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Criminal Procedure; pen registers

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Criminal Procedure; pen registers

NEV. REV. STAT. § 179.— (new).

AB 912 (Committee on Judiciary); 1989 STAT. Ch. 538

Chapter 538 permits state district courts to authorize the use of a pen register or a trap and trace device.¹ Any public utility that relies upon a court order for a pen register, will not be criminally or civilly liable.²

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1. 1989 Nev. Stat. ch. 538, sec. 1, at 1134 (enacting NEV. REV. STAT. § 179.—). An application for a pen register or a trap and trace device must be accompanied by a district attorney or attorney general's affidavit. *Id.* The affidavit must be pursuant to Title 18 United States Code Sections 3121-3127, setting the standards for the use of pen registers and trap and trace devices. *Id.* See *Smith v. Maryland*, 442 U.S. 735, 746 (1979) (holding that a search warrant is not needed to install a pen register).

2. 1989 Nev. Stat. ch. 538, sec. 1, at 1134 (enacting NEV. REV. STAT. § 179.—).

Criminal Procedure; Prisoner testing—AIDS

NEV. REV. STAT. § 209.— (new); §§ 209.433, 209.443, 209.446, 441.070, 441.210 (amended).

AB 186 (Gaston); 1989 STAT. Ch. 174

Existing law requires all offenders¹ to submit to a test for exposure to the human immunodeficiency virus (HIV) upon release from prison.² Chapter 174 creates an education program within the prison system regarding the nature of HIV³ and creates a more comprehen-

1. See NEV. REV. STAT. § 209.081 (1987) (definition of offender).

2. See 1987 Nev. Stat. ch. 622, sec. 2, at 1474 (enacting NEV. REV. STAT. § 209.511 1). See generally C. EVERETT KOOP, M.D., SC.D., SURGEON GENERAL'S REPORT ON ACQUIRED IMMUNE DEFICIENCY SYNDROME, (U.S. Department of Health and Human Services Oct. 22, 1986) (the human immunodeficiency virus is commonly referred to as acquired immune deficiency syndrome (AIDS)).

3. See 1989 Nev. Stat. ch. 174, sec. 1, at 385 (enacting NEV. REV. STAT. § 209.—) (inmates and prison staff are to receive education and counseling on HIV). The curriculum requirements and instructor certification must be provided by the Health Division of the Department of Human Resources. *Id.*