
ASSEMBLY BILL NO. 190—ASSEMBLYMEN ANDERSON, LESLIE,
OHRENSCHALL, SEGERBLOM, BUCKLEY; ATKINSON,
CLABORN, HOGAN, HORNE, MCCLAIN, MUNFORD AND
PIERCE

FEBRUARY 18, 2009

Referred to Committee on Elections, Procedures, Ethics,
and Constitutional Amendments

SUMMARY—Establishes a moratorium on the execution of sentences of death and provides for a study of issues regarding the death penalty. (BDR S-764)

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 the death penalty; establishing a moratorium on the execution of sentences of death; providing for a study of issues regarding the death penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 **Section 1** of this bill establishes a moratorium on the execution of sentences of
2 death until July 1, 2011. The moratorium does not prohibit any proceeding or
3 prosecution seeking a sentence of death, but bars any execution from being carried
4 out until July 1, 2011.
5 **Section 2** of this bill requires the Audit Division of the Legislative Counsel
6 Bureau to conduct a staff study on the fiscal costs of the death penalty in Nevada.
7 The study must include, without limitation, an examination and analysis of the
8 costs of prosecuting and adjudicating capital cases compared to noncapital cases.
9 The Legislative Auditor must submit a written report of findings to the Director of
10 the Legislative Counsel Bureau on or before January 31, 2011.
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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** 1. Notwithstanding the provisions of any law, rule
2 of court or order issued by a court of competent jurisdiction, a
3 moratorium on the execution of all sentences of death is hereby



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1 established until July 1, 2011, and the sentence of any person
2 sentenced to death before, on or after the effective date of this act
3 must not be executed until July 1, 2011.

4 2. Notwithstanding the provisions of any law, rule of court or
5 order issued by a court of competent jurisdiction:

6 (a) If, before the effective date of this act, a court has issued a
7 warrant of execution of a sentence of death that appoints a week
8 within which the judgment of death is to be executed which is
9 before July 1, 2011, the court shall, not later than 60 days after the
10 effective date of this act, issue a new warrant of execution of the
11 sentence of death appointing a week within which the judgment of
12 death is to be executed which is on or after July 1, 2011.

13 (b) On or after the effective date of this act, a court shall not
14 issue a warrant of execution of a sentence of death that appoints a
15 week within which the judgment of death is to be executed which is
16 before July 1, 2011.

17 3. The provisions of this section must not be construed to:

18 (a) Affect any procedures regarding charging, prosecution or
19 sentencing with respect to any offense committed before, on or after
20 the effective date of this act;

21 (b) Prevent any person from being sentenced to death before, on
22 or after the effective date of this act;

23 (c) Constitute the granting of a commutation or pardon to a
24 person sentenced to death before, on or after the effective date of
25 this act;

26 (d) Alter or amend the sentence of any person sentenced to death
27 before, on or after the effective date of this act; or

28 (e) Affect any appeal, petition for a writ of habeas corpus or
29 other request for judicial relief filed before, on or after the effective
30 date of this act.

31 **Sec. 2.** 1. The Legislative Commission shall direct the Audit
32 Division of the Legislative Counsel Bureau to conduct a staff study
33 of the fiscal costs associated with the death penalty in this State.

34 2. The study conducted pursuant to this section must include an
35 examination and analysis concerning the costs of prosecuting and
36 adjudicating capital murder cases as compared to noncapital murder
37 cases, including, without limitation, the costs relating to the death
38 penalty borne by the State of Nevada and by the local governments
39 in this State at each stage of the proceedings in capital murder cases,
40 including pretrial costs, trial costs, appellate and postconviction
41 costs and costs of incarceration such as:

42 (a) The costs of legal counsel involved in the prosecution and
43 defense of a capital murder case for all pretrial, trial and
44 postconviction proceedings; and



1 (b) Additional procedural costs involved in capital murder cases
2 as compared to noncapital murder cases, including, without
3 limitation, costs relating to:

4 (1) Processing of bonds, including investigative costs of
5 prosecutors, police and other staff;

6 (2) Investigation of a case before a person is charged with a
7 crime, including costs for investigation by the prosecution and the
8 defense;

9 (3) Pretrial motions;

10 (4) Extradition;

11 (5) Psychiatric and medical evaluations;

12 (6) Expert witnesses;

13 (7) Juries;

14 (8) Sentencing proceedings;

15 (9) Appellate and postconviction proceedings, including
16 motions, writs of certiorari and state and federal petitions for
17 postconviction relief;

18 (10) Requests for clemency;

19 (11) Incarceration of persons awaiting trial in capital murder
20 cases and persons sentenced to death; and

21 (12) Execution of a sentence of death, including costs of
22 facilities and staff.

23 3. On or before January 31, 2011, the Legislative Auditor shall
24 submit a written report of any findings to the Director of the
25 Legislative Counsel Bureau for transmittal to the 76th Session of the
26 Nevada Legislature.

27 **Sec. 3.** This act becomes effective upon passage and approval
28 and expires by limitation on June 30, 2011.

