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SENATE BILL NO. 246—SENATOR OHRENSCHALL

MARCH 1, 2019

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JOINT SPONSOR: ASSEMBLYMAN FUMO

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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 15-963)

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.

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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:**

1 Existing law provides that a sentence of death may be imposed on a person  
2 convicted of first degree murder under certain circumstances. (NRS 200.030)  
3 **Section 4** of this bill eliminates the possibility of the imposition of a sentence of  
4 death on a person convicted of first degree murder on or after the effective date of  
5 this act. **Sections 2-19** of this bill make conforming changes.

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

1 **Section 1.** NRS 193.120 is hereby amended to read as follows:  
2 193.120 1. A crime is an act or omission forbidden by law  
3 and punishable upon conviction by ~~[death,]~~ imprisonment, fine or  
4 other penal discipline.  
5 2. Every crime ~~[which may be punished]~~ *punishable* by death  
6 or by imprisonment in the state prison is a felony.



1 3. Every crime punishable by a fine of not more than \$1,000,  
2 or by imprisonment in a county jail for not more than 6 months, is a  
3 misdemeanor.

4 4. Every other crime is a gross misdemeanor.

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

6 193.130 1. Except when a person is convicted of a category  
7 A felony, and except as otherwise provided by specific statute, a  
8 person convicted of a felony shall be sentenced to a minimum term  
9 and a maximum term of imprisonment which must be within the  
10 limits prescribed by the applicable statute, unless the statute in force  
11 at the time of commission of the felony prescribed a different  
12 penalty. The minimum term of imprisonment that may be imposed  
13 must not exceed 40 percent of the maximum term imposed.

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

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

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

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

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

37 (e) A category E felony is a felony for which a court shall  
38 sentence a convicted person to imprisonment in the state prison for a  
39 minimum term of not less than 1 year and a maximum term of not  
40 more than 4 years. Except as otherwise provided in paragraph (b) of  
41 subsection 1 of NRS 176A.100, upon sentencing a person who is  
42 found guilty of a category E felony, the court shall suspend the  
43 execution of the sentence and grant probation to the person upon  
44 such conditions as the court deems appropriate. Such conditions of  
45 probation may include, but are not limited to, requiring the person to



1 serve a term of confinement of not more than 1 year in the county  
2 jail. In addition to any other penalty, the court may impose a fine of  
3 not more than \$5,000, unless a greater penalty is authorized or  
4 required by statute.

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

6 194.010 All persons are liable to punishment except those  
7 belonging to the following classes:

8 1. Children under the age of 8 years.

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

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

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

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

21 6. Persons who committed the act charged without being  
22 conscious thereof.

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

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

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

33 200.030 1. Murder of the first degree is murder which is:

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

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

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

44 (d) Committed on the property of a public or private school, at  
45 an activity sponsored by a public or private school or on a school



1 bus while the bus was engaged in its official duties by a person who  
2 intended to create a great risk of death or substantial bodily harm to  
3 more than one person by means of a weapon, device or course of  
4 action that would normally be hazardous to the lives of more than  
5 one person; or

6 (e) Committed in the perpetration or attempted perpetration of  
7 an act of terrorism.

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

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

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

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

22 (b) By imprisonment in the state prison:

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

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

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

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

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

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

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

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

40 7. As used in this section:

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

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

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



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

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

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

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

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

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

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

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

42 6. Testimony reduced to writing and authenticated according to  
43 the provisions of this section must be filed by the examining  
44 magistrate with the clerk of the district court of the magistrate's  
45 county, and if the prisoner is subsequently examined upon a writ of



1 habeas corpus, such testimony must be considered as given before  
2 such judge or court. A copy of the transcript must be furnished to  
3 the defendant and to the district attorney.

4 7. The testimony so taken may be used:

5 (a) By the defendant; or

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

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

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

13 174.065 Except as otherwise provided in NRS 174.061:

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

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

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

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

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

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

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

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



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

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

5 175.151 If the indictment or information ~~[be for an offense~~  
6 ~~punishable with death,]~~ *is for murder in the first degree,* two  
7 counsel on each side may argue the case to the jury, but in such  
8 case, as well as in all others, the counsel for the State must open and  
9 conclude the argument. If ~~[it be]~~ *the indictment or information is*  
10 for any other offense, the court may, in its discretion, restrict the  
11 argument to one counsel on each side.

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

13 175.552 1. Except as otherwise provided in subsection 2, in  
14 every case in which there is a finding that a defendant is guilty or  
15 guilty but mentally ill of murder of the first degree, ~~[whether or not~~  
16 ~~the death penalty is sought,]~~ the court shall conduct a separate  
17 penalty hearing. The separate penalty hearing must be conducted as  
18 follows:

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

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

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

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

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

41 3. During the hearing, evidence may be presented concerning  
42 aggravating and mitigating circumstances relative to the offense,  
43 defendant or victim and on any other matter which the court deems  
44 relevant to the sentence, whether or not the evidence is ordinarily  
45 admissible. Evidence may be offered to refute hearsay matters. No



1 evidence which was secured in violation of the Constitution of the  
2 United States or the Constitution of the State of Nevada may be  
3 introduced. ~~[The State may introduce evidence of additional~~  
4 ~~aggravating circumstances as set forth in NRS 200.033, other than~~  
5 ~~the aggravated nature of the offense itself, only if it has been~~  
6 ~~disclosed to the defendant before the commencement of the penalty~~  
7 ~~hearing.]~~

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

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

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

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

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

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

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

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





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

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

10 (b) If all the sentences impose a minimum and maximum  
11 term of imprisonment, the court must aggregate the minimum terms  
12 of imprisonment to determine the minimum aggregate term  
13 of imprisonment and must aggregate the maximum terms of  
14 imprisonment to determine the maximum aggregate term of  
15 imprisonment.

