

Amendment No. 269

Assembly Amendment to Assembly Bill No. 499

(BDR 14-1158)

Proposed by: Assembly Committee on Judiciary**Amends:** Summary: No 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.

NMB/RRY



Date: 4/10/2009

A.B. No. 499—Revises provisions relating to discovery in criminal proceedings.
(BDR 14-1158)



ASSEMBLY BILL NO. 499—COMMITTEE ON JUDICIARY

MARCH 23, 2009

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to discovery in criminal proceedings.
(BDR 14-1158)

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; requiring a prosecutor to provide ~~to~~ **certain defendants** with certain discovery when the defendant is brought before a magistrate after an arrest ~~to~~ **or at another time not less than 5 days before a preliminary examination**; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a prosecutor is required to provide ~~to~~ **any** defendant with copies of certain discovery, including, without limitation, documents, reports, tests, tangible objects and recorded statements, not less than 2 days before a preliminary examination is held. (NRS 171.1965) This bill requires a prosecutor to provide a defendant **charged with a felony or a gross misdemeanor** with copies of such discovery at ~~for before~~ the time when the defendant is brought before a magistrate after an arrest pursuant to NRS 171.178 ~~to~~ **or as soon as practicable thereafter, but in no event less than 5 days before a preliminary examination**.

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

Section 1. NRS 171.1965 is hereby amended to read as follows:

171.1965 1. ~~Not~~ **At the time a person is brought before a magistrate pursuant to NRS 171.178, or as soon as practicable thereafter, but not less than 5 judicial days before a preliminary examination, to** ~~At or before the time a person is brought before a magistrate pursuant to NRS 171.178,~~ the prosecuting attorney shall provide ~~the~~ **a** defendant **charged with a felony or a gross misdemeanor** with copies of any:

(a) Written or recorded statements or confessions made by the defendant, or any written or recorded statements made by a witness or witnesses, or any reports of statements or confessions, or copies thereof, within the possession or custody of the prosecuting attorney;

1 (b) Results or reports of physical or mental examinations, scientific tests or
2 scientific experiments made in connection with the particular case, or copies
3 thereof, within the possession or custody of the prosecuting attorney; and

4 (c) Books, papers, documents or tangible objects that the prosecuting attorney
5 intends to introduce in evidence during the case in chief of the State, or copies
6 thereof, within the possession or custody of the prosecuting attorney.

7 2. The defendant is not entitled, pursuant to the provisions of this section, to
8 the discovery or inspection of:

9 (a) An internal report, document or memorandum that is prepared by or on
10 behalf of the prosecuting attorney in connection with the investigation or
11 prosecution of the case.

12 (b) A statement, report, book, paper, document, tangible object or any other
13 type of item or information that is privileged or protected from disclosure or
14 inspection pursuant to the Constitution or laws of this State or the Constitution of
15 the United States.

16 3. The provisions of this section are not intended to affect any obligation
17 placed upon the prosecuting attorney by the Constitution of this State or the
18 Constitution of the United States to disclose exculpatory evidence to the defendant.

19 4. The magistrate shall not postpone a preliminary examination at the request
20 of a party based solely on the failure of the prosecuting attorney to permit the
21 defendant to inspect, copy or photograph material as required in this section, unless
22 the court finds that the defendant has been prejudiced by such failure.