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Crimes; depriving another of custody of or visitation with a child

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vides that any tortured, injured or abandoned animal² will be impounded within forty-eight hours of being discovered by either a peace officer or an officer of the society.³ To regain possession, the animal's owner must pay the costs of the impounding and the animal's maintenance.⁴ If the owner refuses to pay, or is unable to pay, the State Department of Agriculture will sell the animal.⁵ After covering the impoundment and maintenance cost, any proceeds from the sale will be deposited in the livestock inspection fund.⁶

KRI

2. See *id.* § 574.100 (1987) (a person who tortures, overworks, abandons, or starves an animal is guilty of a misdemeanor).

3. 1989 Nev. Stat. ch. 117, sec. 2, at 272-73 (amending NEV. REV. STAT. § 574.055). A veterinarian must determine that the animal was treated improperly.

4. *Id.* (the charges must be approved by the sheriff).

5. *Id.*

6. *Id.* sec. 1, at 272 (amending NEV. REV. STAT. § 561.344) (creates the livestock inspection fund).

Crimes; depriving another of custody of or visitation with a child

NEV. REV. STAT. § 200.359 (amended).

SB 388 (Committee on Judiciary); 1989 STAT. Ch. 727

Depriving another of lawful custody of, or visitation rights with a child is a crime under existing law.¹ Under Chapter 727, when a court has not determined custody, it is a crime for one person to willfully attempt to deprive another of custody or visitation with a

1. NEV. REV. STAT. § 200.359 (1981) (amended by 1989 Nev. Stat. ch. 727, sec. 1, at 678-79). The statute covers those defendants who have limited custody, or those who are the child's parent but have no custody rights. *Id.*

child,² unless the person acts to protect the child from abuse or neglect.³

JZ

2. 1989 Nev. Stat. ch. 727, sec. 1, at 1110 (amending NEV. REV. STAT. § 200.359). The crime is punishable by imprisonment in the state prison for one to six years, or by a fine of \$1000 to \$5000, or both. *Id.* If the offender has no prior convictions, upon recommendation of the prosecuting attorney the judge may impose a misdemeanor sentence. *Id.* Before an arrest warrant may be issued for a violation of Chapter 727, the court must determine that: 1) Nevada is the child's home state; 2) there is probable cause to believe that the child has been wrongly removed from the court's jurisdiction; and 3) the child has been wrongfully removed from the person with legal custody or wrongfully retained after a visit. *Id.* See NEV. REV. STAT. § 125A.040(5) (1987) (definition of home state).

3. *Id.* See NEV. REV. STAT. § 200.508 (1985) (definition of abuse and neglect).

Crimes; detention of material witness

NEV. REV. STAT. § 178.494 (amended).
AB 343 (Gibbons); 1989 STAT. Ch. 157

Under existing law, in a criminal proceeding where it appears impractical to secure the presence of a material witness by subpoena,¹ the magistrate² may require the witness to post bail.³ If the witness fails to give bail, the magistrate may incarcerate the witness.⁴ Chapter 157 requires that a detained witness be brought before the court

1. See NEV. REV. STAT. §§ 174.305 (1987) (form and issuance of a subpoena for attendance of a witness); 174.345, 174.365, 174.395 (1987) (service of subpoena). The affidavit must show that the witness's testimony is material to the criminal proceeding. *Id.* § 178.494 (1987) (amended by 1989 Nev. Stat. ch. 157, sec. 1, at 327). Refusal to answer as a witness may be punished as contempt of court. *Id.* § 50.195 (1987). The disobeying witness may be arrested and brought before the court. *Id.* § 50.205 (1987). A witness disobeying a defendant's subpoena shall also forfeit \$100 to the defendant. *Id.* § 50.195 3 (1988).

2. See *id.* § 169.095 (1987) (definition of magistrate).

3. *Id.* § 178.494 (1987) (amended by 1989 Nev. Stat. ch. 157, sec. 1, at 327). See *id.* § 178.498 (1987) (considerations for setting defendant's bail).

4. *Id.* § 178.494 (1987) (amended by 1989 Nev. Stat. ch. 157, sec. 1, at 327). The magistrate may also modify the bail or order the witness to be released if incarceration has been for an unreasonable length of time. *Id.* See NEV. CONST. art. I, § 6 (a witness shall not be unreasonably detained). Witnesses are entitled to compensation only if their attendance is in obedience to a subpoena. NEV. REV. STAT. § 50.225 1 (1987).