



Pacific Law Journal Review of Selected Nevada Legislative

Volume 1989 | Issue 1

Article 71

1-1-1989

Criminal Procedure; seizure and operation of vessels

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Recommended Citation

The University of the Pacific, McGeorge School of Law, *Criminal Procedure; seizure and operation of vessels*, 1989 U. PAC. L. REV. (2019).

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Criminal Procedure; seizure and operation of vessels

NEV. REV. STAT. § 488.— (new); §§ 488.210, 488.285, 488.305 (amended).

SB 448 (Committee on Natural Resources); 1989 STAT. Ch. 751 (Cross-reference to Transportation; seizure and operation of vessels)

Chapter 751 permits a peace officer who has probable cause¹ to take any reasonable step to ensure the preservation of evidence contained in a vessel,² including seizure of the vessel.³ In addition, Chapter 751 makes it a crime for the operator of a vessel to fail to maintain a proper lookout,⁴ or to tamper with any navigational aid.⁵

DLR

1. See *A 1983 Volkswagen v. Washoe County Sheriff's Department*, 101 Nev. 222, 224, 699 P.2d 108, 110 (1985) (probable cause is found where the officer has reasonable grounds to believe that criminal activity is in progress). See generally *Harper v. State*, 84 Nev. 233, 236, 440 P.2d 893, 896 (1968) (a search of an automobile, although still subject to constitutional restrictions, may be conducted more freely than the search of real property, because of the greater mobility of the automobile).

2. See NEV. REV. STAT. 488.035 (7) (1987) (definition of vessel).

3. 1989 Nev. Stat. ch. 751, sec. 1, at 1773 (enacting NEV. REV. STAT. § 488.—).

4. *Id.* sec. 2, at 1773 (amending NEV. REV. STAT. § 488.201). If failure to maintain a proper lookout results in injury to a person or property, the operator is guilty of a misdemeanor. *Id.*

5. *Id.* sec. 3, at 1773 (amending NEV. REV. STAT. § 488.285). A tampering which does not result in an injury is punishable as a misdemeanor. *Id.* If bodily injury or property damage greater than \$200 results then the tampering is punishable as a gross misdemeanor. *Id.* If death results, the tampering is punishable by imprisonment for one to six years, a fine of up to \$5000, or both. *Id.*

Criminal Procedure; sex offenders—blood and saliva tests

NEV. REV. STAT. § 176.— (new); §§ 56.020, 179A.075 (amended).
AB 165 (Committee on Judiciary); 1989 STAT. Ch. 168

Existing law contains no provisions for subjecting sex offenders to blood and saliva tests.¹ Under Chapter 168, convicted sex offenders²

1. See NEV. REV. STAT. § 176.003-.565 (1987) (describing post-conviction proceedings such as sentencing, presentence investigations, imposition of tests, fines, and probation).

2. Chapter 168 defines "sexual offenses" as sexual assault, statutory sexual seduction, use of a minor in producing pornography, promotion of a sexual performance of a minor,