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SECOND REPRINT **S.B. 350**

SENATE BILL NO. 350–SENATOR OHRENSCHALL

MARCH 13, 2025

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to the death penalty. (BDR 14-1110)

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; extending the time for which a judgment of death must be executed; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, when a judgment of death is pronounced, a judge is required to issue a warrant that appoints the week in which the judgment is to be executed. Existing law requires the appointed week to be not less than 60 days and not more than 90 days from the time the judgment was pronounced. (NRS 176.345) **Section 1** of this bill instead requires the appointed week: (1) to be not less than 120 days nor more than 180 days from the time of judgment; or (2) if there is any warrant in any case appointing a week within which the judgment is to be executed in force at the time a new warrant is issued, to be not less than 120 days nor more than 180 days from the latest date appointed for execution of the judgment.

Under existing law, if for any reason a judgment of death has not been executed and it remains in force, the court which rendered the judgment of death must draw a new warrant. Existing law requires the new warrant to appoint a week in which the judgment is to be executed that is not less than 15 days nor more than 30 days after the date of the warrant. (NRS 176.495) **Section 2** of this bill instead requires the appointed week to be not less than 120 days nor more than 180 days after the date of the warrant, and in any event, not less than 120 days nor more than 180 days from the latest date appointed by any warrant in any case for execution of the judgment.

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

Section 1. NRS 176.345 is hereby amended to read as follows:

176.345 1. When a judgment of death has been pronounced, a certified copy of the judgment of conviction must be forthwith executed and attested in triplicate by the clerk under the seal of the court. There must be attached to the triplicate copies a warrant signed by the judge, attested by the clerk, under the seal of the court, which:

(a) Recites the fact of the conviction and judgment;

(b) Appoints a week, the first day being Monday and the last day being Sunday, within which the judgment is to be executed, which must ~~[not]~~ ***:***

(1) Except as otherwise provided in subparagraph (2), be ***not*** less than ~~[60]~~ ***120*** days nor more than ~~[90]~~ ***180*** days from the time of judgment; ***or***

(2) If there is any warrant in any case appointing a week within which the judgment is to be executed in force at the time a new warrant is issued pursuant to this section, be not less than 120 days nor more than 180 days from the latest date appointed for the judgment to be executed; and

(c) Directs the sheriff to deliver the prisoner to such authorized person as the Director of the Department of Corrections designates to receive the prisoner, for execution. The prison must be designated in the warrant.

2. The original of the triplicate copies of the judgment of conviction and warrant must be filed in the office of the county clerk, and two of the triplicate copies must be immediately delivered by the clerk to the sheriff of the county. One of the triplicate copies must be delivered by the sheriff, with the prisoner, to such authorized person as the Director of the Department of Corrections designates, and is the warrant and authority of the Director for the imprisonment and execution of the prisoner, as therein provided and commanded. The Director shall return the certified copy of the judgment of conviction to the county clerk of the county in which it was issued. The other triplicate copy is the warrant and authority of the sheriff to deliver the prisoner to the authorized person designated by the Director. The final triplicate copy must be returned to the county clerk by the sheriff with the sheriff's proceedings endorsed thereon.

Sec. 2. NRS 176.495 is hereby amended to read as follows:

176.495 1. If for any reason a judgment of death has not been executed, and it remains in force, the court in which the conviction was had must, upon the application of the Attorney General or the

district attorney of the county in which the conviction was had, cause another warrant to be drawn, signed by the judge and attested by the clerk under the seal of the court, and delivered to the Director of the Department of Corrections.

2. The warrant must state the conviction and judgment and appoint a week, the first day being Monday and the last day being Sunday, within which the judgment is to be executed. The first day of that week must be not less than ~~[~~15~~]~~ ***120*** days nor more than ~~[~~30~~]~~ ***180*** days after the date of the warrant ~~[.]~~ ***and, in any event, be not less than 120 days nor more than 180 days from the latest date appointed by any warrant in any case for the judgment to be executed.***

3. The Director shall execute a sentence of death within the week the judgment is to be executed, as designated by the district court. The Director may execute the judgment at any time during that week if a stay of execution is not entered by a court of appropriate jurisdiction.

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