

SENATE BILL NO. 197—SENATOR DALY

FEBRUARY 10, 2025

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to criminal procedure. (BDR 14-196)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to criminal procedure; establishing various requirements relating to the placement of certain persons on a Brady-Giglio list; providing certain rights to certain law enforcement officers and employees of a law enforcement agency; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 In *Brady v. Maryland*, the United States Supreme Court held that a prosecutor  
2 may violate the due process protections guaranteed by the United States  
3 Constitution if the prosecutor withholds “evidence favorable to the accused” in a  
4 criminal case, thus undermining the defendant’s right to a fair trial. (373 U.S. 83,  
5 86-87 (1963)) This includes evidence that could impeach the credibility of a  
6 witness. (*Giglio v. United States*, 405 U.S. 150, 154 (1972)) **Section 1** of this bill  
7 defines the term “Brady-Giglio list” to mean a system, index, list or other record  
8 established and maintained by a prosecuting agency for the purpose of satisfying  
9 the obligation of the prosecuting agency to disclose exculpatory evidence to a  
10 defendant pursuant to *Brady v. Maryland* and *Giglio v. United States*. **Section 1**  
11 requires a prosecuting agency that maintains a Brady-Giglio list to adopt a policy  
12 concerning the placement of a law enforcement officer or employee of a law  
13 enforcement agency on a Brady-Giglio list. **Section 1** also: (1) sets forth certain  
14 requirements relating to any such policy; (2) grants certain rights to a law  
15 enforcement officer or employee of a law enforcement agency relating to placement  
16 on a Brady-Giglio list; and (3) prohibits a prosecuting agency from disclosing  
17 certain information concerning a law enforcement officer or employee of a law  
18 enforcement agency who may be called as a witness in a criminal case under  
19 certain circumstances.

20 **Section 2** of this bill requires a prosecuting agency to notify each law  
21 enforcement officer or employee of a law enforcement agency whose name is  
22 included on a Brady-Giglio list on July 1, 2025, of the right of the officer or  
23 employee to submit a request for reconsideration of the placement of the officer or



24 employee on the Brady-Giglio list. **Section 2** also requires a prosecuting agency to  
25 remove the officer or employee from the Brady-Giglio list if: (1) the prosecuting  
26 agency determines that the conduct of the officer or employee does not warrant  
27 inclusion of the officer or employee on the Brady-Giglio list; and (2) certain other  
28 requirements are met.

---

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

1       **Section 1.** Chapter 178 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3       1. *Before a prosecuting agency places a law enforcement*  
4 *officer or employee of a law enforcement agency on a Brady-*  
5 *Giglio list, the prosecuting agency shall send to the officer or*  
6 *employee written notice of the potential placement of the officer or*  
7 *employee on the Brady-Giglio list. The notice must include,*  
8 *without limitation:*

9       (a) *A statement that the officer or employee may be placed on*  
10 *the Brady-Giglio list maintained by the prosecuting agency;*

11       (b) *Notice of the right of the officer or employee to:*

12       (1) *Request that the prosecuting agency provide to the*  
13 *officer or employee any document, record or other evidence*  
14 *possessed by the prosecuting agency and relevant to its*  
15 *determination concerning whether to place the officer or employee*  
16 *on a Brady-Giglio list; and*

17       (2) *Provide input to the prosecuting agency concerning*  
18 *placement on a Brady-Giglio list before the prosecuting agency*  
19 *may place the officer or employee on any such list; and*

20       (c) *Information concerning any procedural requirements*  
21 *applicable to the exercise of a right described in paragraph (b).*

22       2. *Upon making a determination to place a law enforcement*  
23 *officer or employee of a law enforcement agency on a Brady-*  
24 *Giglio list, the prosecuting agency shall send to the officer or*  
25 *employee written notice of the placement of the officer or*  
26 *employee on the Brady-Giglio list. The notice must include,*  
27 *without limitation:*

28       (a) *A statement that the officer or employee has been placed*  
29 *on the Brady-Giglio list maintained by the prosecuting agency;*

30       (b) *Notice of the right of the officer or employee to request that*  
31 *the prosecuting agency reconsider the placement of the officer or*  
32 *employee on the Brady-Giglio list; and*

33       (c) *Information concerning any procedural requirements*  
34 *applicable to the exercise of a right described in paragraph (b),*  
35 *including, without limitation, the time frame and manner in which*  
36 *the officer or employee must submit a request for reconsideration*



1 of the placement of the officer or employee on the Brady-Giglio  
2 list.

