



Pacific Law Journal Review of Selected Nevada Legislative

Volume 1987 | Issue 1

Article 51

1-1-1987

Criminal Procedure; concurrent sentencing and presentence investigations

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; concurrent sentencing and presentence investigations*, 1987 U. PAC. L. REV. (2019).

Available at: <https://scholarlycommons.pacific.edu/nlr/vol1987/iss1/51>

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.

Criminal procedure; bail—surrender of passports

NEV. REV. STAT. § 178.484 (amended).
AB 588 (Brookman); 1987 STAT. Ch 257

Under existing law, a person arrested for an offense other than first degree murder must be admitted to bail.¹ Chapter 257 provides that the court may, before releasing persons arrested for an offense punishable as a felony,² require the person to surrender any passport in their possession.³

KAM

1. NEV. REV. STAT. § 178.484 1 (amended by 1987 Nev. Stat. ch. 257, sec. 1, at ____). See *id.* §§ 178.484 2 (person arrested for first degree murder may be admitted to bail, unless the proof is evident); 178.484 3 (person arrested for battery upon a spouse, former spouse, blood-relation, co-habitant, one with whom the person has a child, or the person's minor child must not be admitted to bail sooner than twelve hours after arrest).

2. NEV. REV. STAT. § 193.130 (definition of felony).

3. 1987 Nev. Stat. ch. 256, sec. 1, at ____ (amending NEV. REV. STAT. § 178.484 1).

Criminal Procedure; concurrent sentencing and presentence investigations

NEV. REV. STAT. §§ 176.035, 176.135 (amended).
AB 110 (Committee on Judiciary); 1987 STAT. Ch 271

Under existing law a court has discretion in determining whether to impose consecutive or concurrent sentences for the commission of two or more offenses.¹ Further, existing law provides that a court must impose a consecutive sentence when a person under a sentence of imprisonment commits a subsequent felony.² Chapter 271 amends existing law to allow concurrent sentencing for a person on probation who commits a subsequent felony.³

1. NEV. REV. STAT. § 176.035 1 (amended by 1987 Nev. Stat. ch. 271, sec. 1, at ____).

2. *Id.* § 176.035 2 (amended by 1987 Nev. Stat. ch. 271, sec. 1, at ____). See also *Adams v. Warden Nevada State Prisons*, 97 Nev. 171, 173, 626 P.2d 259, 260 (1981) (probationer considered under a sentence of imprisonment, therefore all subsequent sentences could not begin until expiration of prior terms). See NEV. REV. STAT. § 193.120 (definition of felony).

3. NEV. REV. STAT. § 176.035 2 (amended by 1987 Nev. Stat. ch. 271, sec. 1, at ____).

Under existing law, a presentence investigation is required when a defendant enters a plea of guilty, *nolo contendere*, or is found guilty of a felony.⁴ Prior law allowed a defendant to waive a presentence investigation.⁵ Chapter 271 provides that a presentence investigation is not necessary if one has been completed for the same defendant in the five years preceding sentencing of the recent offense.⁶

DAH

-
4. NEV. REV. STAT. § 176.135 (amended by 1987 Nev. Stat. ch. 271, sec. 2, at ___).
 5. 1981 Nev. Stat. ch. 237, sec. 1, at 464 (repealed by 1987 Nev. Stat. ch. 271, sec. 2, at ___).
 6. NEV. REV. STAT. § 176.035 (amended by 1987 Nev. Stat. ch. 271, sec. 2, at ___).

Criminal Procedure; driving under the influence—nonresident

NEV. REV. STAT. § 484.3792 (amended).
AB 459 (Committee on Judiciary); 1987 STAT. Ch 392

Under existing law, any person driving while intoxicated¹ is guilty of a misdemeanor.² Existing law requires the court to order a defendant to pay tuition and complete an approved educational course on the abuse of alcohol³ and controlled substances,⁴ unless a program of treatment is allowed.⁵ Chapter 392 allows the court to order a nonresident to complete an educational course by correspondence.⁶ Nonresident violators must complete the course within the time specified in the order.⁷ Failure to complete the course will lead to notification of the department by the court.⁸

RMM

-
1. NEV. REV. STAT. § 484.379 (definition of driving while intoxicated).
 2. *Id.* § 484.3792 1(a) (amended by 1987 Nev. Stat. ch. 392, sec. 1, at ___); *id.* § 193.120 3 (definition of a misdemeanor).
 3. *Id.* § 598.353 1 (definition of alcohol).
 4. *Id.* § 453.041 (definition of controlled substances).
 5. *Id.* § 484.3792 1(a) (amended by 1987 Nev. Stat. ch. 392, sec. 1, at ___); *id.* § 484.3794 (application to undergo program of treatment for alcoholism or drug abuse for driving while intoxicated conviction).
 6. 1987 Nev. Stat. ch. 392, sec. 1, at ___ (enacting NEV. REV. STAT. § 484.3792 6) (course must be approved by a governmental agency of the state of residence).
 7. 1987 Nev. Stat. ch. 392, sec. 1, at ___ (enacting NEV. REV. STAT. § 484.3792 6).
 8. *Id.* at ___ (enacting NEV. REV. STAT. § 484.3792 6(b)).