Public Entities, Officers, and Employees; Limitation of Public Defender's Liability

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/iss1/74

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.
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 regu­
lation, or when performing a discretionary function.1 Prior to the en­
actment 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

ptionary exception is identical to that of the Federal Tort Claims Act, 28 U.S.C. §2680(a) (1976));
N.R.S. §41.032 I, 2; See e.g., Baron v. United States, 609 F.2d 977, 579 (10th Cir. 1979) (a deci­
sion 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,

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 em­
ployees 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).

Selected 1981 Nevada Legislation 141