3 3. If a law enforcement officer or employee of a law  
4 enforcement agency:

5 (a) Does not submit a request for reconsideration of placement  
6 on a Brady-Giglio list or fails to comply with a procedural  
7 requirement applicable to the submission of a request for  
8 reconsideration of placement on a Brady-Giglio list, the officer or  
9 employee must remain on the Brady-Giglio list until such time as  
10 the prosecuting agency determines that the conduct of the officer  
11 or employee no longer warrants inclusion of the officer or  
12 employee on the Brady-Giglio list.

13 (b) Submits a request for reconsideration of placement on a  
14 Brady-Giglio list, the prosecuting agency shall:

15 (1) Approve the request and remove the officer or employee  
16 from the Brady-Giglio list if the prosecuting agency determines  
17 that the conduct of the officer or employee does not warrant  
18 inclusion of the officer or employee on the Brady-Giglio list.

19 (2) Deny the request if the prosecuting agency determines  
20 that the conduct of the officer or employee warrants inclusion of  
21 the officer or employee on the Brady-Giglio list. An officer or  
22 employee whose request for reconsideration is denied shall remain  
23 on the Brady-Giglio list until such time as the prosecuting agency  
24 determines that the conduct of the officer or employee no longer  
25 warrants inclusion of the officer or employee on the Brady-Giglio  
26 list.

27 4. A prosecuting agency shall send the notice required by  
28 subsections 1 and 2 by mail or electronic mail to the current or  
29 last known place of employment of the law enforcement officer or  
30 employee of a law enforcement agency. Upon receipt of any such  
31 notice, the employer shall:

32 (a) Deliver the notice to the officer or employee to whom the  
33 notice pertains, if the officer or employee is employed by the  
34 employer.

35 (b) Send the notice by mail or electronic mail to the current or  
36 last known address of the officer or employee to whom the notice  
37 pertains, if the officer or employee is no longer employed by the  
38 employer.

39 5. A prosecuting agency that maintains a Brady-Giglio list  
40 shall adopt a policy concerning the placement of a law  
41 enforcement officer or employee of a law enforcement agency on a  
42 Brady-Giglio list. The policy must:

43 (a) Provide the rights described in subsections 1 and 2 to  
44 officers and employees;

45 (b) Include, without limitation:



1           (1) *The criteria used by the prosecuting agency to*  
2 *determine whether to place an officer or employee on a Brady-*  
3 *Giglio list; and*

4           (2) *The time frame within which the prosecuting agency*  
5 *must provide the notice required by subsections 1 and 2; and*

6           (c) *Prescribe procedural requirements applicable to the*  
7 *exercise of a right described in subsection 1 or 2.*

8           6. *Except as otherwise provided in paragraph (b) or required*  
9 *by federal or state law or court order, a prosecuting agency:*

10           (a) *Shall not disclose any information maintained by the*  
11 *prosecuting agency relating to a law enforcement officer or*  
12 *employee of a law enforcement agency who may be called as a*  
13 *witness in a criminal case.*

14           (b) *May disclose the information described in paragraph (a) to*  
15 *an officer or employee described in paragraph (a) or the legal*  
16 *counsel of any such officer or employee upon the request of the*  
17 *officer or employee.*

18           7. *The rights provided by this section are in addition to any*  
19 *rights negotiated pursuant to a collective bargaining agreement*  
20 *and any other rights recognized by law.*

