



# Pacific Law Journal Review of Selected Nevada Legislative

---

Volume 1983 | Issue 1

Article 41

---

1-1-1983

## Criminal Procedure; Contempt of Court

University 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

University of the Pacific, McGeorge School of Law, *Criminal Procedure; Contempt of Court*, 1983 U. PAC. L. REV. (2019).

Available at: <https://scholarlycommons.pacific.edu/nlr/vol1983/iss1/41>

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](mailto:mgibney@pacific.edu).

tion for a new trial based on newly discovered evidence by requiring that the motion be made within two years after the verdict or finding of guilt.<sup>10</sup>

---

10. NEV. REV. STAT. §176.515(3) (amended by 1983 Nev. Stat. c. 571, §2, at 1671). Compare *id.* 176.515(3) (amended by 1983 Nev. Stat. c. 571, §2, at 1671) with 1967 Nev. Stat. c. 523, §280, at 1443 (enacting NEV. REV. STAT. §176.515).

### **Criminal Procedure; juries—time for demand, reduction in size**

NEV. REV. STAT. §§175.011, 175.021 (amended).  
SB 211 (Committee on Judiciary); 1983 STAT. Ch 307

Prior to the enactment of Chapter 307, a defendant in a justice's court<sup>1</sup> was entitled to a jury trial if a written demand was submitted at least five days prior to trial.<sup>2</sup> Chapter 307 revises this provision by requiring that the written demand be made not less than thirty days before trial.<sup>3</sup> In addition, existing law provides that juries consist of twelve jurors unless the parties stipulate otherwise.<sup>4</sup> Prior law held that upon approval of the court, the parties could stipulate in writing that the jury consist of any number less than twelve.<sup>5</sup> Chapter 307 mandates that the jury must not be comprised of fewer than six jurors.<sup>6</sup> In addition, Chapter 307 provides that juries for the trial of a criminal action in a justice's court must consist of six jurors.<sup>7</sup>

---

1. See NEV. REV. STAT. §4.370 (jurisdiction of justice court).

2. See 1967 Nev. Stat. c. 523, §174(2), at 1424 (enacting NEV. REV. STAT. §175.011 (2)).

3. NEV. REV. STAT. §175.011(2) (amended by 1983 Nev. Stat. c. 307, §1(2), at 749).

4. *Id.* §175.021(2).

5. 1967 Nev. Stat. c. 523, §175(2), at 1424. This stipulation could be made at any time before the verdict. *Id.*

6. NEV. REV. STAT. §175.021(2) (amended by 1983 Nev. Stat. c. 307, §2(2), at 749).

7. See *id.* §175.021(3) (amended by 1983 Nev. Stat. c. 307, §2(3), at 749); see also Lehman, *Reducing Size of Juries—Is it a Blow to Liberty?*, L.A. Daily J., June 12, 1980, at 4, col. 2.

### **Criminal Procedure; contempt of court**

NEV. REV. STAT. §22.010, 22.020 (amended).  
SB 385 (Foley); 1983 STAT. Ch 350

Existing law specifies the acts or omissions constituting contempt of court.<sup>1</sup> Under Chapter 350 acts punishable as contempt of court will

---

1. NEV. REV. STAT. §22.010.

also include abusing the court process or proceedings<sup>2</sup> and falsely pretending to act under a court order or process.<sup>3</sup>

---

2. Compare *id.* §22.010 (amended by 1983 Nev. Stat. c. 350, §1, at 843) with 1911 NEV. REV. STAT. c. 50, §5394, at 1585 (enacting NEV. REV. STAT. §22.010).

3. NEV. REV. STAT. §22.010 (amended by 1983 Nev. Stat. c. 350, §1, at 843). Additionally, Chapter 350 recodifies existing contempt provisions relating to persons occupying land that they have no legal right to possess. See *id.* §22.020 (amended by 1983 Nev. Stat. c. 350, §2, at 844) (incorporating 1911 NEV. REV. LAWS c. 50, §5395, at 1586).

## Criminal Procedure; forfeiture of property

NEV. REV. STAT. §179.— (new); §217.260 (amended).  
AB 275 (Malone); 1983 STAT. Ch 449

Under existing law personal property will be subject to forfeiture<sup>1</sup> if it is used or intended to be used in the commission of a crime involving controlled substances.<sup>2</sup> Chapter 449 creates similar forfeiture provisions for personal property<sup>3</sup> used in the commission or attempted commission of murder, sexual assault, robbery, kidnapping, burglary, grand larceny, or pandering.<sup>4</sup> All conveyances,<sup>5</sup> including aircraft, vehicles, or vessels, used or intended for use during the commission of a felony will also be subject to forfeiture.<sup>6</sup> These forfeiture provisions, however, will not apply if (1) a common carrier<sup>7</sup> is used and the owner or person in charge of the conveyance is not a consenting party or privy to the felony<sup>8</sup> (2) the act or omission was committed without the knowledge or consent of the owner of the conveyance,<sup>9</sup> or (3) the conveyance is subject to the interests of a bona fide security holder and the secured party did not have knowledge of, or did not consent to, the crime.<sup>10</sup>

Chapter 499 provides that property subject to forfeiture may be seized by a law enforcement agency upon the issuance of process by a

---

1. NEV. REV. STAT. §453.301 (property subject to forfeiture).

2. *Id.* §§453.301, 453.306.

3. 1983 Nev. Stat. c. 449, §2, at 1135 (personal property includes any tool, substance, weapon, machine, money or security used as a instrumentality in the commission of one of the specified crimes).

4. See *id.* c. 449, §2(1), at 1135. Compare *id.* with NEV. REV. STAT. §453.301, §453.306 (provisions relating to controlled substances).

5. In the context of this statute, conveyance is apparently used to mean some means of transportation. See 1983 Nev. Stat. c. 49, §2(2), at 1135.

6. *Id.*

7. See NEV. REV. STAT. §706.036, §706.041, §706.046 (types of common carriers).

8. 1983 Nev. Stat. c. 449, §2(2)(a), at 1135; see also *One 1978 Chevrolet Van v. County of Churchill*, 97 Nev. 510, 512, 634 P.2d 1208, 1209 (1981) (application of similar provisions to controlled substances).

9. 1983 Nev. Stat. c. 449, §2(2)(b), at 1135.

10. *Id.* c. 449, §2(2)(c), at 1135.