

SENATE BILL NO. 24—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED DECEMBER 20, 2012

Referred to Committee on Government Affairs

SUMMARY—Authorizes the establishment of a program for law enforcement personnel and prosecuting attorneys on the Vienna Convention on Consular Relations. (BDR 18-399)

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 procedure in criminal cases; authorizing the Attorney General to establish a program to assist law enforcement personnel and prosecuting attorneys in complying with certain requirements of the Vienna Convention on Consular Relations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Supreme Court has succinctly described the Vienna Convention on Consular Relations as follows:

The Vienna Convention is a multilateral treaty negotiated in 1963 to which both Mexico and the United States are parties. *See* Vienna Convention, April 24, 1963, 21 U.S.T. 77. Upon ratification in 1969, the treaty became the supreme law of the land under Article 6, Clause 2 of the United States Constitution. *See* U.S. Const. art. VI, cl. 2. Article 36 of the treaty provides that a foreign national who is “arrested or committed to prison or to custody pending trial or is detained in any other manner” has the right to have his foreign consulate notified and to communicate therewith. Vienna Convention, 21 U.S.T. at 101. Importantly, Article 36 also requires that the arresting authorities “shall inform the person concerned without delay of [these] rights.”

Garcia v. State, 117 Nev. 124, 127 (2001). This bill authorizes the Attorney General to establish a program to assist law enforcement personnel and prosecuting



18 attorneys in complying with the requirements of Article 36 of the Vienna
19 Convention on Consular Relations.

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

- 1 **Section 1.** Chapter 228 of NRS is hereby amended by adding
2 thereto a new section to read as follows:
3 ***1. The Attorney General may establish a program to assist***
4 ***law enforcement personnel and prosecuting attorneys in***
5 ***complying with the requirements of Article 36 of the Vienna***
6 ***Convention on Consular Relations, April 24, 1963, 21 U.S.T. 77,***
7 ***596 U.N.T.S. 261.***
8 ***2. The Attorney General may adopt such regulations as***
9 ***necessary to carry out the provisions of subsection 1.***
10 **Sec. 2.** This act becomes effective on July 1, 2013.

