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Crimes; Justified Homicide

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Crimes; justified homicide

NEV. REV. STAT. §200.— (new), §200.120 (amended).
AB 190 (DuBois); 1983 STAT. Ch 223

Existing law justifies homicide in self-defense or in the defense of habitation, property, or person against a person who manifestly intends or endeavors to (1) commit a felony against any person by violence or surprise or (2) enters the habitation of another for the purposes of assaulting or offering personal violence to any person therein when the entry is in a violent, riotous, or tumultuous manner.¹ Chapter 223 adds a provision that homicide will also be justified if the entry into the habitation is made in a surreptitious manner.² Furthermore, mayhem,³ battery,⁴ and assault⁵ will be justified⁶ under circumstances that now justify a homicide,⁷ as well as under those circumstances recognized at common law.⁸

1. NEV. REV. STAT. §200.120 (amended by 1983 Nev. Stat. c. 223, §1, at 518).

2. Compare NEV. REV. STAT. §200.120 (amended by 1983 Nev. Stat. c. 223, §§1, at 518) with 1912 Revised Laws of Nevada §6394, at 1834 (enacting NEV. REV. STAT. §200.120.)

3. See NEV. REV. STAT. §200.280 (defining mayhem as unlawfully depriving a human being of a member of his body, or disfiguring or rendering it useless).

4. *Id.* §200.481(1)(a) (defining battery as an unlawful use of force or violence upon the person of another).

5. *Id.* §200.471(1) (defining assault as an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another).

6. 1983 Nev. Stat. c. 223, §1, at 518.

7. See NEV. REV. STAT. §§200.120 (amended by 1983 Nev. Stat. c. 223, §1, at 518), 200.140, 200.150, 200.160 (providing the statutory situations under which homicide is justified); see also *id.* §200.130. A mere fear of any of the offenses under NEV. REV. STAT. section 200.120 shall not be sufficient to justify a killing. There must be the appearance that the circumstances were sufficient to excite the fears of a reasonable person, and that the party who killed truly acted under the influence of those fears and not in a spirit of revenge. *Id.*

8. See 6 AM. JUR. 2D *Assault and Battery* §§81-89 1963.

Crimes; fleeing from peace officers

NEV. REV. STAT. §§200.040, 200.070, 484.348, 484.377 (amended).
AB 409 (Price); 1983 STAT. Ch 409

Under existing law, drivers who willfully fail or refuse to stop, or who otherwise attempt to elude or flee from a peace officer¹ are guilty

1. NEV. REV. STAT. §169.125 (definition of peace officer).