16 3. Except as otherwise provided in this subsection, whenever a  
17 person under sentence of imprisonment for committing a felony  
18 commits another crime constituting a felony and is sentenced to  
19 another term of imprisonment for that felony, the latter term must  
20 not begin until the expiration of all prior terms, including the  
21 expiration of any prior aggregated terms. If the person is a  
22 probationer at the time the subsequent felony is committed, the court  
23 may provide that the latter term of imprisonment run concurrently  
24 with any prior terms or portions thereof. If the person is sentenced to  
25 a term of imprisonment for life without the possibility of parole, the  
26 sentence must be executed without reference to the unexpired term  
27 of imprisonment and without reference to eligibility for parole.

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

33 5. Whenever a person under sentence of imprisonment  
34 commits ~~[another]~~ *the* crime ~~[for which the punishment is death.]~~ *of*  
35 *murder of the first degree*, the sentence must be executed without  
36 reference to the unexpired term of imprisonment.

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

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

42 178.388 1. Except as otherwise provided in this title, the  
43 defendant must be present at the arraignment, at every stage of  
44 the trial including the impaneling of the jury and the return of the



1 verdict, and at the imposition of sentence. A corporation may appear  
2 by counsel for all purposes.

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

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

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

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

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

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

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

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

30 4. The presence of the defendant is not required at the  
31 arraignment or any preceding stage if the court has provided for the  
32 use of a closed-circuit television to facilitate communication  
33 between the court and the defendant during the proceeding. If  
34 closed-circuit television is provided for, members of the news media  
35 may observe and record the proceeding from both locations unless  
36 the court specifically provides otherwise.

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

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

40 178.750 1. The district attorney for each county shall prepare  
41 and submit a report, on a form approved by the Attorney General, to  
42 the Attorney General not later than February 1 of each year  
43 concerning each case filed during the previous calendar year that  
44 included a charge for murder or voluntary manslaughter. The district



1 attorney shall exclude from the report any charge for manslaughter  
2 that resulted from a death in a crash involving a motor vehicle.

3 2. The report required pursuant to subsection 1 must include,  
4 without limitation:

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

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

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

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

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

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

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

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

18 ~~(+)~~ (h) The race, ethnicity and gender of each member of the  
19 jury, if the case was tried by a jury; and

20 ~~(+)~~ (i) The identity of:

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

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

25 ~~(3) Each prosecuting attorney who participated in the~~  
26 ~~decision to seek the death penalty, if applicable;~~ and

27 ~~(4)~~ (3) Each person outside the office of the district  
28 attorney who was consulted in determining whether ~~to seek the~~  
29 ~~death penalty or~~ to accept or reject a plea, if any.

30 3. If all the information required pursuant to subsection 1  
31 cannot be provided because the case is still in progress, an  
32 additional report must be filed with the Attorney General each time  
33 a subsequent report is filed until all the information, to the extent  
34 available, has been provided.

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

36 212.050 1. If any person who has been sentenced to  
37 confinement in the state prison, by any court having competent  
38 authority within this State, escapes therefrom ~~[ ]~~ or is charged with  
39 murder , ~~for the perpetration of any crime punishable with death,~~  
40 the Governor may, upon satisfactory evidence of the guilt of the  
41 accused, offer a reward for information that leads to his or her  
42 apprehension. The reward offered by the Governor must not exceed  
43 the sum of \$5,000, and must be paid out of the Reserve for Statutory  
44 Contingency Account upon approval by the State Board of  
45 Examiners.



1 2. If any person who has been sentenced to confinement in a  
2 jail, branch county jail or other local detention facility by any court  
3 having competent authority within this State, escapes therefrom ~~[.]~~  
4 or is charged with murder , ~~[or the perpetration of any crime~~  
5 ~~punishable with death.]~~ the board of county commissioners of the  
6 county, the governing body of the city or other local government  
7 responsible for the operation of the facility may, upon satisfactory  
8 evidence of the guilt of the accused, offer a reward for information  
9 that leads to his or her apprehension. The reward offered by the  
10 board, governing body or other local government must not exceed  
11 the sum of \$5,000.

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

13 353.094 Claims may be made against the Counties' Trial  
14 Assistance Account in the State General Fund by the board of  
15 county commissioners of any county as other claims against the  
16 State are made for jury fees, witness fees and necessary subsistence  
17 expenses attendant to any criminal trial for ~~[a capital offense]~~  
18 *murder in the first degree* where:

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

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

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

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

26 453.333 If the death of a person is proximately caused by a  
27 controlled substance which was sold, given, traded or otherwise  
28 made available to him or her by another person in violation of this  
29 chapter, the person who sold, gave or traded or otherwise made the  
30 substance available to him or her is guilty of murder. If convicted of  
31 murder in the second degree, the person is guilty of a category A  
32 felony and shall be punished as provided in subsection 5 of NRS  
33 200.030. If convicted of murder in the first degree, the person is  
34 guilty of a category A felony and shall be punished as provided in  
35 subsection 4 of NRS 200.030 . ~~[except that the punishment of~~  
36 ~~death may be imposed only if the requirements of paragraph (a) of~~  
37 ~~subsection 4 of that section have been met and if the defendant is or~~  
38 ~~has previously been convicted of violating NRS 453.3385, 453.339~~  
39 ~~or 453.3395 or a law of any other jurisdiction which prohibits the~~  
40 ~~same conduct.]~~

41 **Sec. 19.** NRS 171.194, 178.3971, 200.033 and 200.035 are  
42 hereby repealed.

43 **Sec. 20.** This act becomes effective upon passage and  
44 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.







