



Pacific Law Journal Review of Selected Nevada Legislative

Volume 1983 | Issue 1

Article 47

1-1-1983

Criminal Procedure; Extradition

University of the Pacific, McGeorge School of Law

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Recommended Citation

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

Available at: <https://scholarlycommons.pacific.edu/nlr/vol1983/iss1/47>

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Criminal Procedure; bail forfeiture

NEV. REV. STAT. §178.508 (amended).

AB 45 (Committee on Judiciary); 1983 STAT. Ch 57

Existing law requires that persons admitted to bail execute a bond or undertaking to secure the bail insuring their appearance.¹ The court may require one or more sureties² for the bond or undertaking, or may authorize the acceptance of cash, bonds, or notes of the United States in an amount equal to or less than the face value of the bond.³ If the defendant executes an undertaking in excess of fifty dollars and subsequently fails to appear in court, existing law requires that notification of the failure to appear be sent to the sureties and the district attorney.⁴ With the enactment of Chapter 57, if money in excess of five hundred dollars is deposited with the court in lieu of a bail bond, notice of the defendant's failure to appear must be sent by certified mail to the depositor,⁵ in addition to the district attorney.⁶

1. See NEV. REV. STAT. §178.502(1).

2. *Id.* §104.1201(40) (defining a surety as a guarantor).

3. *Id.* §178.502(1).

4. *Id.* §178.508 (requires forfeiture of the undertaking upon the expiration of 90 days after notice is mailed to the sureties unless the sureties are exonerated); see also *id.* §178.509 (criteria for exonerated of a surety).

5. *Id.* §178.508 (amended by 1983 Nev. Stat. c. 57, §1, at 210) (applies only if the depositor is not the defendant).

6. *Id.*

Criminal Procedure; extradition

NEV. REV. STAT. §§178.640, 179.197 (amended).

SB 299 (Committee on Judiciary); 1983 STAT., Ch 238

Under existing law, the judge of a court of record¹ in an extradition proceeding must inform the defendant of the detainer lodged by the demanding state² and the included criminal charges.³ If the defendant wishes to test the legality of the arrest, the prisoner may apply for a writ of habeas corpus.⁴ Chapter 238 specifies that the application for a writ

1. NEV. REV. STAT. §1.020 (definition of courts of record).

2. See *id.* §179.183 No demand for the extradition of a person charged with a crime in another state shall be recognized by the Governor unless it satisfies the specified requirements. *Id.*

3. *Id.* §179.197(1).

4. See *id.* §34.370 (contents of a writ of habeas corpus).

must be made to the district court.⁵

Furthermore, prior law provided that the Governor was required to approve or deny a request for the temporary custody of a prisoner filed by the appropriate officer of the demanding state pursuant to the Agreement on Detainers.⁶ With the enactment of Chapter 238, approval by the Governor is no longer required.⁷

5. *Id.* §179.197(2) (amended by 1983 Nev. Stat. c. 238, §2, at 539); *see also* *Dromiack v. Warden*, 97 Nev. 348, 630 P.2d 751 (1981), *Gary v. Sheriff*, 96 Nev. 78, 605 P.2d 212 (1980); *Grego v. Sheriff*, 94 Nev. 48, 574 P.2d 275 (1978) (the Nevada Supreme Court has allowed other types of procedural restrictions on writs of habeas corpus so long as the efficacy of the writ is not destroyed); NEV. RULES APP. PROC. 22.

6. 1971 Nev. Stat. c. 357, §4, at 645 (enacting NEV. REV. STAT. §178.640); NEV. REV. STAT. §178.620 (the Agreement on Detainers). *See generally* CAL. PENAL CODE §1389 (compilation of party states to the Agreement on Detainers and their complementary laws).

7. *Compare* NEV. REV. STAT. §178.640 (amended by 1983 Nev. Stat. c. 238, §1, at 539) with 1971 Nev. Stat. c. 357, §4, at 645 (enacting NEV. REV. STAT. §178.640(1)).

Criminal Procedure; death penalty—lethal injection

NEV. REV. STAT. §§176.355, 454.213, 454.221 (amended)
SB 109 (Glasser); 1983 STAT. Ch 601

Prior to the enactment of Chapter 601, the authorized method of inflicting the death penalty was by the administration of lethal gas.¹ Chapter 601 changes this method to a lethal injection of drugs or a combination of drugs² selected by the Director of the Department of Prisons (hereinafter referred to as Director).³ Under Chapter 601, the Director is required to consult with the State Health Officer before deciding which drugs will be used for the execution.⁴

Chapter 601 retains existing provisions that require the Director to (1) attend the execution,⁵ (2) invite a competent physician to attend the execution,⁶ and (3) invite no fewer than six reputable citizens over the age of twenty-one years to attend the execution.⁷ The Director, however, may not invite more than nine of these citizens to witness the

1. 1977 Nev. Stat. c. 430, §69, at 860 (amending NEV. REV. STAT. §176.355).

2. *See generally* *More Humane? First Execution by Injection*, A.B.A. J. 143, 143 (1983) (as of February 1983, Idaho, New Mexico, Oklahoma, Texas and Washington have laws specifying execution by lethal injection); Conlon, *Death Row Prisoners Ask For Ban on Drug Executions*, L.A. Daily J., Jan. 7, 1981, at 2, col. 5.

3. NEV. REV. STAT. §176.355(1)-(2) (amended by 1983 Nev. Stat. c. 601, §1, at 1937).

4. *Id.* §176.355(2) (amended by 1983 Nev. Stat. c. 601, §1(2), at 1937).

5. *Id.*

6. *Id.* §176.355(2)(c) (amended by 1983 Nev. Stat. c. 601, §1(2), at 1937).

7. *Id.*