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## Criminal Procedure; Release Without Bail

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deemed an employee of the county and entitled to wages of \$50 per month and the benefits of industrial insurance.<sup>36</sup> Chapter 249 now specifies that persons eighteen years of age or older who are ordered to work for a community as punishment or as a condition of probation by any court are also employees of the county and as such are entitled to \$50 per month wages and industrial insurance benefits.<sup>37</sup>

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36. *Id.* §616.082 1.

37. *Compare id.* §616.082 2 with STATUTES OF NEVADA 1973, c. 753, §19, at 1580.

### **Criminal Procedure; release without bail**

N.R.S. §178.— (new); §§171.1845, 178.484, 178.502 (amended).  
SB 310 (Committee on Judiciary); STATS 1981, Ch 665

Chapter 665 is an apparent response to the consent decree ordered by the Federal District Court in *West v. Lamb*<sup>1</sup> to remedy overcrowded, dirty, and dangerous conditions existing in some Nevada jails.<sup>2</sup> The Executive Summary of Recommendations,<sup>3</sup> the evidentiary basis for the consent decree,<sup>4</sup> states that a presumption favoring pretrial release should apply in all cases where the defendant is shown not to present a danger to the community and where there is not a strong risk of flight<sup>5</sup> and also recommends that prior law<sup>6</sup> should be broadened to allow more pretrial releases.<sup>7</sup> Chapter 665 broadens prior law by authorizing the courts to release, without bail, any person entitled to bail upon showing good cause,<sup>8</sup> and by granting local sheriffs and chiefs of police greater latitude in decisions regarding pretrial release.<sup>9</sup> Chapter 665 imposes certain procedures for release without bail<sup>10</sup> and provides sanctions for defendants who do not comply with release conditions, including payment of costs when it is necessary to return a defendant who fails to appear for trial.<sup>11</sup> Chapter 665 enumerates the following factors for the court to consider in determining good cause for release without bail: (1) length of residence in the community; (2) employ-

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1. 497 F. Supp. 989, 994 (D. Nev. 1980).

2. *See id.* (Clark County Grand Jury Report, 1975 and 1977).

3. *See id.* at 1011.

4. *See id.* at 994 (consent decree).

5. *See id.* at 1011.

6. *See* STATUTES OF NEVADA 1977, c. 585, §11, at 1545 (amending N.R.S. §178.484).

7. *See* 497 F. Supp. at 1011.

8. *See* N.R.S. §178.— 1.

9. *Compare id.* with STATUTES OF NEVADA 1977, c. 585 §11, at 1545.

10. *See* N.R.S. §178.— 4.

11. *See id.* §178.— 4(c), (d), 5, 6.

ment status and history; (3) family relationships; (4) reputation, character, and mental condition; (5) prior record; (6) identity of community members vouching for defendant's reliability; (7) nature of the offense; and (8) any other factors bearing on the risk that defendant may willfully fail to appear.<sup>12</sup>

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12. *See id.* *See also* Application of Floyd, 413 F. 574, 576 (D. Nev. 1976).

### **Criminal Procedure; definition of convicted persons for purposes of registration**

N.R.S. §207.080 (amended).

SB 35 (Committee on Judiciary); STATS 1981, Ch 594

Current law provides that certain convicted persons, including convicted felons<sup>1</sup> and those convicted of specific enumerated crimes whether or not a felony,<sup>2</sup> may not remain in the state of Nevada for more than forty-eight hours without registering with the sheriff of any county or the chief of police of any city within that forty-eight hour period.<sup>3</sup> Convicted persons residing outside the state also must register if they enter the state on five or more occasions during any thirty-day period.<sup>4</sup> This registration provides law enforcement officials a current record of the identity and location of these persons.<sup>5</sup> Existing law defines the term "convicted person" as any person convicted of a felony within the state of Nevada,<sup>6</sup> or of other specified crimes, whether in Nevada or elsewhere.<sup>7</sup> Prior law also included persons convicted in any place other than Nevada of any offense that, had it been committed in Nevada, would have been a felony.<sup>8</sup> Chapter 594 modifies the definition to include persons convicted of an offense punishable by imprisonment for one year or more, or those convicted outside the state of a felony as defined at the situs of conviction.<sup>9</sup>

Chapter 594 may be open to constitutional attack as violating the

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1. *See* N.R.S. §207.080 1(a).

2. *See id.* §207.080 1(b), (c), (d).

3. *Id.* §207.090 1.

4. *See id.* §207.090 2.

5. *See* *Atteberry v. State*, 84 Nev. 213, 218, 438 P.2d 789, 791 (1968).

6. *See* N.R.S. §207.080 1(a).

7. *See id.* §207.080 1(b), (c), (d) (Chapter 594 adds N.R.S. §§465.080-465.085 to the list of crimes).

8. *See* STATUTES OF NEVADA 1979, c. 524, §6, at 1019 (enacting N.R.S. §207.080 1(a)).

9. *See* N.R.S. §207.080 1(a).