

Amendment No. 322

Assembly Amendment to Assembly Bill No. 107

(BDR 14-614)

Proposed by: Assembly Committee on Judiciary**Amends:** Summary: Yes 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 underlining* is newly added transitory language.

AMI/RRY



Date: 4/22/2011

A.B. No. 107—Requires the adoption of certain policies and procedures regarding the eyewitness identification of criminal suspects. (BDR 14-614)



ASSEMBLY BILL NO. 107—ASSEMBLYWOMAN FLORES

PREFILED JANUARY 31, 2011

Referred to Committee on Judiciary

SUMMARY—Requires the adoption of certain policies and procedures ~~regarding~~ **governing** the ~~eyewitness~~ 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 ~~relating to~~ **governing** the identification of criminal suspects; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This] 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. [Such] **Specifically, such** identification procedures include live lineups, photo lineups and show-ups. [Section 13 of this bill requires the adoption of policies and procedures that are generally applicable to all identification procedures. Section 14 of this bill requires the adoption of policies and procedures that are specifically applicable to live lineups and photo lineups, in which a suspect or the picture of a suspect is included in a live display or a photo display of a number of other persons. Section 15 of this bill requires the adoption of policies and procedures that are specifically applicable to show-ups, in which a suspect is presented before a witness for positive identification. Section 16 of this bill requires the adoption of policies and procedures that are specifically applicable to the completion of an identification procedure. Section 17 of this bill provides that evidence of failure to comply with any of the policies and procedures required by this bill is admissible in court to challenge the eyewitness identification of a suspect. Section 18 of this bill requires the Peace Officers' Standards and Training Commission to train peace officers in the policies and procedures required by this bill.]~~

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:

Delete existing sections 1 through 22 of this bill and replace with the following new sections 1 and 2:

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:

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

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

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

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

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

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

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