Criminal Procedure; Burglary-Inferences

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record, or trial in a justice's court, the court could order a material witness to be released from liability resulting from testimony or other evidence that the witness was required to produce. Chapter 497 provides this immunity only to witnesses called to testify at a grand jury investigation, trial in a court of record, or preliminary examination.

2. Id. (liability for prosecution or punishment).
3. Id.

Criminal Procedure; burglary—inferences

SB 315 (Committee on Judiciary); 1983 Stat. Ch 294

Existing law provides that a judge may not direct the jury to find a presumed fact against the accused in a criminal action. When a presumed fact establishes guilt or is an element of the crime, the judge may submit the issue of its existence to the jury only if a reasonable juror could find the existence of the presumed fact beyond a reasonable doubt, based upon evidence of the proven facts.

Prior to the enactment of Chapter 294, anyone breaking and entering or unlawfully entering a building was presumed to have the requisite intent to commit grand or petit larceny or a felony therein. In Hollis v. State, however, the Nevada Supreme Court held that using this identical language in a jury instruction violated the statutory prohibition against directing the jury to find a presumed fact. Chapter 294 changes the definition of burglary by replacing the statutory pre-
sumption of unlawful intent\textsuperscript{10} with a \textit{reasonable inference}\textsuperscript{11} of unlawful intent.\textsuperscript{12}

Prior law also provided that any person who leased or rented a vehicle, and willfully failed to return the vehicle to its owner within a seventy-two hour period after the expiration of the lease or rental agreement, was presumed to have embezzled the vehicle.\textsuperscript{13} This presumption was expressly declared unconstitutional by the Nevada Supreme Court in \textit{Sheriff v. Boyer},\textsuperscript{14} because the presumption relieved the state of its burden of proving the crime of vehicle embezzlement.\textsuperscript{15} In apparent response to the \textit{Boyer} decision, Chapter 294 was enacted to replace the statutory presumption of vehicle embezzlement with a reasonable inference of guilt.\textsuperscript{16} In addition, Chapter 294 makes the identical change in the provisions relating to vehicle larceny.\textsuperscript{17}

Finally, under existing law, burglary is defined as the unlawful entry into specified residences, buildings, and conveyances, with the intent to commit grand or petit larceny or any felony therein.\textsuperscript{18} Chapter 294 expands the definition of burglary to include the unlawful entry into any airplane, glider, or boat.\textsuperscript{19}

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\textsuperscript{11} \textit{Ex parte} Kline, 71 Nev. 124, 134, 282 P.2d 367, 371 (1955) (an inference may be defined as a deduction by the reason of the jury from the facts proved, without an express direction of law).


\textsuperscript{13} 1963 Nev. Stat. c. 234, §1, at 393 (enacting NEV. REV. STAT. §205.312).

\textsuperscript{14} 97 Nev. 599, 637 P.2d 834 (1981).

\textsuperscript{15} \textit{Id.} at 601, 637 P.2d at 838.


\textsuperscript{18} NEV. REV. STAT. §205.060.


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\textbf{Criminal Procedure; complaints upon declaration}

\textit{NEV. REV. STAT. §§171.102, 171.1778, 484.817} (amended).

SB 191 (Committee on Judiciary); 1983 STAT. Ch 188

Prior law provided that a criminal complaint must have been upon

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