Criminal Procedure; Statute of Limitations--Gross Misdemeanors

Univeristy of the Pacific, McGeorge School of Law

Follow this and additional works at: https://scholarlycommons.pacific.edu/nlr

Part of the Legislation Commons

Recommended Citation
Available at: https://scholarlycommons.pacific.edu/nlr/vol1981/iss1/43

This Legislative Review is brought to you for free and open access by the Journals and Law Reviews at Scholarly Commons. It has been accepted for inclusion in Pacific Law Journal Review of Selected Nevada Legislative by an authorized editor of Scholarly Commons. For more information, please contact mgibney@pacific.edu.
due process provisions of the United States\textsuperscript{10} and Nevada\textsuperscript{11} Constitutions. Similar registration statutes have been challenged and found to violate due process based upon the defendant's lack of actual knowledge of the requirement of registration.\textsuperscript{12} This potential due process violation exists because Chapter 594 contains no specific notice provisions.\textsuperscript{13} This may be the case, for example, if Chapter 594 is applied to those persons presently in the state of Nevada who have been previously convicted of an out-of-state felony, not defined as a felony in Nevada. Prior to the enactment of Chapter 594, these persons were not required to register.\textsuperscript{14} Absent actual knowledge of the requirements imposed by Chapter 594, these persons may have already failed to register within the prescribed forty-eight hour period\textsuperscript{15} and therefore would be guilty of a misdemeanor.\textsuperscript{16}

\textsuperscript{10} See generally U.S. Const. amend. V, XIV.
\textsuperscript{11} See generally Nev. Const. art. I, §8.
\textsuperscript{12} See Lambert v. California, 355 U.S. 225 (1957).
\textsuperscript{13} See N.R.S. §207.080.
\textsuperscript{14} See Statutes of Nevada 1979, c. 524, §6, at 1019 (enacting N.R.S. §207.080 1(a)).
\textsuperscript{15} See N.R.S. §207.090 1.
\textsuperscript{16} See id. §§207.140, 207.150.

\textbf{Criminal Procedure; statute of limitations—gross misdemeanors}

N.R.S. §§171.090, 171.095 (amended).

SB 306 (Committee on Judiciary); Stats 1981, Ch 414

Prior to the enactment of Chapter 414 all misdemeanors\textsuperscript{1} were subject to a one year statute of limitations.\textsuperscript{2} Chapter 414 distinguishes gross misdemeanors\textsuperscript{3} from other misdemeanors\textsuperscript{4} for the purpose of establishing the statute of limitations.\textsuperscript{5} The state now has two years after the commission of a gross misdemeanor to find an indictment or file an information or complaint.\textsuperscript{6} The statute of limitations for other misdemeanors continues to be one year.\textsuperscript{7}

\textsuperscript{1} See N.R.S. §193.120 (definition of misdemeanors).
\textsuperscript{3} See N.R.S. §193.120 4 (definition of gross misdemeanor). See also id. §193.140 (punishment for commission of a gross misdemeanor).
\textsuperscript{4} See id. §193.120 3.
\textsuperscript{5} See id. §171.090.
\textsuperscript{6} See id. §171.090 1. See also id. §171.095 (two year statute of limitations accrues after discovery of a gross misdemeanor committed in a secret manner).
\textsuperscript{7} See id. §171.090 2.