

SENATE BILL NO. 228—SENATOR OHRENSCHALL

MARCH 15, 2021

Referred to Committee on Judiciary

SUMMARY—Eliminates the possibility of the imposition of a sentence of death on persons convicted of first degree murder. (BDR 15-873)

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 crimes; eliminating the possibility of the imposition of a sentence of death on a person convicted of first degree murder; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides that a sentence of death may be imposed on a person convicted of first degree murder under certain circumstances. (NRS 200.030) **Section 4** of this bill eliminates the possibility of the imposition of a sentence of death on a person convicted of first degree murder on or after the effective date of this bill. **Sections 1-3 and 5-19** of this bill make conforming changes to reflect that a sentence of death may no longer be imposed.

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

- Section 1.** NRS 193.120 is hereby amended to read as follows:
- 193.120 1. A crime is an act or omission forbidden by law and punishable upon conviction by ~~[death,]~~ imprisonment, fine or other penal discipline.
2. Every crime ~~[which may be punished]~~ *punishable* by death or by imprisonment in the state prison is a felony.
3. Every crime punishable by a fine of not more than \$1,000, or by imprisonment in a county jail for not more than 6 months, is a misdemeanor.
4. Every other crime is a gross misdemeanor.



**Sec. 2.** NRS 193.130 is hereby amended to read as follows:

193.130 1. Except when a person is convicted of a category A felony, and except as otherwise provided by specific statute, a person convicted of a felony shall be sentenced to a minimum term and a maximum term of imprisonment which must be within the limits prescribed by the applicable statute, unless the statute in force at the time of commission of the felony prescribed a different penalty. The minimum term of imprisonment that may be imposed must not exceed 40 percent of the maximum term imposed.

2. Except as otherwise provided by specific statute, for each felony committed on or after ~~{July 1, 1995:}~~ *the effective date of this act:*

(a) A category A felony is a felony for which a sentence of ~~{death or}~~ imprisonment in the state prison for life with or without the possibility of parole may be imposed, as provided by specific statute.

(b) A category B felony is a felony for which the minimum term of imprisonment in the state prison that may be imposed is not less than 1 year and the maximum term of imprisonment that may be imposed is not more than 20 years, as provided by specific statute.

(c) A category C felony is a felony for which a court shall sentence a convicted person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years. In addition to any other penalty, the court may impose a fine of not more than \$10,000, unless a greater fine is authorized or required by statute.

(d) A category D felony is a felony for which a court shall sentence a convicted person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 4 years. In addition to any other penalty, the court may impose a fine of not more than \$5,000, unless a greater fine is authorized or required by statute.

(e) A category E felony is a felony for which a court shall sentence a convicted person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 4 years. Except as otherwise provided in paragraph (b) of subsection 1 of NRS 176A.100 or paragraph (a) of subsection 2 of NRS 453.336, upon sentencing a person who is found guilty of a category E felony, the court shall suspend the execution of the sentence and grant probation to the person upon such conditions as the court deems appropriate. Such conditions of probation may include, but are not limited to, requiring the person to serve a term of confinement of not more than 1 year in the county jail. In addition to any other penalty, the court may impose a fine of not



1 more than \$5,000, unless a greater penalty is authorized or required  
2 by statute.

3 **Sec. 3.** NRS 194.010 is hereby amended to read as follows:

4 194.010 All persons are liable to punishment except those  
5 belonging to the following classes:

6 1. Children under the age of 8 years.

7 2. Children between the ages of 8 years and 10 years, unless  
8 the child is charged with murder or a sexual offense as defined in  
9 NRS 62F.100.

10 3. Children between the ages of 8 years and 14 years, in the  
11 absence of clear proof that at the time of committing the act charged  
12 against them they knew its wrongfulness.

13 4. Persons who committed the act charged or made the  
14 omission charged in a state of insanity.

15 5. Persons who committed the act or made the omission  
16 charged under an ignorance or mistake of fact, which disproves any  
17 criminal intent, where a specific intent is required to constitute the  
18 offense.

