

Amendment No. 315

Assembly Amendment to Assembly Bill No. 190	(BDR S-764)
Proposed by: Assembly Committee on Elections, Procedures, Ethics, and Constitutional Amendments	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold dashed underlining* is newly added transitory language.

A.B. No. 190—Establishes a moratorium on the execution of sentences of death and provides for a study of issues regarding the death penalty.
(BDR S-764)



ASSEMBLY BILL NO. 190—ASSEMBLYMEN ANDERSON, LESLIE, OHRENSCHALL,
SEGERBLOM, BUCKLEY; ATKINSON, CLABORN, HOGAN, HORNE, MCCLAIN,
MUNFORD AND PIERCE

FEBRUARY 18, 2009

Referred to Committee on Elections, Procedures, Ethics,
and Constitutional Amendments

SUMMARY—~~Establishes a moratorium on the execution of sentences of death and provides~~ **Provides** for a study of issues regarding the death penalty. (BDR S-764)

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 the death penalty; ~~establishing a moratorium on the execution of sentences of death;~~ providing for a study of issues regarding the death penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Section 1 of this bill establishes a moratorium on the execution of sentences of death until July 1, 2011. The moratorium does not prohibit any proceeding or prosecution seeking a sentence of death, but bars any execution from being carried out until July 1, 2011.~~
~~Section 2 of this~~ **This** bill requires the Audit Division of the Legislative Counsel Bureau to conduct a staff study on the fiscal costs of the death penalty in Nevada. The study must include, without limitation, an examination and analysis of the costs of prosecuting and adjudicating capital cases compared to noncapital cases. The Legislative Auditor must submit a written report of findings to the Director of the Legislative Counsel Bureau on or before January 31, 2011.

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

Section 1. ~~[1. Notwithstanding the provisions of any law, rule of court or order issued by a court of competent jurisdiction, a moratorium on the execution of all sentences of death is hereby established until July 1, 2011, and the sentence of any person sentenced to death before, on or after the effective date of this act must not be executed until July 1, 2011.~~
~~2. Notwithstanding the provisions of any law, rule of court or order issued by a court of competent jurisdiction:~~
~~(a) If, before the effective date of this act, a court has issued a warrant of execution of a sentence of death that appoints a week within which the judgment of~~

~~death is to be executed which is before July 1, 2011, the court shall, not later than 60 days after the effective date of this act, issue a new warrant of execution of the sentence of death appointing a week within which the judgment of death is to be executed which is on or after July 1, 2011.~~

~~(b) On or after the effective date of this act, a court shall not issue a warrant of execution of a sentence of death that appoints a week within which the judgment of death is to be executed which is before July 1, 2011.~~

~~3. The provisions of this section must not be construed to:~~

~~(a) Affect any procedures regarding charging, prosecution or sentencing with respect to any offense committed before, on or after the effective date of this act;~~

~~(b) Prevent any person from being sentenced to death before, on or after the effective date of this act;~~

~~(c) Constitute the granting of a commutation or pardon to a person sentenced to death before, on or after the effective date of this act;~~

~~(d) Alter or amend the sentence of any person sentenced to death before, on or after the effective date of this act; or~~

~~(e) Affect any appeal, petition for a writ of habeas corpus or other request for judicial relief filed before, on or after the effective date of this act. (Deleted by amendment.)~~

Sec. 2. 1. The Legislative Commission shall direct the Audit Division of the Legislative Counsel Bureau to conduct a staff study of the fiscal costs associated with the death penalty in this State.

2. The study conducted pursuant to this section must include an examination and analysis concerning the costs of prosecuting and adjudicating capital murder cases as compared to noncapital murder cases, including, without limitation, the costs relating to the death penalty borne by the State of Nevada and by the local governments in this State at each stage of the proceedings in capital murder cases, including pretrial costs, trial costs, appellate and postconviction costs and costs of incarceration such as:

(a) The costs of legal counsel involved in the prosecution and defense of a capital murder case for all pretrial, trial and postconviction proceedings; and

(b) Additional procedural costs involved in capital murder cases as compared to noncapital murder cases, including, without limitation, costs relating to:

(1) Processing of bonds, including investigative costs of prosecutors, police and other staff;

(2) Investigation of a case before a person is charged with a crime, including costs for investigation by the prosecution and the defense;

(3) Pretrial motions;

(4) Extradition;

(5) Psychiatric and medical evaluations;

(6) Expert witnesses;

(7) Juries;

(8) Sentencing proceedings;

(9) Appellate and postconviction proceedings, including motions, writs of certiorari and state and federal petitions for postconviction relief;

(10) Requests for clemency;

(11) Incarceration of persons awaiting trial in capital murder cases and persons sentenced to death; and

(12) Execution of a sentence of death, including costs of facilities and staff.

3. On or before January 31, 2011, the Legislative Auditor shall submit a written report of any findings to the Director of the Legislative Counsel Bureau for transmittal to the 76th Session of the Nevada Legislature.

1 **Sec. 3.** This act becomes effective upon passage and approval. ~~and expires~~
2 ~~by limitation on June 30, 2011.~~