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Criminal Procedure; Jury Instructions

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amount under the restitution agreement,²⁴ or the offender is released from prison and continuation of restitution payments is not a condition of parole.²⁵ Existing law, however, authorizes a court to order restitution by a defendant as a condition of probation or suspension of sentence.²⁶ Chapter 616 requires that if, within three years after the defendant has been discharged from probation, the Department of Parole and Probation has not located the person to whom restitution was ordered, the restitution payments must be deposited with the State Treasurer for credit to the fund for the compensation of victims of crime.²⁷

24. *Id.* §209.— 3.

25. *Id.* §209.— 2.

26. *Id.* §§176.189 1, 213.126 1.

27. *Id.* §§176.189 3, 213.126 4.

Criminal Procedure; jury instructions

N.R.S. §175.161 (amended).

SB 227 (Committee on Judiciary); STATS 1981, Ch 218

Under existing law, either party in a criminal trial may request that a specific instruction be given to the jury.¹ The judge may exercise discretion in either giving or refusing the instruction.² Prior to the enactment of Chapter 218, the court was required to show by endorsement on the charge its decision whether the instruction would be given to a jury, distinguishing if necessary those parts of the instruction that were given and those that were refused.³ The court also was required to sign the charge.⁴ Chapter 218 replaces these requirements for the giving or refusing of jury instructions.⁵

Under the procedures established by Chapter 218, each party requesting an instruction must submit an original and one copy of the request to the court.⁶ The copies must be numbered and indicate the identity of the requesting party.⁷ In addition, the court must identify any copies it modifies or submits on its own motion.⁸ Any conferences

1. See N.R.S. §175.161. See generally *id.* §169.025.

2. See *id.* §175.161 3.

3. STATUTES OF NEVADA 1969, c. 237, §1, at 401 (amending N.R.S. §175.161 4).

4. *Id.*

5. Compare N.R.S. §§175.161 4, 175.161 5 with STATUTES OF NEVADA 1969, c. 237, §1, at 401.

6. N.R.S. §175.161 4.

7. *Id.*

8. *Id.*

between counsel and the court held to settle instructions must be conducted outside the presence of the jury.⁹ If a requested instruction is refused, the court must write on the margin of the original the word "refused" and initial or sign the notation.¹⁰ If the instruction is given to the jury the court must write the word "given" at its conclusion and sign the last instruction to indicate that all preceding instructions have been given.¹¹ After the instructions are given, the judge may not clarify, modify, or explain them to the jury except in writing unless the parties agree to oral instructions.¹² Finally, Chapter 218 requires the clerk to preserve all original requests, whether given or refused, as part of the proceedings.¹³

9. *Id.* §175.161 6.

10. *Id.* §175.161 4.

11. *Id.*

12. *Id.*

13. *Id.* §175.161 5.

Criminal Procedure; presentence investigation and report— probation—confiscated property

N.R.S. §§213.— - 213.— (new); §§62.270, 176.135, 176.145, 176.156, 176.185, 176.215, 213.107 (amended).

SB 12 (Close); STATS 1981, Ch 19

SB 247 (Committee on Judiciary); STATS 1981, Ch 193

(*Effective May 6, 1981*)

SB 256 (Committee on Judiciary); STATS 1981, Ch 566

SB 307 (Committee on Judiciary); STATS 1981, Ch 237

Chapters 237, 193, 19, and 566 make a number of significant changes in the law concerning the presentence investigation and report. Included are changes which limit the required submission of the report,¹ expand the types of information required in the report,² secure the confidentiality of the report,³ and facilitate the preparation of the report.⁴ In addition, Chapter 193 (1) reduces the probationer's ability to be excused for a violation of probation,⁵ (2) broadens the types of terms and

1. *See* N.R.S. §§176.135 1(a), (b), 176.185 2.

2. *See id.* §§176.145 3, 176.145 2, 5.

3. *See id.* §176.156 2.

4. *See id.* §62.270 2(b).

5. *See id.* §176.189 2. *Compare id.* §176.185 3 with STATUTES OF NEVADA 1979, c. 655, §132, at 1460.