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Criminal Procedure; sex offenders-blood and saliva tests

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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,

must undergo tests that determine the genetic markers of their blood and the secretor³ status of their saliva.⁴ The results of the blood and saliva tests of convicted sex offenders must be submitted to the Central Repository for Nevada Records of Criminal History.⁵

Under existing law, the courts may order blood tests to be performed on any person or corpse involved in a controversy of parentage or identity.⁶ Chapter 168 additionally authorizes saliva tests to be performed in these situations.⁷

KAO

incest, and lewdness with a child. 1989 Nev. Stat. ch. 168, sec. 1, at 376 (enacting NEV. REV. STAT. § 176.____). See NEV. REV. STAT. § 200.366 (1987) (defining sexual assault); § 200.368 (1987) (defining statutory sexual seduction); § 200.710 (1987) (defining the use of a minor to produce pornography); § 200.720 (1987) (defining the promotion of a sexual performance of a minor); § 201.180 (1987) (defining incest); § 201.230 (1987) (defining lewdness with a child).

3. A secretor is a person who secretes ABO blood group substances into saliva or other mucous secretions. AMERICAN JURISPRUDENCE PROOF OF FACTS 3D, TABER'S CYCLOPEDIA MEDICAL DICTIONARY 1539 (15th ed. 1988).

4. 1989 Nev. Stat. ch. 168, sec. 1, at 376 (enacting NEV. REV. STAT. § 176.____).

5. 1989 Nev. Stat. ch. 169, sec. 2, at 378 (amending NEV. REV. STAT. § 179A.075). See NEV. REV. STAT. § 179A.075 (1987) (amended by 1989 Nev. Stat. ch. 168, sec. 2, at 376) (requiring agencies of criminal justice to report information regarding sexual offenses and other records of criminal history to the Central Repository for Nevada Records of Criminal History located in the Nevada Highway Patrol Division of the Department of Motor Vehicles and Public Safety).

6. NEV. REV. STAT. § 56.020 (1987) (amended by Nev. Stat. ch. 168, sec. 3, at 377).

7. 1989 Nev. Stat. ch. 168, sec. 3, at 377 (amending NEV. REV. STAT. § 56.020).

Criminal Procedure; subpoenas—delivery to witnesses

NEV. REV. STAT. §§ 174.315, 174.345 (amended).

SB 233 (Committee on Judiciary); 1989 STAT. CH. 328

Existing law permits a district attorney to issue subpoenas¹ to compel the appearance of a witness² before a grand jury or a court of law.³

1. See NEV. REV. STAT. § 174.305 (1987) (subpoena procedure for the purpose of commanding attendance of witnesses).

2. See *id.* § 174.405 3 (1987) (definition of witness).

3. *Id.* § 174.315 (1987). District attorneys can issue subpoenas to extend the period for which previously-subpoenaed witnesses were required to appear. *Id.* See generally *id.* §§ 22.100 (1988); 22.110 (1987); 50.195 (1988); 50.205 (1987) (penalties for disobeying a subpoena to appear or failing to testify before a grand jury).