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Crimes; Metal-Penetrating Bullets

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what would be its ordinary meaning if practiced upon the living.²

In addition, under Chapter 149 parole may not be granted to a violator of this provision until a minimum of five years have been served.³ A qualified psychiatrist is required to certify that the violator is not a menace to the health, safety, or morals of others before either parole or probation will be granted.⁴

2. *Id.* c. 149, §1(3), at 344.

3. *Id.* c. 149, §1(1), at 344.

4. *Id.* c. 149, §1(2), at 344.

Crimes; battery against an officer

NEV. REV. STAT. §200.481 (amended).

SB 314 (Committee on Judiciary); 1983 STAT. Ch 277

Existing law imposes an enhanced penalty for a battery¹ committed upon an officer,² peace officer³ or a professional or volunteer firefighter.⁴ State correctional officers and other employees of the Department of Prisons are among those classified as peace officers.⁵ Chapter 277 expands existing law⁶ by including jailers, guards, matrons and other correctional officers of *cities* and *counties* within this officer classification⁷.

1. NEV. REV. STAT. §200.481(1)(a) (definition of battery).

2. *Id.* §200.481(2)(c). The officer must have suffered substantial bodily harm while in performance of duties, and the person charged knew or should have known that the victim was an officer. *Id.*

3. *Id.* §169.125 (definition of peace officer).

4. *Id.* §200.481(1)(c).

5. *See id.* §§169.125(15) (specifically including state correctional officers and employees within the definition of peace officer), 200.481(1)(c)(1).

6. *Compare* NEV. REV. STAT. §200.481(1)(c) (amended by 1983 Nev. Stat. c. 277, §1, at 674) with 1981 Nev. Stat. c. 334, §3, at 614 (amending NEV. REV. STAT. §200.481).

7. NEV. REV. STAT. §200.481(1)(c)(4) (amended by 1983 Nev. Stat. c. 277, §1, at 674).

Crimes; metal-penetrating bullets

NEV. REV. STAT. §§193.—, 202.— (new).

AB 423 (Francis); 1983 STAT. Ch 327

Existing law requires the imposition of an enhanced penalty when a firearm¹ or other deadly weapon² is used in the commission of a crime.³

1. NEV. REV. STAT. §202.253 (definition of a firearm).

Chapter 327 provides for an enhanced penalty when a handgun containing metal-penetrating bullets⁴ is used in the commission of a crime.⁵ The penalty imposed is a term equal to and in addition to the imprisonment prescribed for the primary offense.⁶ If more than one enhanced penalty is prescribed,⁷ the terms have been interpreted to run *concurrently*.⁸ Chapter 327 specifically states, however, that the additional penalty for using a handgun containing metal-penetrating bullets will be imposed *consecutively* with any other additional penalty, as well as with the term of imprisonment imposed for the primary offense.⁹

Finally, Chapter 327 prohibits the manufacture and sale of metal-penetrating bullets¹⁰ unless pursuant to a sales agreement with a law enforcement agency.¹¹ A violation of this provision is punishable as a gross misdemeanor.¹²

2. See *State v. McNeil*, 53 Nev. 428, 436, 4 P.2d 889, 890 (1931) (whether a weapon is deadly is a question of law rather than fact).

3. NEV. REV. STAT. §193.165(1) The penalty imposed is a term equal to that of the primary offense, and runs consecutively with the term of the primary offense. *Id.*

4. 1983 Nev. Stat. c. 327, §2(4), at 800-01 (definition of metal-penetrating bullet).

5. *Id.* c. 327, §1, at 800.

6. *Id.* c. 327, §1(1), at 800. See generally *Woofter v. O'Donnell*, 91 Nev. 756, 761-62, 542 P.2d 1396, 1399-1400 (1975) (additional penalty does not place defendant in double jeopardy because statute does not create a separate offense).

7. See, e.g., NEV. REV. STAT. §§193.165, 193.167 (additional penalties must be imposed when a firearm, deadly weapon or tear gas is used in the commission of a crime, and for certain crimes against persons 65 years of age or older).

8. *Carter v. State*, 1982 Nev. Adv. Op. 100, 647 P.2d 374, 377 (1982). The defendant was given two additional penalties of terms equal to and in addition to that of the primary offense for using a firearm in the commission of a crime against a person over 65 years of age. *Id.*

9. 1983 Nev. Stat. c. 327, §1(1), at 800.

10. *Id.* c. 327, §2(1), at 800.

11. *Id.* c. 327, §2(2), at 800.

12. *Id.* c. 327, §2(3), at 800.

Crimes; aliens—possession of concealable weapons

NEV. REV. STAT. §202.360 (amended).

SB 259 (Committee on Judiciary); 1983 STAT. Ch 386

Under existing law, all persons convicted of a felony are prohibited from owning, possessing, or having in their custody or control a pistol, revolver or firearm capable of being concealed upon their person.¹ Prior law also made it illegal for any unnaturalized foreign-born per-

1. NEV. REV. STAT. §202.360(2); see *id.* §202.360(1) ("pistol", "revolver", and "firearm capable of being concealed upon the person" include all firearms with a barrel length less than twelve inches).