21           8. *Nothing in this section shall be construed to:*

22           (a) *Limit the ability of a prosecuting agency to remove a law*  
23 *enforcement officer or employee of a law enforcement agency*  
24 *from a Brady-Giglio list if the prosecuting agency determines that*  
25 *the conduct of the officer or employee no longer warrants*  
26 *inclusion of the officer or employee on the Brady-Giglio list.*

27           (b) *Affect any obligation placed upon a prosecuting attorney*  
28 *by the Nevada Constitution or the United States Constitution.*

29           (c) *Prohibit a law enforcement officer or employee of a law*  
30 *enforcement agency from bringing a private cause of action for*  
31 *damages resulting from the placement of the officer or employee*  
32 *on a Brady-Giglio list.*

33           9. *As used in this section:*

34           (a) *“Brady-Giglio list” means a system, index, list or other*  
35 *record established and maintained by a prosecuting agency for the*  
36 *purpose of satisfying the obligation of the prosecuting agency to*  
37 *disclose exculpatory evidence to a defendant pursuant to Brady v.*  
38 *Maryland, 373 U.S. 83 (1963) and Giglio v. United States, 405*  
39 *U.S. 150 (1972).*

40           (b) *“Law enforcement agency” means:*

41               (1) *The sheriff’s office of a county;*

42               (2) *A metropolitan police department; or*

43               (3) *A police department of an incorporated city.*



1 (c) *“Prosecuting agency” includes the Attorney General and*  
2 *the district attorney or city attorney of any county or city,*  
3 *respectively.*

4 **Sec. 2.** 1. Not more than 90 days after July 1, 2025, a  
5 prosecuting agency that maintains a Brady-Giglio list shall send to  
6 each law enforcement officer or employee of a law enforcement  
7 agency whose name is included on the Brady-Giglio list maintained  
8 by the prosecuting agency on July 1, 2025, written notice of the  
9 right of the officer or employee to request that the prosecuting  
10 agency reconsider the placement of the officer or employee on the  
11 Brady-Giglio list. The notice must:

12 (a) Be sent in the manner described in subsection 4 of section 1  
13 of this act; and

14 (b) Include, without limitation, the information described in  
15 subsection 2 of section 1 of this act.

16 2. If a law enforcement officer or employee of a law  
17 enforcement agency who receives the notice required by  
18 subsection 1:

19 (a) Does not submit a request for reconsideration of the  
20 placement of the officer or employee on the Brady-Giglio list or  
21 fails to comply with a procedural requirement applicable to the  
22 submission of any such request, the officer or employee must  
23 remain on the Brady-Giglio list until such time as the prosecuting  
24 agency determines that the conduct of the officer or employee no  
25 longer warrants inclusion of the officer or employee on the Brady-  
26 Giglio list.

27 (b) Submits a request for reconsideration of the placement of the  
28 officer or employee on the Brady-Giglio list, the prosecuting agency  
29 shall:

30 (1) Approve the request and remove the officer or employee  
31 from the Brady-Giglio list if the prosecuting agency determines that  
32 the conduct of the officer or employee does not warrant inclusion of  
33 the officer or employee on the Brady-Giglio list.

34 (2) Deny the request if the prosecuting agency determines  
35 that the conduct of the officer or employee warrants inclusion of the  
36 officer or employee on the Brady-Giglio list. An officer or employee  
37 whose request for reconsideration is denied shall remain on the  
38 Brady-Giglio list until such time as the prosecuting agency  
39 determines that the conduct of the officer or employee no longer  
40 warrants inclusion of the officer or employee on the Brady-Giglio  
41 list.

42 3. As used in this section:

43 (a) “Brady-Giglio list” has the meaning ascribed to it in section  
44 1 of this act.



1 (b) “Law enforcement agency” has the meaning ascribed to it in  
2 section 1 of this act.

3 (c) “Prosecuting agency” has the meaning ascribed to it in  
4 section 1 of this act.

5 **Sec. 3.** This act becomes effective on July 1, 2025.