19 6. Persons who committed the act charged without being  
20 conscious thereof.

21 7. Persons who committed the act or made the omission  
22 charged, through misfortune or by accident, when it appears that  
23 there was no evil design, intention or culpable negligence.

24 8. Persons, unless the crime is ~~[punishable with death,]~~ **murder**  
25 **of the first degree**, who committed the act or made the omission  
26 charged under threats or menaces sufficient to show that they had  
27 reasonable cause to believe, and did believe, their lives would be  
28 endangered if they refused, or that they would suffer great bodily  
29 harm.

30 **Sec. 4.** NRS 200.030 is hereby amended to read as follows:

31 200.030 1. Murder of the first degree is murder which is:

32 (a) Perpetrated by means of poison, lying in wait or torture, or  
33 by any other kind of willful, deliberate and premeditated killing;

34 (b) Committed in the perpetration or attempted perpetration of  
35 sexual assault, kidnapping, arson, robbery, burglary, invasion of the  
36 home, sexual abuse of a child, sexual molestation of a child under  
37 the age of 14 years, child abuse or abuse of an older person or  
38 vulnerable person pursuant to NRS 200.5099;

39 (c) Committed to avoid or prevent the lawful arrest of any  
40 person by a peace officer or to effect the escape of any person from  
41 legal custody;

42 (d) Committed on the property of a public or private school, at  
43 an activity sponsored by a public or private school or on a school  
44 bus while the bus was engaged in its official duties by a person who  
45 intended to create a great risk of death or substantial bodily harm to



1 more than one person by means of a weapon, device or course of  
2 action that would normally be hazardous to the lives of more than  
3 one person; or

4 (e) Committed in the perpetration or attempted perpetration of  
5 an act of terrorism.

6 2. Murder of the second degree is all other kinds of murder.

7 3. The jury before whom any person indicted for murder is  
8 tried shall, if they find the person guilty thereof, designate by their  
9 verdict whether the person is guilty of murder of the first or second  
10 degree.

11 4. A person convicted of murder of the first degree is guilty of  
12 a category A felony and shall be punished:

13 (a) ~~By~~ *Except as provided in subsection 6, by* death, only if  
14 one or more aggravating circumstances are found and any mitigating  
15 circumstance or circumstances which are found do not outweigh the  
16 aggravating circumstance or circumstances, unless a court has made  
17 a finding pursuant to NRS 174.098 that the defendant is a person  
18 with an intellectual disability and has stricken the notice of intent to  
19 seek the death penalty; or

20 (b) By imprisonment in the state prison:

21 (1) For life without the possibility of parole;

22 (2) For life with the possibility of parole, with eligibility for  
23 parole beginning when a minimum of 20 years has been served; or

24 (3) For a definite term of 50 years, with eligibility for parole  
25 beginning when a minimum of 20 years has been served.

26 ➤ A determination of whether aggravating circumstances exist is  
27 not necessary to fix the penalty at imprisonment for life with or  
28 without the possibility of parole.

29 5. A person convicted of murder of the second degree is guilty  
30 of a category A felony and shall be punished by imprisonment in the  
31 state prison:

32 (a) For life with the possibility of parole, with eligibility for  
33 parole beginning when a minimum of 10 years has been served; or

34 (b) For a definite term of 25 years, with eligibility for parole  
35 beginning when a minimum of 10 years has been served.

36 6. *A person convicted of murder of the first degree on or after*  
37 *the effective date of this act shall not be punished by death.*

38 7. As used in this section:

39 (a) "Act of terrorism" has the meaning ascribed to it in  
40 NRS 202.4415;

41 (b) "Child abuse" means physical injury of a nonaccidental  
42 nature to a child under the age of 18 years;

43 (c) "School bus" has the meaning ascribed to it in NRS 483.160;

44 (d) "Sexual abuse of a child" means any of the acts described in  
45 NRS 432B.100; and



1 (e) "Sexual molestation" means any willful and lewd or  
2 lascivious act, other than acts constituting the crime of sexual  
3 assault, upon or with the body, or any part or member thereof, of a  
4 child under the age of 14 years, with the intent of arousing,  
5 appealing to, or gratifying the lust, passions or sexual desires of the  
6 perpetrator or of the child.

