

Amendment No. 382

Senate Amendment to Senate Bill No. 438	(BDR 14-927)
Proposed by: Senate 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	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

MNM/BAW



Date: 4/16/2019

S.B. No. 438—Establishes the circumstances in which a confession by itself is sufficient to warrant the conviction of a defendant.
(BDR 14-927)



SENATE BILL NO. 438—COMMITTEE ON JUDICIARY

MARCH 25, 2019

Referred to Committee on Judiciary

SUMMARY—Establishes the circumstances in which a statement or confession by itself is sufficient to ~~[warrant]~~ sustain the conviction of a defendant. (BDR 14-927)

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; establishing the circumstances in which a statement or confession by itself is sufficient to ~~[warrant]~~ sustain the conviction of a defendant; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill establishes the circumstances in which a statement or confession made by a defendant is, by itself, sufficient to ~~[warrant]~~ sustain the conviction of the defendant without other proof that the defendant committed a crime. This bill provides that a statement or confession alone is sufficient to ~~[warrant]~~ sustain the conviction of a defendant if: (1) the defendant is charged with certain specified crimes; (2) the defendant's statement or confession is made to a peace officer while the peace officer is acting in his or her official capacity; and (3) the court determines that there is sufficient evidence to establish the trustworthiness of the defendant's statement or confession. This bill also requires the court to consider certain factors when making a determination as to whether there is sufficient evidence to establish the trustworthiness of the defendant's statement or confession.

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

Section 1. Chapter 175 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A statement or confession made by a defendant is, in and of itself, sufficient to ~~[warrant]~~ sustain the conviction of the defendant without other proof that the defendant committed a crime if:

(a) The defendant is charged with:

(1) An offense listed in NRS 179D.097;

(2) Driving under the influence of intoxicating liquor or a controlled substance in violation of NRS 484C.110;

(3) An offense that constitutes domestic violence pursuant to NRS 33.018; or

1 (4) An offense involving the abuse, neglect, exploitation, isolation or
2 abandonment of an older person or a vulnerable person pursuant to NRS
3 200.5091 to 200.5095, inclusive;

4 (b) The statement or confession is made to a peace officer while the peace
5 officer is acting in his or her official capacity; and

6 (c) The court determines that there is sufficient evidence to establish the
7 trustworthiness of the statement or confession.

8 2. In making a determination pursuant to paragraph (c) of subsection 1, the
9 court shall consider the following factors in addition to any other factors the
10 court considers to be important:

11 (a) ~~[Whether there is evidence demonstrating the truthfulness of portions of]~~
12 Evidence that supports the facts contained in the statement or confession;

13 (b) ~~[Whether the defendant had the opportunity to commit the crime;]~~
14 Evidence that may support the commission of a crime, which is corroborated by
15 the facts contained in the statement or confession;

16 (c) ~~[The method of any interrogation used to solicit]~~ Whether the
17 circumstances under which the statement or confession [w] was made support the
18 assertion that the statement or confession is trustworthy; and

19 (d) Whether the defendant is a vulnerable person.

20 3. As used in this section, "vulnerable person" has the meaning ascribed to
21 it in NRS 200.5092.