
ASSEMBLY BILL NO. 63—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA SHERIFFS
AND CHIEFS ASSOCIATION)

FEBRUARY 10, 2003

Referred to Committee on Judiciary

SUMMARY—Creates exception to hearsay rule for certain testimony offered at preliminary examinations. (BDR 4-317)

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 evidence; creating an exception to the hearsay rule for certain testimony offered at preliminary examinations by permitting a qualified law enforcement officer to testify to the statements of other law enforcement officers; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 51 of NRS is hereby amended by adding
2 thereto a new section to read as follows:
3 ***1. At a preliminary examination, the statements of one or***
4 ***more law enforcement officers are not inadmissible under the***
5 ***hearsay rule if:***
6 ***(a) The statements are offered to establish in whole or in part***
7 ***that there is probable cause to believe that an offense has been***
8 ***committed and that the defendant has committed it; and***
9 ***(b) A qualified law enforcement officer testifies regarding the***
10 ***statements at the preliminary examination.***
11 ***2. As used in this section, “qualified law enforcement officer”***
12 ***means a law enforcement officer who has:***



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1 (a) *At least 5 years of experience serving as a law enforcement*
2 *officer; or*

3 (b) *Completed a training course certified by the Peace*
4 *Officers' Standards and Training Commission which includes,*
5 *without limitation, training in:*

6 (1) *Investigating and reporting cases; and*

7 (2) *Testifying at preliminary examinations.*

8 **Sec. 2.** NRS 51.075 is hereby amended to read as follows:

9 51.075 1. A statement is not excluded by the hearsay rule if
10 its nature and the special circumstances under which it was made
11 offer assurances of accuracy not likely to be enhanced by calling the
12 declarant as a witness, even though he is available.

13 2. The provisions of NRS 51.085 to 51.305, inclusive, *and*
14 *section 1 of this act*, are illustrative and not restrictive of the
15 exception provided by this section.

