

ASSEMBLY BILL NO. 107—ASSEMBLYWOMAN FLORES

PREFILED JANUARY 31, 2011

Referred to Committee on Judiciary

SUMMARY—Requires the adoption of certain policies and procedures governing the identification of criminal suspects. (BDR 14-614)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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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 the adoption of certain policies and procedures governing the identification of criminal suspects; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires each law enforcement agency to adopt policies and procedures governing certain identification procedures conducted to determine whether an eyewitness to a crime is able to identify a suspect as the perpetrator of the crime. Specifically, such identification procedures include live lineups, photo lineups and show-ups.

Section 2 of this bill requires the Advisory Commission on the Administration of Justice, for two scheduled meetings of the Commission, to include as an item on the agenda a discussion of the progress of law enforcement agencies in adopting such policies and procedures. **Section 2** also requires a representative of the Nevada Sheriffs' and Chiefs' Association to appear at those meetings to report on the progress of law enforcement agencies in adopting such policies and procedures.

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

Section 1. Chapter 171 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each law enforcement agency shall adopt policies and procedures governing the use of live lineups, photo lineups and show-ups.

2. As used in this section:



1 (a) "Live lineup" means an identification procedure in which
2 a group of persons, including the suspect, is displayed to an
3 eyewitness to determine whether the eyewitness identifies the
4 suspect as the perpetrator of a crime.

5 (b) "Photo lineup" means an identification procedure in which
6 an array of photographs, including a photograph of the suspect, is
7 displayed to an eyewitness in hard copy or by digital image to
8 determine whether the eyewitness identifies the suspect as the
9 perpetrator of a crime.

10 (c) "Show-up" means an identification procedure in which the
11 suspect appears individually for possible identification by the
12 eyewitness as the perpetrator of a crime.

13 **Sec. 2.** 1. The Advisory Commission on the Administration
14 of Justice shall, for each of two separate meetings held by the
15 Commission, include as an item on the agenda a discussion of the
16 progress of law enforcement agencies in this State in adopting
17 policies and procedures as required by section 1 of this act. The
18 meetings must be held not later than:

19 (a) April 1, 2012, for the first meeting; and

20 (b) October 1, 2012, for the second meeting.

21 2. A representative of the Nevada Sheriffs' and Chiefs'
22 Association or its successor organization shall attend each meeting
23 required by subsection 1 to provide a report concerning the progress
24 of law enforcement agencies in this State in adopting such policies
25 and procedures.

