

ASSEMBLY BILL NO. 243—ASSEMBLYMEN ORENTLICHER,
BILBRAY-AXELROD; AND C.H. MILLER

MARCH 11, 2021

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to the administration of justice. (BDR 14-785)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§§ 8, 9)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 administration of justice; creating the Nevada Police Reform Advisory Task Force and prescribing its membership and duties; revising certain provisions relating to the sentences of offenders who are less than 21 years of age; requiring each prosecutorial office to establish a system of race-blind charging to be used when determining whether criminal charges should be filed against a person; requiring each district attorney to establish a system of race-blind charging to be used when determining whether a petition alleging delinquency of a child should be filed; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law creates the Advisory Commission on the Administration of Justice. (NRS 176.0123) The Commission is required to evaluate and study the system of criminal justice in Nevada. (NRS 176.0125)

Sections 2-5 of this bill create the Nevada Police Reform Advisory Task Force as a task force under the auspices of the Commission. **Section 4** of this bill prescribes the membership of the Task Force. **Section 5** of this bill prescribes the duties of the Task Force.

Existing law requires a court to consider the differences between juvenile and adult offenders in determining the appropriate sentence for a person convicted as an adult of a crime the person committed when he or she was less than 18 years of age. (NRS 176.017) **Section 7** of this bill requires a court to consider the differences



12 between youthful and mature adult offenders in determining the appropriate
13 sentence for a person convicted as an adult of a crime committed when he or she
14 was less than 21 years of age.

15 **Section 8** of this bill: (1) requires each prosecutorial office in this State to
16 establish a system of race-blind charging to be used when determining whether
17 criminal charges should be filed against a person; and (2) prescribes certain
18 requirements and procedures for the system. **Section 9** of this bill imposes a similar
19 requirement as **section 8** with respect to the juvenile justice system by: (1)
20 requiring each district attorney to establish a system of race-blind charging to be
21 used when determining whether a petition alleging delinquency of a child should be
22 filed; and (2) prescribing certain requirements and procedures for the system.

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

1 **Section 1.** Chapter 176 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 5, inclusive, of this
3 act.

4 **Sec. 2.** *As used in NRS 176.0121 to 176.0129, inclusive, and*
5 *sections 3, 4 and 5 of this act, unless the context otherwise*
6 *requires, the words and terms defined in section 3 of this act and*
7 *NRS 176.0121 have the meanings ascribed to them in those*
8 *sections.*

9 **Sec. 3.** *“Task Force” means the Nevada Police Reform*
10 *Advisory Task Force created by section 4 of this act.*

11 **Sec. 4. 1.** *There is hereby created the Nevada Police*
12 *Reform Advisory Task Force under the auspices of the*
13 *Commission.*

14 **2.** *The Task Force consists of the following members*
15 *appointed by the Commission:*

16 (a) *A sociology professor with expertise in public policy;*

17 (b) *A legal scholar specializing in criminal procedure and*
18 *racial profiling;*

19 (c) *A legal scholar studying indigenous peoples;*

20 (d) *A social scientist with research experience in hate groups;*

21 (e) *A law enforcement officer familiar with the issues related*
22 *to police relations with minority communities;*

23 (f) *A member of a police union located in this State interested*
24 *in police reform; and*

25 (g) *A law enforcement administrator knowledgeable about*
26 *police procedure and reform.*

27 **3.** *Each member of the Task Force serves a term of 2 years. A*
28 *member may be reappointed to additional 2-year terms following*
29 *his or her initial term. If a member of the Task Force ceases to be*
30 *qualified for the position to which he or she was appointed, the*
31 *position shall be deemed vacant, and the Commission shall*



1 *appoint a replacement for the remainder of the unexpired term. A*
2 *vacancy must be filled in the same manner as the original*
3 *appointment.*

4 *4. The Task Force shall, at its first meeting and annually*
5 *thereafter, elect a Chair from among its members.*

