

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 may be introduced in evidence by the defendant in the trial in this State for the same offense; 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 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 may be introduced in evidence by the defendant in the prosecution in this State. (NRS 193.280)

Section 1.5 of this bill 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 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)



* S B 3 5 R 3 *

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

- 1 **Section 1.** NRS 193.280 is hereby amended to read as follows:
2 193.280 Whenever, upon the trial of any person for a crime, it
3 appears that the offense was committed in another state or country,
4 under such circumstances that the courts of this state had
5 jurisdiction thereof, and that the defendant has already been
6 acquitted ~~for convicted~~ upon the merits, upon a criminal
7 prosecution under the laws of such state or country, founded upon
8 the act or omission with respect to which he is upon trial, such
9 former acquittal ~~for conviction is a sufficient defense.~~ *may be*
10 *introduced in evidence by the defendant in the trial.*
11 **Sec. 1.5.** NRS 171.070 is hereby amended to read as follows:
12 171.070 When an act charged as a public offense is within the
13 jurisdiction of another state ~~or~~ *or* territory , ~~for country,~~ as well as
14 of this state, a conviction or acquittal thereof in the former is a bar to
15 the prosecution or indictment therefor in this state.
16 **Sec. 2.** (Deleted by amendment.)
17 **Sec. 3.** The amendatory provisions of this act do not apply to
18 offenses committed before July 1, 2009.
19 **Sec. 4.** This act becomes effective on July 1, 2009.

