

Amendment No. 318

Assembly Amendment to Assembly Bill No. 243	(BDR 14-785)
Proposed by: Assembly Committee on Judiciary	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will REMOVE the unfunded mandate from A.B. 243.
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ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

DAN/BAW



Date: 4/19/2021

A.B. No. 243—Revises provisions relating to the administration of justice.
(BDR 14-785)



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}~~ **authorizing a** 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}~~ **authorizing a** 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:

1 ~~Existing law creates the Advisory Commission on the Administration of Justice. (NRS~~
2 ~~176.0123) The Commission is required to evaluate and study the system of criminal justice in~~
3 ~~Nevada. (NRS 176.0125)~~
4 ~~Sections 2-5 of this bill create the Nevada Police Reform Advisory Task Force as a task~~
5 ~~force under the auspices of the Commission. Section 4 of this bill prescribes the membership~~
6 ~~of the Task Force. Section 5 of this bill prescribes the duties of the Task Force.]~~
7 Existing law requires a court to consider the differences between juvenile and adult
8 offenders in determining the appropriate sentence for a person convicted as an adult of a crime
9 the person committed when he or she was less than 18 years of age. (NRS 176.017) **Section 7**
10 of this bill requires a court to consider the differences between ~~{youthful}~~ **a person less than**
11 **21 years of age** and ~~{mature adult offenders}~~ **a person 21 years of age or older** in
12 determining the appropriate sentence for a person convicted as an adult of a crime committed
13 when he or she was less than 21 years of age.
14 **Section 8** of this bill: (1) ~~{requires each}~~ **authorizes a** prosecutorial office in this State to
15 establish a system of race-blind charging to be used when determining whether criminal
16 charges should be filed against a person; and (2) ~~{prescribes certain requirements and~~
17 ~~procedures for}~~ **provides that** the system ~~{}~~ **may include certain attributes and**
18 **procedures.** **Section 9** of this bill: ~~{imposes a similar requirement as section 8 with respect to~~

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~~the juvenile justice system by: (1) [requiring each] similarly authorizes a 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 (2) [prescribing certain requirements and procedures for] provides that the system [] may include certain attributes and procedures.~~

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

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~~Section 1. [Chapter 176 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.] (Deleted by amendment.)~~

~~Sec. 2. [As used in NRS 176.0121 to 176.0129, inclusive, and sections 3, 4 and 5 of this act, unless the context otherwise requires, the words and terms defined in section 3 of this act and NRS 176.0121 have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

~~Sec. 3. ["Task Force" means the Nevada Police Reform Advisory Task Force created by section 4 of this act.] (Deleted by amendment.)~~

~~Sec. 4. [1. There is hereby created the Nevada Police Reform Advisory Task Force under the auspices of the Commission.~~

~~2. The Task Force consists of the following members appointed by the Commission:~~

- ~~(a) A sociology professor with expertise in public policy;~~
- ~~(b) A legal scholar specializing in criminal procedure and racial profiling;~~
- ~~(c) A legal scholar studying indigenous peoples;~~
- ~~(d) A social scientist with research experience in hate groups;~~
- ~~(e) A law enforcement officer familiar with the issues related to police relations with minority communities;~~
- ~~(f) A member of a police union located in this State interested in police reform; and~~
- ~~(g) A law enforcement administrator knowledgeable about police procedure and reform.~~

~~3. Each member of the Task Force serves a term of 2 years. A member may be reappointed to additional 2-year terms following his or her initial term. If a member of the Task Force ceases to be qualified for the position to which he or she was appointed, the position shall be deemed vacant, and the Commission shall appoint a replacement for the remainder of the unexpired term. A vacancy must be filled in the same manner as the original appointment.~~

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

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

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

~~7. A member of the Task Force shall serve without compensation.~~

~~8. A member of the Task Force who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation so that the member may prepare for and attend meetings of the Task Force and perform any work necessary to carry out the duties of the Task Force in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or~~

~~employee who is a member of the Task Force to make up the time the officer or employee is absent from work to carry out duties as a member of the Task Force or use annual vacation or compensatory time for the absence.] (Deleted by amendment.)~~

Sec. 5. ~~The Task Force shall:~~

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

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

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

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

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

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

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

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

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

~~10. Make recommendations to the Commission to improve policing practices in this State; and~~

~~11. On or before December 1 of each even numbered year, submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report describing the findings and recommendations of the Task Force.] (Deleted by amendment.)~~

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

~~176.0121 [As used in NRS 176.0121 to 176.0129, inclusive.] "Commission" means the Advisory Commission on the Administration of Justice.] (Deleted by amendment.)~~

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

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

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

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

1. ~~Each~~ A prosecutorial office in this State shall ~~may~~ establish a system of race-blind charging. The system must ~~may~~ include, without limitation, the following requirements, attributes and procedures:

(a) ~~The race~~ Redaction of the identifying information of a person must be concealed ~~and the name and recommended charge of the arresting officer from the documents reviewed by the prosecutor who is assigned the duty to consider whether to file or not file any criminal charge against the person while the prosecutor is making the initial decision whether to file or not file any criminal charge against the person.~~

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

(c) After the initial decision is made and recorded in the case file, the race identifying information of the person and the name and recommended charge of the arresting officer may be disclosed to the prosecutor and the prosecutor may ~~preview any evidence that was previously concealed and~~ determine whether to change the initial decision.