7 **Sec. 5.** NRS 171.198 is hereby amended to read as follows:

8 171.198 1. Except as otherwise provided in subsection 2, a  
9 magistrate shall employ a certified court reporter to take down all  
10 the testimony and the proceedings on the hearing or examination  
11 and, within such time as the court may designate, have such  
12 testimony and proceedings transcribed into typewritten transcript.

13 2. A magistrate who presides over a preliminary hearing in a  
14 justice court ~~[, in any case other than in a case in which the death~~  
15 ~~penalty is sought,]~~ may employ a certified court reporter to take  
16 down all the testimony and the proceedings on the hearing or  
17 appoint a person to use sound recording equipment to record all the  
18 testimony and the proceedings on the hearing. If the magistrate  
19 appoints a person to use sound recording equipment to record the  
20 testimony and proceedings on the hearing, the testimony and  
21 proceedings must be recorded and transcribed in the same manner as  
22 set forth in NRS 4.390 to 4.420, inclusive. Any transcript of the  
23 testimony and proceedings produced from a recording conducted  
24 pursuant to this subsection is subject to the provisions of this section  
25 in the same manner as a transcript produced by a certified court  
26 reporter.

27 3. When the testimony of each witness is all taken and  
28 transcribed by the reporter, the reporter shall certify to the transcript  
29 in the same manner as for a transcript of testimony in the district  
30 court, which certificate authenticates the transcript for all purposes  
31 of this title.

32 4. Before the date set for trial, either party may move the court  
33 before which the case is pending to add to, delete from or otherwise  
34 correct the transcript to conform with the testimony as given and to  
35 settle the transcript so altered.

36 5. The compensation for the services of a reporter employed as  
37 provided in this section are the same as provided in NRS 3.370, to  
38 be paid out of the county treasury as other claims against the county  
39 are allowed and paid.

40 6. Testimony reduced to writing and authenticated according to  
41 the provisions of this section must be filed by the examining  
42 magistrate with the clerk of the district court of the magistrate's  
43 county, and if the prisoner is subsequently examined upon a writ of  
44 habeas corpus, such testimony must be considered as given before



1 such judge or court. A copy of the transcript must be furnished to  
2 the defendant and to the district attorney.

3 7. The testimony so taken may be used:

4 (a) By the defendant; or

5 (b) By the State if the defendant was represented by counsel or  
6 affirmatively waived his or her right to counsel,

7 ↪ upon the trial of the cause, and in all proceedings therein, when  
8 the witness is sick, out of the State, dead, or persistent in refusing to  
9 testify despite an order of the judge to do so, or when the witness's  
10 personal attendance cannot be had in court.

11 **Sec. 6.** NRS 174.065 is hereby amended to read as follows:

12 174.065 Except as otherwise provided in NRS 174.061:

13 1. On a plea of guilty or guilty but mentally ill to an  
14 information or indictment accusing a defendant of a crime divided  
15 into degrees, when consented to by the prosecuting attorney in open  
16 court and approved by the court, the plea may specify the degree,  
17 and in such event the defendant shall not be punished for a higher  
18 degree than that specified in the plea.

19 2. On a plea of guilty or guilty but mentally ill to an indictment  
20 or information for murder of the first degree, when consented to by  
21 the prosecuting attorney in open court and approved by the court,  
22 the plea may specify a punishment . ~~[less than death.]~~ The specified  
23 punishment, or any lesser punishment, may be imposed by a single  
24 judge.

25 **Sec. 7.** NRS 175.011 is hereby amended to read as follows:

26 175.011 1. In a district court, cases required to be tried by  
27 jury must be so tried unless the defendant waives a jury trial in  
28 writing with the approval of the court and the consent of the State. A  
29 defendant who pleads not guilty to the charge of ~~[a capital offense]~~  
30 *murder of the first degree* must be tried by jury.

