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Public Entities

Public Entities, Officers, and Employees; limitation of public defender's liability

N.R.S. §41.0307 (amended).

AB 277 (Committee on Judiciary); STATS 1981, Ch 126

Existing law provides that state officers are generally immune from liability when exercising due care in the execution of a statute or regulation, or when performing a discretionary function.¹ Prior to the enactment of Chapter 126, the definition of officer or employee included members or employees of a state commission or political subdivision, but did not specifically include public defenders.² Chapter 126 now includes public defenders within the definition of public officers for purposes of limited liability.³

1. See *Harrigan v. City of Reno*, 86 Nev. 678, 681, 475 P.2d 94, 95 (1970) (Nevada's discretionary exception is identical to that of the Federal Tort Claims Act, 28 U.S.C. §2680(a) (1976)); N.R.S. §41.032 1, 2; See e.g., *Barton v. United States*, 609 F.2d 977, 979 (10th Cir. 1979) (a decision is discretionary when a government official acts without reliance upon a fixed or ascertainable standard when in the performance of his statutory duty); *Gurley v. Brown*, 65 Nev. 250, 252, 193 P.2d 693, 696 (1948) (discretionary powers are exercised according to a person's own judgment as to what is necessary and proper); *Bruttomesso v. Las Vegas Metropolitan Police*, 95 Nev. 151, 153, 591 P.2d 254, 255 (1979).

2. See STATUTES OF NEVADA 1977, c. 584, §1, at 1536 (amending N.R.S. §41.0307).

3. Compare N.R.S. §41.0307 with STATUTES OF NEVADA 1977, c. 584, §1, at 1536.

Public Entities, Officers, and Employees; Federal Bureau of Investigation reports

N.R.S. Title 19 (amended).

AB 346 (Jeffrey); STATS 1981, Ch 284

Under existing law, state agencies and political subdivisions have the power to regulate and license businesses and professions and their employees in order to promote and protect the safety, health, morals, good order, and general welfare of the state or a community.¹ In exercising

1. See *Crowley v. Christensen*, 137 U.S. 86, 89, 91 (1890); *State v. Rosenthal*, 93 Nev. 36, 42, 43, 559 P.2d 830, 834, 835 (1977); *County of Clark v. City of Los Angeles*, 70 Nev. 219, 221, 265 P.2d 216, 217 (1954); *State ex rel. Grimes v. Board of Comm'rs*, 53 Nev. 364, 373, 1 P.2d 570, 572 (1931); N.R.S. §§463.130 1(b), (c), (d), 463.140 2, 4, 463.170 2(a), (b).