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Crimes; controlled substances-penalty

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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.*

Similarly, Chapter 858 adds a penalty equal to and in addition to that provided for the primary offense if these substance abuse laws are violated: (1) at, or within 1000 feet of, a public or private school, a playground,⁷ a recreational center for youths,⁸ a video arcade,⁹ or a public swimming pool; (2) on, or within 1000 feet of, any University of Nevada campus; or (3) within 1000 feet of a school bus¹⁰ stop on school days.¹¹ Chapter 858 also mandates an additional sentence equal to that of the primary offense when a person commits a felony on a school bus while the bus is in official use.¹²

The additional sentences prescribed by Chapters 857 and 858 run consecutively with the sentence prescribed for the primary offense.¹³ Further, Chapters 857 and 858 do not create separate offenses, but merely provide an added penalty for the primary offense.¹⁴

TFT

7. See *id.* ch. 858, sec. 2, at 2066 (enacting NEV. REV. STAT. § 453.____) (definition of a playground).

8. See *id.* (definition of a recreational center for youths).

9. See *id.* (definition of a video arcade).

10. See NEV. REV. STAT. § 483.160 (1987) (definition of a school bus).

11. 1989 Nev. Stat. ch. 858, sec. 2, at 2066 (enacting NEV. REV. STAT. § 453.____). This enhanced sentence is imposed unless a greater penalty is provided in Nevada Revised Statutes sections 453.333 or 453.334. *Id.* Also, the enhanced sentence is imposed only if the violation occurs at or near a school bus stop during the time period beginning one hour before school starts until one hour after school ends. *Id.*

12. *Id.* sec. 1, at 2065 (enacting NEV. REV. STAT. § 193.____).

13. *Id.* ch. 857, sec. 1, at 2065; ch. 858, secs. 1, 2, at 2065-66.

14. *Id.* ch. 857, sec. 1, at 2065; ch. 858, secs. 1, 2, at 2065-66.

Crimes; cruelty to animals—sale of impounded animals

NEV. REV. STAT. §§ 561.344, 574.055, 574.200 (amended).
AB 245 (Gaston); 1989 STAT. Ch. 117

Existing law permits a society for the prevention of cruelty to animals (society) to impound mistreated animals.¹ Chapter 117 pro-

1. NEV. REV. STAT. § 574.055 (1987) (amended by 1989 Nev. Stat. ch. 117, sec. 2, at 272-73) (the owner may give written permission for the humane destruction of the animal).