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Criminal Procedure; limits on civil liability

NEV. REV. STAT. § 41.____ (new); §§ 41.0305, 41.0307, 41.031, 41.039, 280.280, 386.470 (amended).

AB 34 (Committee on Judiciary); 1987 STAT. Ch 40

Existing law provides that the State of Nevada is not immune from civil liability.¹ Chapter 40 provides the State with a limited immunity from civil liability.² Specifically under Chapter 40, an action may not be brought against the State³ for an injury, wrongful death, or other damages sustained in a public building⁴ or vehicle⁵ by a person engaged in a criminal act.⁶ Chapter 40, however, permits a cause of action against the State for intentionally caused injuries⁷ or for injuries resulting from a deprivation of constitutional rights.⁸

RMM

1. NEV. REV. STAT. § 41.031 (amended by 1987 Nev. Stat. ch. 40, sec. 6, at ____ (waiver of immunity from liability and action).

2. 1987 Nev. Stat. ch. 40, sec. 2, at ____ (enacting NEV. REV. STAT. § 41.____).

3. *Id.* sec. 2, at ____ (enacting NEV. REV. STAT. § 41.____) (State includes officer or employee of the State or any agency or political subdivision). *See id.* §§ 41.0307 2(a), (b) (amended by 1987 Nev. Stat. ch. 40, sec. 5, at ____ (definition of officer or public officer); 41.0307 1 (amended by 1987 Nev. Stat. ch. 40, sec. 5, at ____ (definition of employee); and 41.0305 (amended by 1987 Nev. Stat. ch. 40, sec. 4, at ____ (definition of political subdivisions).

4. 1987 Nev. Stat. ch. 40, sec. 2, at ____ (enacting NEV. REV. STAT. § 41.____) (definition of public building).

5. *Id.* at ____ (enacting NEV. REV. STAT. § 41.____) (definition of public vehicle).

6. *Id.* at ____ (enacting NEV. REV. STAT. § 41.____). Criminal act includes any violation of Nevada Revised Statutes sections 202.810 (unlawful possession of explosives in state buildings); 203.119 (interfering with peaceful conduct); 204.080 (private use of a state motor vehicle prohibited); 205.005-205.055 (arson); 205.060-205.080 (burglary); 205.220 (grand larceny); 205.225 (grand larceny: theft of certain animals); 205.235 (grand larceny: severing and removing part of the realty of value of \$100 or more); 205.240 (petit larceny); 205.245 (petit larceny: severing and removing part of the realty of value less than \$100); 205.271-205.2741 (unlawful taking of or injuring a motor vehicle); 206.310 (willfull injury to other property); 207.210 (destruction of signs or notices forbidding trespass); 331.200 (damage to or destruction of capitol grounds or other state property); 393.070 (damage to school property, nuisance, loitering, trespass).

7. 1987 Nev. Stat. ch. 40, sec. 3, at ____ (enacting NEV. REV. STAT. § 41.____).

8. *Id.* (rights protected by U.S. CONST. amend. XIV, § 1; NEV. CONST. art. V, § 21).