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Crimes; burglary-invasion of the home

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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

battery.¹ Chapter 568 also increases the punishment for anyone who uses a deadly weapon to commit a burglary.²

Chapter 631 creates a new crime called invasion of the home defined as the forcible entry of an inhabited dwelling without the owner's consent.³ Under Chapter 631, a murder committed during the commission of an invasion of the home is first degree murder.⁴ Anyone who invades a home while in possession of a deadly weapon will receive a sentence enhancement.⁵

DA

1. 1989 Nev. Stat. ch. 568, sec. 1, at 1207 (amending NEV. REV. STAT. § 205.060) (adding intent to commit an assault or battery to existing provisions for intent to commit larceny or any felony).

2. *Id.* Any person who possesses a deadly weapon or firearm during the commission of a burglary must be imprisoned between two and ten years, and may additionally be fined up to \$10,000. *Id.*

3. 1989 Nev. Stat. ch. 631, sec. 3, at 1452 (enacting NEV. REV. STAT. § 205.____).

4. NEV. REV. STAT. § 200.030 (amended by 1989 Nev. Stat. ch. 631, sec. 1, at ____).

5. 1989 Nev. Stat. ch. 631, sec. 3, at 1452 (enacting NEV. REV. STAT. § 205.____) (any person who possesses a deadly weapon or firearm during an invasion of a home must be imprisoned for a period between two and ten years, and may additionally be fined up to \$10,000). *Id.*

Crimes; controlled substances—penalty

NEV. REV. STAT. §§ 193.____, 453.____ (new).

AB 30 (W. Williams); 1989 STAT. Ch. 857

AB 31 (W. Williams); 1989 STAT. Ch. 858

Existing law makes it a crime¹ to manufacture, transport, sell or transfer controlled² or counterfeit³ substances⁴ Chapter 857 imposes an additional prison term on any person who procures or solicits a minor⁵ as an agent to violate these laws.⁶

1. See NEV. REV. STAT. §§ 453.321 2-5, 453.323 (1987) (penalties for the manufacturer, sale, or transfer of controlled substances, or the offer or attempt to do so).

2. See *id.* §§ 453.166-.266 (1987) (classifications of controlled substances).

3. See *id.* § 453.046 (1987) (definition of a counterfeit substance).

4. *Id.* §§ 453.321, .323. (1987) Existing law also prohibits an offer or attempt to manufacture, transport, sell, or transfer controlled or counterfeit substances. *Id.*

5. See *id.* § 129.010 (1987) (definition of age of majority).

6. 1989 Nev. Stat. ch. 857, sec. 1, at 2065 (enacting NEV. REV. STAT. § 453.____). The additional prison term shall be equal to the term provided under Nevada Revised Statutes sections 453.321, .323 for commission of the primary crime. *Id.*