

**Section 1.** Chapter 178 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

**Sec. 2.** *As used in sections 2 to 7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.*

**Sec. 3.** *“Benefit” means:*

- 1. A plea bargain;*
- 2. Any consideration of bail or conditions of release;*
- 3. A reduction or modification of a term of sentence; or*
- 4. Any other leniency, immunity, financial payment, rewards or amelioration of the current or future conditions of any term of sentence.*

**Sec. 4.** *“Cooperation agreement” means a written agreement:*

- 1. Between a person who is or was in jail or prison and the office of a prosecuting attorney wherein the person agrees to be an informant; and*
- 2. Which includes, without limitation, a summary of:*
  - (a) The testimony or information to be provided by the informant; and*
  - (b) The benefit which has been or may be provided to the informant in exchange for the testimony or information described in paragraph (a).*

**Sec. 5.** *“Informant” means a person who:*

- 1. Provides testimony on behalf of the State based on any statement made by a defendant while the defendant and the person were in jail or prison; and*
- 2. Has received or will receive a benefit in connection with the provision of the testimony described in subsection 1.*

**Sec. 6. 1.** *Every office of a prosecuting attorney shall maintain complete and systematic records of any case prosecuted by the office in which testimony or information is provided by an informant pursuant to a cooperation agreement. The records must include, without limitation:*

- (a) The substance of the testimony or information;*
  - (b) Any benefit that has been or will be provided to the informant in connection with the provision of the testimony or information; and*
  - (c) A copy of the cooperation agreement.*
- 2. The records described in subsection 1 are confidential and are not public books or records within the meaning of NRS 239.010.*

**Sec. 7. 1.** *Except as otherwise provided in subsections 2 and 3, if a prosecuting attorney intends to use testimony provided by an informant at a hearing or trial, the prosecuting attorney shall file and serve upon the defendant the following information or material as soon as practicable, but not later than 30 days before trial:*

- (a) A summary of the criminal history of the informant, including, without limitation:*
  - (1) Any pending charges against the informant; and*
  - (2) Any charge against the informant that was reduced or dismissed, or will be reduced or dismissed in exchange for testimony to be provided as part of a plea bargain;*
- (b) The substance of any cooperation agreement;*
- (c) Any benefit that has been or will be provided to the informant in connection with his or her provision of the testimony;*

*(d) The substance and, if known, the time and place of:*

*(1) Any statement that is relevant to the hearing or trial made by the defendant to the informant; and*

*(2) Any statement implicating the defendant in the charged offense made by the informant to a law enforcement officer;*

*(e) Any occasion on which the informant recanted his or her testimony to be provided, including, without limitation:*

*(1) The time and place of the recantation;*

*(2) The nature of the recantation; and*

*(3) The name of any person who was present at the time of the recantation; and*

*(f) Any other case known to the prosecuting attorney in which the informant:*

*(1) Provided testimony and the benefit offered or provided in each case; or*

*2. A court may, upon good cause shown, implement a revised deadline for making the disclosures described in subsection 1 or, upon its own motion, continue the hearing or trial described in subsection 1, if:*

*(a) The informant was not known to the prosecuting attorney until after the deadline for making the disclosures described in subsection 1; and*

*(b) The information and materials described in subsection 1 could not have been discovered or obtained by the prosecuting attorney with the exercise of due diligence before the deadline for making the disclosures described in subsection 1.*

*3. If a court finds that disclosing the information and materials described in subsection 1 will result in the possibility of substantial bodily harm to the informant, the court may require the information and materials to be viewed exclusively by the attorney for the defendant, and not by the defendant or any other party.*

*4. In every trial in which a prosecuting attorney uses testimony provided by an informant, the court shall instruct the jury to consider the information described in paragraphs (c) to (f), inclusive, of subsection 1 in assessing the credibility of the informant.*