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Crimes; sale of human organs

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Crimes; solicitation for murder—punishment

NEV. REV. STAT. § 199.500 (amended).

AB 107 (Committee on Judiciary); 1987 STAT. Ch 497

Existing law provides that any person who counsels, hires, commands, or solicits another to commit kidnaping,¹ murder² or arson³ is guilty of a gross misdemeanor⁴ if a criminal act is not committed as a result of the solicitation.⁵ Under Chapter 497 any person who counsels, hires, commands, or solicits another to commit a murder is guilty of a felony if a criminal act is not committed as a result of the solicitation.⁶

RWS

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1. NEV. REV. STAT. § 200.310 (definition of kidnaping).
 2. *Id.* § 200.010 (definition of murder).
 3. *Id.* § 205.010 (definition of arson).
 4. *Id.* § 193.120. A gross misdemeanor is every crime other than a felony or a misdemeanor. *Id.* § 193.120 (a misdemeanor is a crime that is punishable by a fine of not more than \$1000, or by confinement in a county jail for not more than 6 months).
 5. *Id.* § 199.500 (amended by 1987 Nev. Stat. ch. 497, sec. 1, at ____).
 6. *Id.* § 199.500 (amended by 1987 Nev. Stat. ch. 497, sec. 1, at ____) (punishable by confinement in the state prison for not less than one year or more than 10 years, and may be fined not more than \$10,000).

Crimes; sale of human organs

NEV. REV. STAT. § 201.____ (new).

SB 485 (Beyer); 1987 STAT. Ch 641

The Uniform Anatomical Gift Act¹ (Act) permits a donor² to donate body parts³ for human transplantation upon death.⁴ The Act,

1. See NEV. REV. STAT. §§ 451.500-451.585 (the Uniform Anatomical Gift Act regulates donations of human organs made at the death of the donor and specifies who may be a donor or donee, how a donation should be made, and for what purpose an organ may be donated). See generally 1985 PAC. L.J. NEV. REV. LEGIS. 151-52 (regarding Uniform Determination of Death Act).

2. NEV. REV. STAT. § 451.525 (definition of a donor).

3. *Id.* § 451.535 (definition of body parts).

4. *Id.* § 451.555.

however, fails to specify whether payments for body parts are permitted.⁵ Chapter 641 prohibits any person from knowingly selling, acquiring, receiving, or otherwise transferring any human organ⁶ for use in human transplantation for valuable consideration.⁷ Any person violating the provisions of Chapter 641 is guilty of a misdemeanor.⁸

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5. See generally Note, *Regulating the Sale of Human Organs*, 7 VA. L. REV. 1015, 1017 (1985) (examines the organ supply system and suggests amendments to existing statutes and guidelines for future organ sale statutes).

6. Human organ includes the human kidney, liver, heart, lung, bone marrow, and any other part of the human body, except blood. 1987 Nev. Stat. ch. 641, sec. 1, at ___ (enacting NEV. REV. STAT. § 201.____).

7. *Id.* Valuable consideration does not include the reasonable payments associated with the removal, transportation, implantation, processing, preservation, quality control, or storage of a human organ or the expenses of travel, housing, and lost wages incurred by the donor in connection with the donation of a human organ. *Id.* Compare 1987 NEV. REV. STAT. ch. 641, sec. 1, at ___ (enacting NEV. REV. STAT. § 201.____) (prohibits the sale of human organs) with National Organ Transplant Act 42 U.S.C. § 274e (1984) (prohibits the sale of human organs only if the sale affects interstate commerce) and CAL. PENAL CODE § 367f (this statute prohibits the brokering of organs, but permits two-party sales such as where individuals purchase an organ for their own transplant or sell an organ to a recipient).

8. 1987 NEV. STAT. ch. 641, sec. 1, at ___ (enacting NEV. REV. STAT. § 201.____).

Crimes; sale and use of controlled substances in commission of a felony

NEV. REV. STAT. § 200.____ (new); § 453.333 (amended).

AB 516 (Dubois); 1987 STAT. Ch 612

SB 360 (Committee on Judiciary); 1987 STAT. Ch 677

Existing law prohibits the unlawful possession and administration of controlled substances.¹ Existing law also provides that if the death of a person² is proximately caused by a controlled substance sold illegally to the deceased person the seller is guilty of murder.³ Chapter

1. NEV. REV. STAT. § 453.570. The amount of a controlled substance needed to sustain a conviction is that amount necessary for identification as a controlled substance by a witness qualified to make such identification. *Id.* See *id.* §§ 453.375 (authorized possession and administration of controlled substances); 453.041 (definition of controlled substances).

2. NEV. REV. STAT. § 193.0205 (definition of person).

3. *Id.* § 453.333 (amended by 1987 Nev. Stat. ch. 612, sec. 1, at ___). See *id.* § 200.010 (definition of murder). See also *id.* § 200.030 (definition of first and second degree murder).