6 *5. The Task Force shall meet at least twice each year and*
7 *may meet at other times upon the call of the Chair or a majority of*
8 *the Task Force.*

9 *6. A majority of the members of the Task Force constitutes a*
10 *quorum, and a quorum may exercise all of the power and*
11 *authority conferred on the Task Force.*

12 *7. A member of the Task Force shall serve without*
13 *compensation.*

14 *8. A member of the Task Force who is an officer or employee*
15 *of this State or a political subdivision of this State must be relieved*
16 *from his or her duties without loss of regular compensation so that*
17 *the member may prepare for and attend meetings of the Task*
18 *Force and perform any work necessary to carry out the duties of*
19 *the Task Force in the most timely manner practicable. A state*
20 *agency or political subdivision of this State shall not require an*
21 *officer or employee who is a member of the Task Force to make*
22 *up the time the officer or employee is absent from work to carry*
23 *out duties as a member of the Task Force or use annual vacation*
24 *or compensatory time for the absence.*

25 **Sec. 5. The Task Force shall:**

26 *1. Examine guidelines and reports by the United States*
27 *Department of Justice and other similar governmental agencies*
28 *relating to civilian oversight of law enforcement to determine the*
29 *best policing and police accountability practices for this State;*

30 *2. Formulate statewide guidelines on police accountability to*
31 *ensure a civilian review board oversees every law enforcement*
32 *agency in this State;*

33 *3. Explore the feasibility of creating a unit under the*
34 *jurisdiction of the Attorney General to investigate police*
35 *misconduct in this State;*

36 *4. Create guidelines for civilian review boards, including,*
37 *without limitation, requirements that the members of a civilian*
38 *review board reflect the diversity of the local community and that*
39 *civilian review boards are able to obtain all information needed to*
40 *pass independent judgment on police misconduct in a timely*
41 *manner;*

42 *5. Propose minimum standards for the collection of data*
43 *relating to police operations by law enforcement agencies in this*
44 *State and make aggregate data of such information available to*
45 *the public;*



1 **6. Review the recruitment practices of law enforcement**
2 **agencies to propose practices designed to increase the recruitment**
3 **of persons with a college education and demonstrated commitment**
4 **to fair-minded policing;**

5 **7. Update training standards for law enforcement to create**
6 **consistent standards and practices across jurisdictions in this State**
7 **with an emphasis on bias reduction and de-escalation techniques;**

8 **8. Identify specific responsibilities currently assigned to law**
9 **enforcement agencies in this State that other governmental**
10 **agencies in this State could effectively perform and evaluate the**
11 **corresponding impact on related budgets;**

12 **9. Explore trust-building initiatives that seek to improve**
13 **community relations with law enforcement and conduct periodic**
14 **surveys to determine the public opinion on law enforcement in this**
15 **State;**

16 **10. Make recommendations to the Commission to improve**
17 **policing practices in this State; and**

18 **11. On or before December 1 of each even-numbered year,**
19 **submit to the Director of the Legislative Counsel Bureau for**
20 **transmittal to the Legislature a report describing the findings and**
21 **recommendations of the Task Force.**

22 **Sec. 6.** NRS 176.0121 is hereby amended to read as follows:

23 176.0121 ~~[As used in NRS 176.0121 to 176.0129, inclusive,]~~
24 “Commission” means the Advisory Commission on the
25 Administration of Justice.

26 **Sec. 7.** NRS 176.017 is hereby amended to read as follows:

27 176.017 1. If a person is convicted as an adult for an offense
28 that the person committed when he or she was less than ~~18~~ 21
29 years of age, in addition to any other factor that the court is required
30 to consider before imposing a sentence upon such a person, the
31 court shall consider the differences between ~~juvenile~~ youthful and
32 mature adult offenders, including, without limitation, the
33 diminished culpability of ~~juveniles~~ youthful adults as compared to
34 that of mature adults and the typical characteristics of youth.

