

ASSEMBLY BILL NO. 501—COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS

MARCH 28, 2011

Referred to Concurrent Committees on Legislative
Operations and Elections and Ways and Means

SUMMARY—Provides for an audit of the fiscal costs of the death
penalty. (BDR S-1103)

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 the death penalty; providing for an audit of the
fiscal costs of the death penalty; and providing other
matters properly relating thereto.

Legislative Counsel's Digest:

- 1 This bill requires the Legislative Commission to direct the Legislative Auditor
2 to conduct an audit of the fiscal costs of the death penalty in Nevada. The audit
3 must include, without limitation, an examination and analysis of the costs of
4 prosecuting and adjudicating capital cases compared to noncapital cases. The
5 Legislative Auditor is required to present a final written report of the audit to the
6 Audit Subcommittee of the Legislative Commission on or before January 31, 2013.
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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** (Deleted by amendment.)
2 **Sec. 2.** 1. The Legislative Commission shall direct the
3 Legislative Auditor to conduct an audit of the fiscal costs associated
4 with the death penalty in this State.
5 2. The audit conducted pursuant to this section must include an
6 examination and analysis concerning the costs of prosecuting and
7 adjudicating capital murder cases as compared to noncapital murder
8 cases, including, without limitation, the costs relating to the death
9 penalty borne by the State of Nevada and by the local governments
10 in this State at each stage of the proceedings in capital murder cases,



including pretrial costs, trial costs, appellate and postconviction costs and costs of incarceration such as:

(a) The costs of legal counsel involved in the prosecution and defense of a capital murder case for all pretrial, trial and postconviction proceedings; and

(b) Additional procedural costs involved in capital murder cases as compared to noncapital murder cases, including, without limitation, costs relating to:

(1) Processing of bonds, including investigative costs of prosecutors, police and other staff;

(2) Investigation of a case before a person is charged with a crime, including costs for investigation by the prosecution and the defense;

(3) Pretrial motions;

(4) Extradition;

(5) Psychiatric and medical evaluations;

(6) Expert witnesses;

(7) Juries;

(8) Sentencing proceedings;

(9) Appellate and postconviction proceedings, including motions, writs of certiorari and state and federal petitions for postconviction relief;

(10) Requests for clemency;

(11) Incarceration of persons awaiting trial in capital murder cases and persons sentenced to death; and

(12) Execution of a sentence of death, including costs of facilities and staff.

3. The audit must be conducted in the manner set forth in NRS 218G.010 to 218G.450, inclusive, and for purposes of the audit the provisions of those sections are applicable to a local government in the same manner as to an agency of the State.

4. On or before January 31, 2013, the Legislative Auditor shall present a final written report of the audit to the Audit Subcommittee of the Legislative Commission created by NRS 218E.240.

Sec. 3. This act becomes effective upon passage and approval.

