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Office of the Governor

June 9, 2017

The Honorable Barbara Cegavske
Nevada Secretary of State
101 North Carson Street
Carson City, NV 89701

RE: Assembly Bill 376 of the 79th Legislative Session

Dear Secretary of State Cegavske:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 376 ("AB 376"), which is entitled:

AN ACT relating to criminal procedure; revising provisions governing the filing of a complaint after an arrest without a warrant; and providing other matters properly relating thereto.

AB 376 is a straightforward bill with good intentions. Defendants arrested without a warrant deserve an expeditious process, including a timely filing of a criminal complaint. Such defendants should not have to wait in jail any longer than is absolutely necessary for the State to determine and file criminal charges. However, SB 376 departs from the current system that gives judges the discretion to determine appropriate procedure, and sets up a rigid timeline that could prove unworkable and unwise in certain cases. Therefore, I cannot support AB 376.

Current law requires criminal complaints on warrantless arrests to be filed "forthwith." Such language gives a judge the power to intervene if prosecutors are dilatory. AB 376 would replace "forthwith" with a 72-hour deadline to file the complaint, excluding weekends and legal holidays. For good cause, a prosecutor could obtain an additional 72-hour extension, but this extension would include weekends. Stated differently, an extension granted on Friday would expire on Monday.

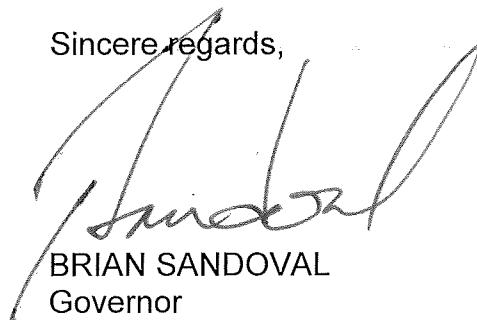
Courts are closed on weekends, and Nevada's rural courts and other Municipal and Justice Courts do not allow for electronic filing. Thus, there would be no way to file a complaint on any weekend included in a 72-hour extension.

Prosecutors across Nevada have expressed their objections to AB 376. They recognize that the vast majority of cases could meet—and in fact do meet—the new deadlines. But there are exceptions when evidence is still being gathered and processed, and a forced release of a defendant due to these new time restrictions could endanger public safety.

To the extent that some prosecutors may be abusing the current system, it is better to deal with those instances through a judge on case-by-case bases, rather than with an inflexible, statutory deadline.

For these reasons, I veto Assembly Bill 376 and return it without my signature or approval.

Sincere regards,

A handwritten signature in black ink, appearing to read "B. Sandoval", is written over the typed name and title.

BRIAN SANDOVAL
Governor

Enclosure

cc: *The Honorable Mark Hutchison, President of the Senate (without enclosure)*
 The Honorable Jason Frierson, Speaker of the Assembly (without enclosure)
 The Honorable Aaron Ford, Senate Majority Leader (without enclosure)
 Claire J. Clift, Secretary of the Senate (without enclosure)
 Susan Furlong, Chief Clerk of the Assembly (without enclosure)
 Brenda Erdoes, Esq., Legislative Counsel (without enclosure)