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## Crimes; assault on a peace officer

The University of the Pacific, McGeorge School of Law

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**Crimes; assault on a peace officer**

NEV. REV. STAT. § 200.471 (amended).  
 AB 213 (Nevin); 1989 STAT. Ch. 473

Existing law provides various penalties for any person who commits an assault.<sup>1</sup> Chapter 473 increases the penalty<sup>2</sup> for any person who knowingly<sup>3</sup> commits an assault on an officer.<sup>4</sup>

JMF

1. NEV. REV. STAT. § 200.471 (amended by 1989 Nev. Stat. ch. 473, at 1010) (definition and penalties for assault). The defendant must make an unlawful attempt to injure another and have the present ability to carry out the harm. *Id.* § 200.400 1(a). *See id.* 200.471 (amended by 1989 Nev. Stat. ch. 473, at 1010) (if the person does not use a deadly weapon, the penalty is a misdemeanor); § 193.120 3 (1987) (definition of misdemeanor); § 200.400 (1987) (an assault during mayhem, sexual assault, robbery, or grand larceny is a gross misdemeanor); § 193.120 4 (1987) (definition of gross misdemeanor); § 200.471 2 (1987) (if a deadly weapon is used, the penalty is one to six years in prison, a fine of \$5,000, or both).

2. An assault is a gross misdemeanor, unless a deadly weapon is used; then the penalty is one to six years in prison, a fine of \$5,000, or both. *Id.*

3. A person who commits an assault on a peace officer must have reason to know that the officer was on duty. *Id.* *See* Washoe County Sheriff v. Zimmerman, 99 Nev. 480, 482, 663 P.2d 1194, 1196 (1983) (Nevada Supreme Court held that the defendant should have known that the off-duty officer was performing his duty when he broke up a fight in a pizza parlor. Although the officer had identified himself, the defendant thought the officer was acting outside his jurisdiction).

4. NEV. REV. STAT. § 200.471 (amended by 1989 Nev. Stat. ch. 473, sec. 1, at 1010) (an officer includes peace officers, fire fighters and correctional officers).

**Crimes; bad checks—restitution**

NEV. REV. STAT. § 205.— (new).  
 SB 270 (Wagner); 1989 STAT. Ch. 283

Chapter 283 permits the District Attorney to establish a program for persons who issue checks or drafts with insufficient funds,<sup>1</sup> or who obtain property by false pretenses, to provide restitution for

1. *See* NEV. REV. STAT. § 205.130 (1987) (making it a crime to willfully issue a check or draft without sufficient money or credit), 1989 Nev. Stat. ch. 567, sec. 13, at 1204 (enacting NEV. REV. STAT. § 205.—) (includes drawing or passing bad checks for property under the crime of theft).