

SENATE BILL NO. 264—SENATOR CEGAVSKE

MARCH 15, 2013

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing criminal procedure.
(BDR S-671)

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; requiring the Advisory Commission on the Administration of Justice to identify and study certain issues relating to criminal procedure; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law establishes the Advisory Commission on the Administration of
2 Justice and directs the Commission, among other duties, to identify and study the
3 elements of this State’s system of criminal justice. (NRS 176.0123, 176.0125) This
4 bill requires the Commission to include certain items relating to overcriminalization
5 on an agenda for discussion.

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

1 **Section 1.** The Advisory Commission on the Administration
2 of Justice created pursuant to NRS 176.0123 shall, at a meeting held
3 by the Commission, include as an item on the agenda a discussion
4 of the following issues relating to overcriminalization:
5 1. A review of all criminal sentences, other than those related
6 to controlled substances, to determine whether potential or actual
7 harm to an individual victim should be included as an element of the
8 offense.
9 2. A review of all criminal offenses which may be duplicative
10 or sanction the same or similar behavior.
11 3. An evaluation of the reclassification of certain misdemeanor
12 offenses to determine whether jail time is necessary and whether



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1 such offenses may be more appropriately classified as civil
2 violations.

3 4. An evaluation of certain felony offenses to determine
4 whether misdemeanor punishment may be more appropriate given
5 the disparate impacts a felony conviction may carry. The
6 Commission shall consider the lasting harm caused by the unlawful
7 act, the blameworthiness accompanying the offense and the impact
8 on future public safety.

9 **Sec. 2.** This act becomes effective on July 1, 2013.

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