

Amendment No. 624

Assembly Amendment to Senate Bill No. 35 First Reprint (BDR 15-272)

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.

NCA/BAW



Date: 5/10/2009

S.B. No. 35—Revises provisions relating to the prosecution of certain offenses.
(BDR 15-272)



SENATE BILL NO. 35—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED DECEMBER 5, 2008

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to the prosecution of certain offenses.
(BDR 15-272)

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; providing that an acquittal of an offense in another jurisdiction is admissible in evidence in the trial in this State for the same offense; ~~repealing~~ ***eliminating*** the provision that prohibits the prosecution of a person in this State for a crime after the person is convicted or acquitted of the crime in another ~~state, territory or~~ country; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill amends existing law to provide that after a person is acquitted of a crime in another jurisdiction and a criminal prosecution is brought in the courts of this State for the same offense, the acquittal in the other jurisdiction is admissible in evidence in the prosecution in this State. (NRS 193.280)

Section ~~1.1~~ 1.5 of this bill ~~repeals~~ ***revises*** the provision that prohibits the prosecution of a person in this State for a crime after the person is convicted or acquitted of the crime in another state, territory or country. ~~It and (2) establishes the "dual sovereignty doctrine" in this State.~~ ***by eliminating the prohibition on the prosecution of a person in this State for a crime after the person is convicted or acquitted of the crime in another country.*** (NRS 171.070) ~~(Under the dual sovereignty doctrine, successive prosecutions by two states, or by a state and the Federal Government, for the same criminal conduct are not barred by the double jeopardy clause of the Fifth Amendment to the United States Constitution. (Heath v. Alabama, 474 U.S. 82 (1985); United States v. Lanza, 260 U.S. 377 (1922)))~~

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

Section 1. NRS 193.280 is hereby amended to read as follows:

193.280 Whenever, upon the trial of any person for a crime, it appears that the offense was committed in another state or country, under such circumstances that the courts of this state had jurisdiction thereof, and that the defendant has already been acquitted ~~for convicted~~ upon the merits, upon a criminal prosecution under the laws of such state or country, founded upon the act or omission with respect to which he is upon trial, such former acquittal ~~for conviction is a sufficient defense.~~ *is admissible in evidence in the trial.*

Sec. 1.5. NRS 171.070 is hereby amended to read as follows:

171.070 When an act charged as a public offense is within the jurisdiction of another state ~~or~~ or territory ~~or country,~~ as well as of this state, a conviction or acquittal thereof in the former is a bar to the prosecution or indictment therefor in this state.

Sec. 2. ~~[NRS 171.070 is hereby repealed.]~~ **(Deleted by amendment.)**

Sec. 3. The amendatory provisions of this act do not apply to offenses committed before July 1, 2009.

Sec. 4. This act becomes effective on July 1, 2009.

TEXT OF REPEALED SECTION

~~171.070 Conviction or acquittal in another state, territory or country is bar where jurisdiction is concurrent. When an act charged as a public offense is within the jurisdiction of another state, territory or country, as well as of this State, a conviction or acquittal thereof in the former is a bar to the prosecution or indictment therefor in this State.~~