



# Pacific Law Journal Review of Selected Nevada Legislative

---

Volume 1989 | Issue 1

Article 73

---

1-1-1989

## Criminal Procedure; subpoenas-delivery to witnesses

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, *Criminal Procedure; subpoenas-delivery to witnesses*, 1989 U. PAC. L. REV. (2019).

Available at: <https://scholarlycommons.pacific.edu/nlr/vol1989/iss1/73>

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](mailto:mgibney@pacific.edu).

must undergo tests that determine the genetic markers of their blood and the secretor<sup>3</sup> status of their saliva.<sup>4</sup> 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.<sup>5</sup>

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.<sup>6</sup> Chapter 168 additionally authorizes saliva tests to be performed in these situations.<sup>7</sup>

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 subpoenas<sup>1</sup> to compel the appearance of a witness<sup>2</sup> before a grand jury or a court of law.<sup>3</sup>

---

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).

A subpoena issued by the district attorney may be served on a witness personally<sup>4</sup> or by registered or certified mail.<sup>5</sup> Delivery of a subpoena by personal or mail service is waived if a witness gives a written promise to appear.<sup>6</sup>

Under Chapter 328, an oral promise to appear will also waive personal or mail service of a subpoena on a witness.<sup>7</sup> Chapter 328 requires that a person who accepts a witness' oral promise to appear must: (1) Be identified to the witness by name and occupation; (2) make a written notation of the date of the oral promise and any other relevant information given by the witness; and (3) execute a certificate of service containing the information received from the witness.<sup>8</sup>

*BAS*

---

4. *See id.* § 174.345 (1987) (amended by 1989 Nev. Stat. ch. 328, sec. 1, at 685) (delivery must be made by a peace officer or any other person who is not a party and who is over 18 years of age).

5. *Id.* (requirements of mail service).

6. *Id.* § 174.315 (1987) (amended by 1989 Nev. Stat. ch. 328, sec. 1, at 685).

7. 1989 Nev. Stat. ch. 328, sec. 1, at 685 (amending NEV. REV. STAT. § 174.315).

8. *Id.*