31 2. In a justice court, a case must be tried by jury only if the  
32 defendant so demands in writing not less than 30 days before trial.  
33 Except as otherwise provided in NRS 4.390 and 4.400, if a case is  
34 tried by jury, a reporter must be present who is a certified court  
35 reporter and shall report the trial.

36 **Sec. 8.** NRS 175.051 is hereby amended to read as follows:

37 175.051 1. If the offense charged is punishable by ~~[death or~~  
38 ~~by]~~ imprisonment for life, each side is entitled to eight peremptory  
39 challenges.

40 2. If the offense charged is punishable by imprisonment for any  
41 other term or by fine or by both fine and imprisonment, each side is  
42 entitled to four peremptory challenges.

43 3. The State and the defendant shall exercise their challenges  
44 alternately, in that order. Any challenge not exercised in its proper  
45 order is waived.



**Sec. 9.** NRS 175.151 is hereby amended to read as follows:

175.151 If the indictment or information ~~[be for an offense punishable with death,]~~ *is for murder of the first degree*, two counsel on each side may argue the case to the jury, but in such case, as well as in all others, the counsel for the State must open and conclude the argument. If ~~[it be]~~ *the indictment or information is* for any other offense, the court may, in its discretion, restrict the argument to one counsel on each side.

**Sec. 10.** NRS 175.552 is hereby amended to read as follows:

175.552 1. Except as otherwise provided in subsection 2, in every case in which there is a finding that a defendant is guilty or guilty but mentally ill of murder of the first degree, ~~[whether or not the death penalty is sought,]~~ the court shall conduct a separate penalty hearing. The separate penalty hearing must be conducted as follows:

(a) If the finding is made by a jury, the separate penalty hearing must be conducted in the trial court before the trial jury, as soon as practicable.

(b) ~~[If the finding is made upon a plea of guilty or guilty but mentally ill or a trial without a jury and the death penalty is sought, the separate penalty hearing must be conducted before a jury impaneled for that purpose, as soon as practicable.]~~

~~—(c)~~ If the finding is made upon a plea of guilty or guilty but mentally ill or a trial without a jury, ~~[and the death penalty is not sought,]~~ the separate penalty hearing must be conducted as soon as practicable before the judge who conducted the trial or who accepted the plea.

2. ~~[In a case in which the death penalty is not sought or in which a court has made a finding that the defendant is intellectually disabled and has stricken the notice of intent to seek the death penalty pursuant to NRS 174.098, the]~~ *The* parties may by stipulation waive the separate penalty hearing required in subsection

1. When stipulating to such a waiver, the parties may also include an agreement to have the sentence, if any, imposed by the trial judge. Any stipulation pursuant to this subsection must be in writing and signed by the defendant, the defendant's attorney, if any, and the prosecuting attorney.

3. During the hearing, evidence may be presented concerning aggravating and mitigating circumstances relative to the offense, defendant or victim and on any other matter which the court deems relevant to the sentence, whether or not the evidence is ordinarily admissible. Evidence may be offered to refute hearsay matters. No evidence which was secured in violation of the Constitution of the United States or the Constitution of the State of Nevada may be introduced. ~~[The State may introduce evidence of additional~~



1 ~~aggravating circumstances as set forth in NRS 200.033, other than~~  
2 ~~the aggravated nature of the offense itself, only if it has been~~  
3 ~~disclosed to the defendant before the commencement of the penalty~~  
4 ~~hearing.}~~

5 4. ~~{In a case in which the death penalty is not sought or in~~  
6 ~~which a court has found the defendant to be intellectually disabled~~  
7 ~~and has stricken the notice of intent to seek the death penalty~~  
8 ~~pursuant to NRS 174.098, the}~~ **The** jury or the trial judge shall  
9 determine whether the defendant should be sentenced to life with  
10 the possibility of parole or life without the possibility of parole.

