
SENATE BILL NO. 61—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 17, 2016

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to writs of habeas corpus.
(BDR 3-384)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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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; revising the provisions governing notices relating to the disposition of a postconviction petition for habeas corpus; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law authorizes a person convicted of a crime and under sentence of
2 death or imprisonment to file a petition for postconviction relief under certain
3 circumstances. (NRS 34.724) Existing law also requires the clerk of the court to
4 serve a copy of the decision or order disposing of the petition on the petitioner, the
5 petitioner’s attorney, if any, the respondent, the Attorney General and the district
6 attorney of the county in which the petitioner was convicted. (NRS 34.830)
7 Under the Nevada Rules of Appellate Procedure, an appellate court is required
8 to issue a remittitur under certain circumstances. If the court issues a remittitur, it
9 must be issued 25 days after the entry of judgment unless the court shortens or
10 lengthens that period. (NRAP 41) Purposes of a remittitur include, but are not
11 limited to, divesting the appellate court of jurisdiction over an appeal and returning
12 jurisdiction to the district court or formally informing the district court of the
13 appellate court’s final resolution of the appeal. (*Dickerson v. State*, 114 Nev. 1084
14 (1998)) This bill requires the clerk of the appellate court to provide a copy of the
15 remittitur to the petitioner, the petitioner’s attorney, if any, the respondent, the
16 Attorney General and the district attorney of the county in which the petitioner was
17 convicted.



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

1 **Section 1.** Chapter 34 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *Whenever the appellate court of competent jurisdiction issues a*
4 *remittitur after the entry of judgment, a copy of the remittitur must*
5 *be served by the clerk of the court upon the petitioner and the*
6 *petitioner's counsel, if any, the respondent, the Attorney General*
7 *and the district attorney of the county in which the petitioner was*
8 *convicted.*

9 **Sec. 2.** NRS 34.720 is hereby amended to read as follows:

10 34.720 The provisions of NRS 34.720 to 34.830, inclusive, *and*
11 *section 1 of this act* apply only to petitions for writs of habeas
12 corpus in which the petitioner:

13 1. Requests relief from a judgment of conviction or sentence in
14 a criminal case; or

15 2. Challenges the computation of time that the petitioner has
16 served pursuant to a judgment of conviction.

17 **Sec. 3.** NRS 34.722 is hereby amended to read as follows:

18 34.722 As used in NRS 34.720 to 34.830, inclusive, *and*
19 *section 1 of this act* unless the context otherwise requires, "petition"
20 means a postconviction petition for habeas corpus filed pursuant to
21 NRS 34.724.

22 **Sec. 4.** This act becomes effective on July 1, 2017.

