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## Crimes; murder-child abuse

The University of the Pacific, McGeorge School of Law

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addition, any person who possesses a machine gun or a silencer, without a license,<sup>6</sup> is guilty of a gross misdemeanor.<sup>7</sup>

JMF

6. This provision does not apply to those persons who are licensed to possess machine guns or silencers. 1989 Nev. Stat. ch. 309, sec. 2, at 653-54 (amending NEV. REV. STAT. § 202.365). The sheriff may issue permits for the legal use of concealed weapons. NEV. REV. STAT. § 202.350 4 (1987) (amended by 1989 Nev. Stat. ch. 309, sec. 1, at 653-54). See generally Hardy, *The Firearms Owner's Protection Act: A Historical and Legal Perspective*, 17 CUMB. L. REV. 585, 668 (1987) (National Firearms Act requires permits for possessing machine guns or silencers); Batey, *Techniques of Strict Construction: The Supreme Court and the Gun Control Act of 1968*, 13 AM J. CRIM L. 123, 137 (1986) (Internal Revenue Code requires that machine guns be registered and taxed).

7. NEV. REV. STAT. § 202.350 3 (1987) (amended by 1989 Nev. Stat. ch. 309, sec. 1, at —) (subsequent offenses are classified as felonies and must be punished by one to six years in prison and may be fined up to \$5,000).

### Crimes; murder—child abuse

NEV. REV. STAT. §§ 62.040, 62.050, 62.060, 62.170, 200.030, 200.508 (amended).

AB 782 (Garner); 1989 STAT. Ch. 408

Chapter 408 amends existing law to provide that a murder committed by an act of child abuse is first degree murder.<sup>1</sup>

Under existing law, murder can be first degree murder if it is committed in the perpetration or attempted perpetration of certain felonies.<sup>2</sup> Chapter 408 adds sexual abuse of a child to the list of predicate felonies.<sup>3</sup>

JZ

1. 1989 Nev. Stat. ch. 408, sec. 1, at 865-866 (amending NEV. REV. STAT. § 200.030). See *id.* (child abuse is a nonaccidental physical injury to a child under 18 years of age); Moser v. State, 91 Nev. 809, 812-813, 544 P.2d 424, 426 (1975) (to constitute first degree murder under Nevada Revised Statutes section 200.030 1(a), the act must be premeditated and committed with the intention of causing death or bodily injury).

2. NEV. REV. STAT. § 200.030 (1987) (amended by 1989 Nev. Stat. ch. 408, sec. 1, at 865-866). Predicate felonies include sexual assault, kidnaping, arson, robbery, burglary, or sexual molestation of a child. *Id.* See 1989 Nev. Stat. ch. 408, sec. 1, at 865-866 (amending NEV. REV. STAT. § 200.030) (definition of sexual molestation of a child). See also Ford v. State, 99 Nev. 209, 214-215, 660 P.2d 992, 995 (1983) (specific intent to commit the predicate felony may substitute for malice; intent to kill and premeditation are not required).

3. 1989 Nev. Stat. ch. 408, sec. 1, at 865-866 (amending NEV. REV. STAT. § 200.030). See *id.* (amending NEV. REV. STAT. § 200.030) (definition of sexual abuse of a child). See also NEV. REV. STAT. § 200.030 4 (1987) (amended by 1989 Nev. Stat. ch. 408, sec. 1, at 865-866) (the punishment for first degree murder is life imprisonment with or without the possibility of parole or, if aggravating circumstances are found, death).