

SENATE BILL NO. 438—COMMITTEE ON JUDICIARY

MARCH 25, 2019

Referred to Committee on Judiciary

SUMMARY—Establishes the circumstances in which a confession by itself is sufficient to warrant 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 confession by itself is sufficient to warrant the conviction of a defendant; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

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

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

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

3 *1. A confession made by a defendant is, in and of itself,*
4 *sufficient to warrant the conviction of the defendant without other*
5 *proof that the defendant committed a crime if:*

6 (a) *The defendant is charged with:*
7 (1) *An offense listed in NRS 179D.097;*



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

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

5 (4) *An offense involving the abuse, neglect, exploitation,*
6 *isolation or abandonment of an older person or a vulnerable*
7 *person pursuant to NRS 200.5091 to 200.50995, inclusive;*

8 (b) *The confession is made to a peace officer while the peace*
9 *officer is acting in his or her official capacity; and*

10 (c) *The court determines that there is sufficient evidence to*
11 *establish the trustworthiness of the confession.*

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

15 (a) *Whether there is evidence demonstrating the truthfulness*
16 *of portions of the confession;*

17 (b) *Whether the defendant had the opportunity to commit the*
18 *crime;*

19 (c) *The method of any interrogation used to solicit the*
20 *confession; and*

21 (d) *Whether the defendant is a vulnerable person.*

22 3. *As used in this section, "vulnerable person" has the*
23 *meaning ascribed to it in NRS 200.5092.*

