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Criminal Procedure; Statute of Limitations--Gross Misdemeanors

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due process provisions of the United States¹⁰ and Nevada¹¹ 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.¹² This potential due process violation exists because Chapter 594 contains no specific notice provisions.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.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 period¹⁵ and therefore would be guilty of a misdemeanor.¹⁶

10. See generally U.S. CONST. amend. V, XIV.

11. See generally NEV. CONST. art. I, §8.

12. See *Lambert v. California*, 355 U.S. 225 (1957).

13. See N.R.S. §207.080.

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

15. See N.R.S. §207.090 1.

16. See *id.* §§207.140, 207.150.

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 misdemeanors¹ were subject to a one year statute of limitations.² Chapter 414 distinguishes gross misdemeanors³ from other misdemeanors⁴ for the purpose of establishing the statute of limitations.⁵ The state now has two years after the commission of a gross misdemeanor to find an indictment or file an information or complaint.⁶ The statute of limitations for other misdemeanors continues to be one year.⁷

1. See N.R.S. §193.120 (definition of misdemeanors).

2. See STATUTES OF NEVADA 1981, c. 414, §1, at — (amending N.R.S. §171.090). See generally *Melvin v. Sheriff*, 92 Nev. 146, 546 P.2d 1294 (1976), *Cherubini v. Sheriff*, 92 Nev. 111, 546 P.2d 598 (1976), *Bonnefant v. Sheriff*, 84 Nev. 150, 437 P.2d 471 (1968) (application of one year statute of limitations to gross misdemeanors).

3. See N.R.S. §193.120 4 (definition of gross misdemeanor). See also *id.* §193.140 (punishment for commission of a gross misdemeanor).

4. See *id.* §193.120 3.

5. See *id.* §171.090.

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).

7. See *id.* §171.090 2.

