



Pacific Law Journal Review of Selected Nevada Legislative

Volume 1989 | Issue 1

Article 50

1-1-1989

Crimes; parole of terminally ill prisoners

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; parole of terminally ill prisoners*, 1989 U. PAC. L. REV. (2019).

Available at: <https://scholarlycommons.pacific.edu/nlr/vol1989/iss1/50>

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; parole of terminally ill prisoners

NEV. REV. STAT. § 213.____ (new); § 213.107 (amended).
AB 887 (Committee on Ways and Means); 1989 STAT. Ch. 794

Chapter 794 allows the parole board to release a prisoner who is statutorily eligible for parole¹ if the prisoner is seriously ill and expected to die within six months.²

DLR

1. See NEV. REV. STAT. § 213.1099 (1987) (a prisoner is statutorily eligible for parole if: (1) not sentenced to death, and (2) not sentenced to imprisonment without the possibility of parole, and (3) has served at least one third of the sentence or one year, whichever is longer).

2. Chapter 794, sec. 1, at 1895 (enacting NEV. REV. STAT. § 213.____). See *id.* at 1895 (three physicians must certify that the prisoner is ill and expected to die). *But cf.* *Ingoglia v. U.S.*, No. 82 Cr. 726 (CBM) (S.D.N.Y. April 8, 1988) (LEXIS 2860, Genfed library, CURRNT file) (the court refused to order the early release of a terminally ill prisoner, holding that the power to pardon was vested in the Executive Branch).

Crimes; penalty—victim over sixty-five

NEV. REV. STAT. § 193.167 (amended).
AB 451 (Committee on Judiciary); 1989 STAT. Ch. 778

Existing law doubles the sentence for assault, battery, kidnapping, robbery, and sexual assault when the victim is sixty-five or older.¹ Chapter 778 adds embezzlement and obtaining property by false pretenses to the list of crimes.² In addition, any person who is convicted of the above crimes can not be granted probation, or have their sentence suspended.³

KRI

1. NEV. REV. STAT. § 193.167 1(f) (1987) (amended by 1989 Nev. Stat. ch. 778, sec. 1, at ____). See *Carter v. Nevada*, 98 Nev. 331, 335, 647 P.2d 374, 377 (1982) (Nevada Revised Statute Section 193.167 does not violate due process).

2. 1989 Nev. Stat. ch. 778, sec. 1, at ____ (amending NEV. REV. STAT. § 193.167) (property must exceed \$250 in value). Compare with *id.* ch. 567, sec. 16, at ____ (enacting NEV. REV. STAT. § 205.____) (making theft of property or services valued at more than \$250 a felony).

3. *Id.*