11 **Sec. 11.** NRS 175.556 is hereby amended to read as follows:

12 175.556 ~~{1. In a case in which the death penalty is sought, if~~  
13 ~~a jury is unable to reach a unanimous verdict upon the sentence to~~  
14 ~~be imposed, the district judge who conducted the trial or accepted~~  
15 ~~the plea of guilty shall sentence the defendant to life imprisonment~~  
16 ~~without the possibility of parole or impanel a new jury to determine~~  
17 ~~the sentence.~~

18 ~~—2. In a case in which the death penalty is not sought, if}~~ **If** a  
19 jury is unable to reach a unanimous verdict upon the sentence to be  
20 imposed, the trial judge shall impose the sentence.

21 **Sec. 12.** NRS 176.025 is hereby amended to read as follows:

22 176.025 A sentence of ~~{death or}~~ life imprisonment without the  
23 possibility of parole must not be imposed or inflicted upon any  
24 person convicted of a crime now punishable by ~~{death or}~~ life  
25 imprisonment without the possibility of parole who at the time of  
26 the commission of the crime was less than 18 years of age. As to  
27 such a person, the maximum punishment that may be imposed is life  
28 imprisonment with the possibility of parole.

29 **Sec. 13.** NRS 176.035 is hereby amended to read as follows:

30 176.035 1. Except as otherwise provided in subsection 3,  
31 whenever a person is convicted of two or more offenses, and  
32 sentence has been pronounced for one offense, the court in imposing  
33 any subsequent sentence may provide that the sentences  
34 subsequently pronounced run either concurrently or consecutively  
35 with the sentence first imposed. Except as otherwise provided in  
36 subsections 3 and 4, if the court makes no order with reference  
37 thereto, all such subsequent sentences run concurrently. For offenses  
38 committed on or after July 1, 2014, if the court imposes the  
39 sentences to run consecutively, the court must pronounce the  
40 minimum and maximum aggregate terms of imprisonment pursuant  
41 to subsection 2, unless the defendant is sentenced to life  
42 imprisonment without the possibility of parole. ~~{or death.}~~

43 2. When aggregating terms of imprisonment pursuant to  
44 subsection 1:





(a) If at least one sentence imposes a maximum term of imprisonment for life with the possibility of parole, the court must aggregate the minimum terms of imprisonment to determine the minimum aggregate term of imprisonment, and the maximum aggregate term of imprisonment shall be deemed to be imprisonment in the state prison for life with the possibility of parole.

(b) If all the sentences impose a minimum and maximum term of imprisonment, the court must aggregate the minimum terms of imprisonment to determine the minimum aggregate term of imprisonment and must aggregate the maximum terms of imprisonment to determine the maximum aggregate term of imprisonment.

3. Except as otherwise provided in this section, whenever a person under sentence of imprisonment for committing a felony commits another crime constituting a felony and is sentenced to another term of imprisonment for that felony, the latter term must not begin until the expiration of all prior terms, including the expiration of any prior aggregated terms. If the person is a probationer at the time the subsequent felony is committed, the court may provide that the latter term of imprisonment run concurrently with any prior terms or portions thereof.

4. Whenever a person under sentence of imprisonment commits another crime constituting a misdemeanor or gross misdemeanor, the court shall provide expressly whether the sentence subsequently pronounced runs concurrently or consecutively with the one first imposed.

5. Whenever a person under sentence of imprisonment commits another crime for which the punishment is ~~{death-or}~~ imprisonment for life without the possibility of parole, the sentence must be executed without reference to the unexpired term of imprisonment.

6. Regardless of whether a person is under sentence of imprisonment, if the person commits another crime for which the punishment is ~~{death-or}~~ imprisonment for life without the possibility of parole, the sentence must be executed without reference to eligibility for parole.

7. If a court imposes an additional penalty pursuant to NRS 193.161 to 193.1685, inclusive, the sentence imposed for the additional penalty must be aggregated with the sentence imposed for the underlying offense. A prisoner upon whom a sentence for an additional penalty is imposed pursuant to NRS 193.161 to 193.1685, inclusive, before October 1, 2019, may elect to have the sentence imposed for the additional penalty aggregated with the sentence



imposed for the underlying offense in accordance with subsection 5 of NRS 213.1212.