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

(e) Use of computer software compatible with computer programs that redact identifying information.

2. A prosecutorial office in this State may collaborate with a law enforcement agency to:

(a) Redesign forms, to the extent possible, used in police reports, witness statements or other documents to isolate identifying information in an easily redactable section of the form; and

(b) Train peace officers, to the extent possible, to avoid the use of identifying information in narrative reports.

3. As used in this section:

(a) “Identifying information” means:

(1) Race;

(2) Name;

(3) Language spoken;

(4) Physical description; and

(5) Street address where the arrest or violation occurred and street address of the residence of the person.

(b) “Law enforcement agency” means:

(1) The sheriff’s office of a county;

(2) A metropolitan police department; or

(3) A police department of an incorporated city.

(c) “Prosecutor” means:

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

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

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

~~(b)~~ (d) “Prosecutorial office” means the office of:

- 1 (1) *The Attorney General;*
- 2 (2) *The district attorney of a county; or*
- 3 (3) *The city attorney of an incorporated city.*

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

6 ~~Each~~

7 1. A district attorney in this State ~~shall~~ may establish a system of race-
 8 blind charging to be used when determining whether to file or not file a petition
 9 alleging that a child is delinquent. The system ~~must~~ may include, without
 10 limitation, the following ~~requirements~~ attributes and procedures:

11 ~~1. The race~~

12 (a) Redaction of the identifying information of the child ~~must be concealed~~
 13 and the name and recommended charge of the peace officer or probation officer
 14 who took the child into custody from the documents reviewed by the attorney who
 15 is assigned the duty to consider whether to file or not file the petition while the
 16 attorney is making the initial decision whether to file or not file the petition.

17 ~~2.~~ (b) Upon making the initial decision whether to file or not file the
 18 petition, the attorney shall record that initial decision in the case file.

19 ~~3.~~ (c) After the initial decision is made and recorded in the case file, the
 20 ~~race~~ identifying information of the child and the name and recommended
 21 charge of the arresting officer may be disclosed to the attorney and the attorney
 22 may ~~review any evidence that was previously concealed and~~ determine whether
 23 to change the initial decision.

24 ~~4.~~ (d) If the final decision to file or not file the petition is different from the
 25 initial decision, the attorney shall record in the case file an explanation of the
 26 reasons for changing the decision.

27 (e) Use of computer software compatible with computer programs that redact
 28 identifying information.

29 2. A district attorney in this State may collaborate with a law enforcement
 30 agency to:

31 (a) Redesign forms, to the extent possible, used in police reports, witness
 32 statements or other documents to isolate identifying information in an easily
 33 redactable section of the form; and

34 (b) Train peace officers, to the extent possible, to avoid the use of identifying
 35 information in narrative reports.

36 3. As used in this section:

37 (a) "Identifying information" means:

38 (1) Race;

39 (2) Name;

40 (3) Language spoken;

41 (4) Physical description; and

42 (5) Street address where the violation occurred or where the child was
 43 taken into custody and street address of the residence of the child.

44 (b) "Law enforcement agency" means:

45 (1) The sheriff's office of a county;

46 (2) A metropolitan police department; or

47 (3) A police department of an incorporated city.

48 **Sec. 10.** ~~[The provisions of subsection 1 of NRS 218D.380 do not apply to~~
 49 ~~any provisions of this act which add or revise a requirement to submit a report to~~
 50 ~~the Legislature.] (Deleted by amendment.)~~

51 **Sec. 11.** ~~[The provisions of NRS 354.599 do not apply to any additional~~
 52 ~~expenses of a local government that are related to the provisions of this act.]~~
 53 ~~(Deleted by amendment.)~~

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

3 1. Before October 1, 2021, if the person is convicted on or after October 1,
4 2021; and

5 2. On or after October 1, 2021.

6 **Sec. 13.** ~~1. This section becomes effective upon passage and approval.~~

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

8 ~~(a) Upon passage and approval for the purpose of adopting any policies or~~
9 ~~procedures and performing any preparatory administrative tasks that are necessary~~
10 ~~to carry out the provisions of this act; and~~

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

12 ~~3. Sections 1 to 7, inclusive, and 10, 11 and 12 of this act become effective on~~
13 ~~October 1, 2021.] **(Deleted by amendment.)**~~