

ASSEMBLY BILL NO. 269—COMMITTEE ON JUDICIARY

MARCH 14, 2011

Referred to Committee on Judiciary

SUMMARY—Revises certain provisions relating to the use of a grand jury. (BDR 14-1127)

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; prohibiting the use of a grand jury in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 This bill expands the existing limitations on the use of a grand jury so that a
2 district attorney is also prohibited from seeking the indictment of a person if the
3 evidence presented by the district attorney during the preliminary examination was
4 insufficient to hold the person for trial, unless substantial evidence is discovered
5 that was not available at the time of the preliminary hearing.

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

1 **Section 1.** NRS 172.107 is hereby amended to read as follows:
2 172.107 A district attorney shall not use a grand jury to
3 ~~{discover}~~ :
4 1. *Seek the indictment of a person if the evidence presented*
5 *by the district attorney during a preliminary examination is*
6 *insufficient to warrant holding the person for trial, unless*
7 *substantial evidence that was not available at the time of the*
8 *preliminary examination is discovered; or*
9 2. *Discover* tangible, documentary or testimonial evidence to
10 assist in the prosecution of a defendant who has already been
11 charged with the public offense by indictment or information.