8. This section does not prevent the State Board of Parole Commissioners from paroling a person under consecutive sentences of imprisonment from a current term of imprisonment to a subsequent term of imprisonment.

9. This section must not be construed to prohibit the aggregation of any sentences of imprisonment relating to different cases.

**Sec. 14.** NRS 178.388 is hereby amended to read as follows:

178.388 1. Except as otherwise provided in this title, the defendant must be present at the arraignment, at every stage of the trial including the impaneling of the jury and the return of the verdict, and at the imposition of sentence. A corporation may appear by counsel for all purposes.

2. In prosecutions for offenses ~~[not punishable by death:]~~ *other than murder of the first degree:*

(a) The defendant's voluntary absence after the trial has been commenced in the defendant's presence must not prevent continuing the trial to and including the return of the verdict.

(b) If the defendant was present at the trial through the time the defendant pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill but at the time of sentencing is incarcerated in another jurisdiction, the defendant may waive the right to be present at the sentencing proceedings and agree to be sentenced in this State in his or her absence. The defendant's waiver is valid only if it is:

(1) Made knowingly, intelligently and voluntarily after consulting with an attorney licensed to practice in this State;

(2) Signed and dated by the defendant and notarized by a notary public or judicial officer;

(3) Signed and dated by the defendant's attorney after it has been signed by the defendant and notarized; and

(4) Accompanied by a waiver of the issuance and service of a warrant of arrest and all other procedures incidental to extradition proceedings.

3. In prosecutions for offenses punishable by fine or by imprisonment for not more than 1 year, or both, the court, with the written consent of the defendant, may permit arraignment, plea, trial and imposition of sentence in the defendant's absence, if the court determines that the defendant was fully aware of the applicable constitutional rights when the defendant gave consent.

4. The presence of the defendant is not required at the arraignment or any preceding stage if the court has provided for the use of a closed-circuit television to facilitate communication



1 between the court and the defendant during the proceeding. If  
2 closed-circuit television is provided for, members of the news media  
3 may observe and record the proceeding from both locations unless  
4 the court specifically provides otherwise.

5 5. The defendant's presence is not required at the settling of  
6 jury instructions.

7 **Sec. 15.** NRS 178.750 is hereby amended to read as follows:

8 178.750 1. The district attorney for each county shall prepare  
9 and submit a report, on a form approved by the Attorney General, to  
10 the Attorney General not later than February 1 of each year  
11 concerning each case filed during the previous calendar year that  
12 included a charge for murder or voluntary manslaughter. The district  
13 attorney shall exclude from the report any charge for manslaughter  
14 that resulted from a death in a crash involving a motor vehicle.

15 2. The report required pursuant to subsection 1 must include,  
16 without limitation:

17 (a) The age, gender and race of the defendant;

18 (b) The age, gender and race of any codefendant or other person  
19 charged or suspected of having participated in the homicide and in  
20 any alleged related offense;

21 (c) The age, gender and race of the victim of the homicide and  
22 any alleged related offense;

23 (d) The date of the homicide and of any alleged related offense;

24 (e) The date of filing of the information or indictment;

25 (f) The name of each court in which the case was prosecuted;

26 (g) ~~Whether or not the prosecutor filed a notice of intent to seek~~  
27 ~~the death penalty and, if so, when the prosecutor filed the notice;~~

28 ~~—(h)—~~ The final disposition of the case and whether or not the case  
29 was tried before a jury;

30 ~~[(i)]~~ (h) The race, ethnicity and gender of each member of the  
31 jury, if the case was tried by a jury; and

32 ~~[(j)]~~ (i) The identity of:

33 (1) Each prosecuting attorney who participated in the  
34 decision to file the initial charges against the defendant;

35 (2) Each prosecuting attorney who participated in the  
36 decision to offer or accept a plea, if applicable;

37 ~~[(3) Each prosecuting attorney who participated in the~~  
38 ~~decision to seek the death penalty, if applicable;]~~ and

39 ~~[(4)]~~ (3) Each person outside the office of the district  
40 attorney who was consulted in determining whether ~~[to seek the~~  
41 ~~death penalty or]~~ to accept or reject a plea, if any.

