

ASSEMBLY BILL NO. 16—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 15, 2018

Referred to Committee on Judiciary

SUMMARY—Increases the time for law enforcement officers to execute and return search warrants to obtain DNA samples. (BDR 14-423)

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; increasing the time for law enforcement officers to execute and return search warrants to obtain DNA samples; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides that a search warrant may be executed and returned only within 10 days after its date. (NRS 179.075) **Section 1** of this bill provides an exception to that requirement and specifies that if a search warrant provides for the collection of a biological specimen from a person, the warrant may be executed and returned within 1 year after its date. **Section 5** of this bill provides that such an exception applies to a search warrant that is issued on or after October 1, 2019.

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

Section 1. Chapter 179 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a warrant provides for the collection of a biological specimen from a person, the warrant may be executed and returned within 1 year after its date.

2. As used in this section, “biological specimen” has the meaning ascribed to it in NRS 176.09112.



Sec. 2. NRS 179.075 is hereby amended to read as follows:

179.075 1. ~~[The]~~ *Except as otherwise provided in section 1 of this act, a* warrant may be executed and returned only within 10 days after its date.

2. The officer taking property under the warrant shall give to the person from whom or from whose premises the property was taken a copy of the warrant and a receipt for the property taken or shall leave the copy and receipt at the place from which the property was taken.

3. The return ~~[shall]~~ *must* be made promptly and ~~[shall]~~ *must* be accompanied by a written inventory of any property taken. The inventory ~~[shall]~~ *must* be made in the presence of the applicant for the warrant and the person from whose possession or premises the property was taken, if they are present, or in the presence of at least one credible person other than the applicant for the warrant or the person from whose possession or premises the property was taken, and ~~[shall]~~ *must* be verified by the officer.

4. The magistrate shall upon request deliver a copy of the inventory to the person from whom or from whose premises the property was taken and to the applicant for the warrant.

Sec. 3. NRS 179.015 is hereby amended to read as follows:

179.015 As used in NRS 179.015 to 179.115, inclusive, *and section 1 of this act*, the term "property" includes documents, books, papers and any other tangible objects.

Sec. 4. NRS 179.115 is hereby amended to read as follows:

179.115 NRS 179.015 to 179.115, inclusive, *and section 1 of this act* do not modify any other statute regulating search, seizure and the issuance and execution of search warrants in circumstances for which special provision is made.

Sec. 5. The amendatory provisions of this act apply to a search warrant that is issued on or after October 1, 2019.