35 2. Notwithstanding any other provision of law, after
36 considering the factors set forth in subsection 1, the court may, in its
37 discretion, reduce any mandatory minimum period of incarceration
38 that the person is required to serve by not more than 35 percent if
39 the court determines that such a reduction is warranted given the age
40 of the person and his or her prospects for rehabilitation.

41 **Sec. 8.** Chapter 178 of NRS is hereby amended by adding
42 thereto a new section to read as follows:

43 **1. Each prosecutorial office in this State shall establish a**
44 **system of race-blind charging. The system must include, without**
45 **limitation, the following requirements and procedures:**



1 (a) *The race of a person must be concealed from the*
2 *prosecutor who is assigned the duty to consider whether to file or*
3 *not file any criminal charge against the person while the*
4 *prosecutor is making the initial decision whether to file or not file*
5 *any criminal charge against the person.*

6 (b) *Upon making the initial decision whether to file or not file*
7 *any criminal charge against the person, the prosecutor shall*
8 *record that initial decision in the case file.*

9 (c) *After the initial decision is made and recorded in the case*
10 *file, the race of the person may be disclosed to the prosecutor and*
11 *the prosecutor may review any evidence that was previously*
12 *concealed and determine whether to change the initial decision.*

13 (d) *If the final decision to file or not file any criminal charge*
14 *against the person is different from the initial decision, the*
15 *prosecutor shall record in the case an explanation of the reasons*
16 *for changing the decision.*

17 2. *As used in this section:*

18 (a) *“Prosecutor” means:*

19 (1) *The Attorney General or any deputy attorney general;*

20 (2) *The district attorney or any deputy district attorney; or*

21 (3) *The city attorney of an incorporated city or any deputy*
22 *city attorney.*

23 (b) *“Prosecutorial office” means the office of:*

24 (1) *The Attorney General;*

25 (2) *The district attorney of a county; or*

26 (3) *The city attorney of an incorporated city.*

27 **Sec. 9.** Chapter 62C of NRS is hereby amended by adding
28 thereto a new section to read as follows:

29 *Each district attorney in this State shall establish a system of*
30 *race-blind charging to be used when determining whether to file*
31 *or not file a petition alleging that a child is delinquent. The system*
32 *must include, without limitation, the following requirements and*
33 *procedures:*

34 1. *The race of the child must be concealed from the attorney*
35 *who is assigned the duty to consider whether to file or not file the*
36 *petition while the attorney is making the initial decision whether to*
37 *file or not file the petition.*

38 2. *Upon making the initial decision whether to file or not file*
39 *the petition, the attorney shall record that initial decision in the*
40 *case file.*

41 3. *After the initial decision is made and recorded in the case*
42 *file, the race of the child may be disclosed to the attorney and the*
43 *attorney may review any evidence that was previously concealed*
44 *and determine whether to change the initial decision.*



1 *4. If the final decision to file or not file the petition is*
2 *different from the initial decision, the attorney shall record in the*
3 *case an explanation of the reasons for changing the decision.*

4 **Sec. 10.** The provisions of subsection 1 of NRS 218D.380 do
5 not apply to any provisions of this act which add or revise a
6 requirement to submit a report to the Legislature.

7 **Sec. 11.** The provisions of NRS 354.599 do not apply to any
8 additional expenses of a local government that are related to the
9 provisions of this act.

10 **Sec. 12.** The amendatory provisions of section 7 of this act
11 apply to an offense committed:

12 1. Before October 1, 2021, if the person is convicted on or after
13 October 1, 2021; and

14 2. On or after October 1, 2021.

15 **Sec. 13.** 1. This section becomes effective upon passage and
16 approval.

17 2. Sections 8 and 9 of this act become effective:

18 (a) Upon passage and approval for the purpose of adopting any
19 policies or procedures and performing any preparatory
20 administrative tasks that are necessary to carry out the provisions of
21 this act; and

22 (b) On October 1, 2021, for all other purposes.

23 3. Sections 1 to 7, inclusive, and 10, 11 and 12 of this act
24 become effective on October 1, 2021.