42 3. If all the information required pursuant to subsection 1  
43 cannot be provided because the case is still in progress, an  
44 additional report must be filed with the Attorney General each time



1 a subsequent report is filed until all the information, to the extent  
2 available, has been provided.

3 **Sec. 16.** NRS 212.050 is hereby amended to read as follows:

4 212.050 1. If any person who has been sentenced to  
5 confinement in the state prison, by any court having competent  
6 authority within this State, escapes therefrom ~~[.]~~ or is charged with  
7 murder , ~~[for the perpetration of any crime punishable with death,]~~  
8 the Governor may, upon satisfactory evidence of the guilt of the  
9 accused, offer a reward for information that leads to his or her  
10 apprehension. The reward offered by the Governor must not exceed  
11 the sum of \$5,000, and must be paid out of the Reserve for Statutory  
12 Contingency Account upon approval by the State Board of  
13 Examiners.

14 2. If any person who has been sentenced to confinement in a  
15 jail, branch county jail or other local detention facility by any court  
16 having competent authority within this State, escapes therefrom ~~[.]~~  
17 or is charged with murder , ~~[for the perpetration of any crime~~  
18 ~~punishable with death,]~~ the board of county commissioners of the  
19 county, the governing body of the city or other local government  
20 responsible for the operation of the facility may, upon satisfactory  
21 evidence of the guilt of the accused, offer a reward for information  
22 that leads to his or her apprehension. The reward offered by the  
23 board, governing body or other local government must not exceed  
24 the sum of \$5,000.

25 **Sec. 17.** NRS 353.094 is hereby amended to read as follows:

26 353.094 Claims may be made against the Counties' Trial  
27 Assistance Account in the State General Fund by the board of  
28 county commissioners of any county as other claims against the  
29 State are made for jury fees, witness fees and necessary subsistence  
30 expenses attendant to any criminal trial for ~~[a capital offense]~~  
31 *murder of the first degree* where:

32 1. It is not established that the crime was actually committed in  
33 the county where the indictment was found or the information filed;

34 2. The victim or victims of the crime were not residents of the  
35 county where the indictment was found or the information filed; and

36 3. The trial is conducted in a county other than the county in  
37 which the indictment was found or the information filed.

38 **Sec. 18.** NRS 453.333 is hereby amended to read as follows:

39 453.333 If the death of a person is proximately caused by a  
40 controlled substance which was sold, given, traded or otherwise  
41 made available to him or her by another person in violation of this  
42 chapter, the person who sold, gave or traded or otherwise made the  
43 substance available to him or her is guilty of murder. If convicted of  
44 murder in the second degree, the person is guilty of a category A  
45 felony and shall be punished as provided in subsection 5 of



1 NRS 200.030. If convicted of murder in the first degree, the person  
2 is guilty of a category A felony and shall be punished as provided in  
3 subsection 4 of NRS 200.030 . ~~[, except that the punishment of~~  
4 ~~death may be imposed only if the requirements of paragraph (a) of~~  
5 ~~subsection 4 of that section have been met and if the defendant is~~  
6 ~~or has previously been convicted of violating NRS 453.3385 or~~  
7 ~~453.339 or a law of any other jurisdiction which prohibits the same~~  
8 ~~conduct.]~~

9 **Sec. 19.** NRS 171.194, 178.3971, 200.033 and 200.035 are  
10 hereby repealed.

11 **Sec. 20.** This act becomes effective upon passage and  
12 approval.

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### LEADLINES OF REPEALED SECTIONS

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**171.194 Procedure when arrest for capital offense.**

**178.3971 Appointment of defense team for defendant  
accused of murder of first degree.**

**200.033 Circumstances aggravating first degree murder.**

**200.035 Circumstances mitigating first degree murder.**

