



Pacific Law Journal Review of Selected Nevada Legislative

Volume 1989 | Issue 1

Article 38

1-1-1989

Crimes; bad checks-restitution

The 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

The University of the Pacific, McGeorge School of Law, *Crimes; bad checks-restitution*, 1989 U. PAC. L. REV. (2019).

Available at: <https://scholarlycommons.pacific.edu/nlr/vol1989/iss1/38>

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.

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.¹ Chapter 473 increases the penalty² for any person who knowingly³ commits an assault on an officer.⁴

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,¹ 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).

their victims in lieu of prosecution.² Upon acceptance to the program, notice is sent to the prospective participant by mail.³

Under Chapter 283 the District Attorney is allowed to suspend criminal proceedings for six months for any person accepted into the program who completes a class on handling a checking account and developing a budget.⁴ All statements made in connection with the program are inadmissible in a civil or criminal proceeding.⁵

KRI

2. 1989 Nev. Stat. ch. 283, sec. 2, at 607 (enacting NEV. REV. STAT. § 205.____) (program may be conducted with any law enforcement agency, or by a private entity under contract with the District Attorney); sec. 4, at 608 (enacting NEV. REV. STAT. § 205.____) (the person accepted to the program must voluntarily agree to participate). See NEV. REV. STAT. § 205.380 (1987) (penalizing the obtaining of property by false pretenses). See also 1989 Nev. Stat. ch. 283, sec. 2, at 607 (enacting NEV. REV. STAT. § 205.____). The District Attorney uses six factors to determine eligibility for the program: (1) The amount of the check or draft; (2) the person's criminal record; (3) previous referrals to the restitution program; (4) the number of previous violations; (5) other allegations regarding passing bad checks or drafts; and (6) the credibility of the evidence of the person's intent to defraud the victim. *Id.*

3. 1989 Nev. Stat. ch. 283, sec. 3, at 607 (enacting NEV. REV. STAT. § 205.____). The notice must contain: (1) The date and the amount of the check or draft; (2) the name of the victim; (3) the date by which the person must contact the restitution program; (4) a demand for full restitution; and (5) a statement that failure to make restitution may result in criminal proceedings. *Id.*

4. *Id.* sec. 5, at 608 (enacting NEV. REV. STAT. § 205.____) (the person must pay the fee for the class, a collection and processing fee, and make complete restitution to the victim). See *id.* sec. 6, at 608 (enacting NEV. REV. STAT. § 205.____) (the collection and processing fee may not exceed \$25 if the check or draft was over \$100, \$50 if not over \$300, or \$75 if over \$300).

5. *Id.* sec. 7, at 608 (enacting NEV. REV. STAT. § 205.____).

Crimes; burglary—invasion of the home

NEV. REV. STAT. § 205.____ (new); §§ 41.135, 179.121, 200.030, 200.033, 205.060, 205.065, 205.070, 205.080, 412.562 (amended).

AB 592 (Committee on Judiciary) 1989 STAT. Ch. 568

AB 593 (Committee on Judiciary) 1989 STAT. Ch. 631

Chapter 568 expands the definition of burglary to include every person who enters a dwelling with intent to commit an assault or