held concerning the matter and, if so,***
7 ***that the evidence presented was considered insufficient to warrant***



- 1 *holding the defendant for trial.* It is their duty, however, to weigh
2 all evidence submitted to them, and when they have reason to
3 believe that other evidence within their reach will explain away the
4 charge, they shall order that evidence to be produced, and for that
5 purpose may require the district attorney to issue process for the
6 witnesses.
- 7 2. If the district attorney is aware of any evidence which will
8 explain away the charge, he shall submit it to the grand jury.
- 9 3. The grand jury may invite any person, without process, to
10 appear before the grand jury to testify.

