



Pacific Law Journal Review of Selected Nevada Legislative

Volume 1989 | Issue 1

Article 89

1-1-1989

Evidence; controlled substances

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Recommended Citation

The University of the Pacific, McGeorge School of Law, *Evidence; controlled substances*, 1989 U. PAC. L. REV. (2019).

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Chapter 44 permits the prosecuting attorney to request that an expert's affidavit be admitted into evidence to prove the quantity of a controlled substance.⁹

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the trial or preliminary hearing for up to three judicial days to receive the expert testimony, and up to 10 days in counties with a population of less than 25,000 if three days is insufficient.
Id.

9. 1989 Nev. Stat. ch. 44, sec. 2, at 78 (amending NEV. REV. STAT. § 50.325).

Evidence; controlled substances

NEV. REV. STAT. § 52.— (new); § 52.395 (amended).
AB 204 (Nevin); 1989 STAT. Ch. 73

Under existing law, a district court can order evidence destroyed when there is an unnecessary quantity of a controlled substance.¹ Chapter 73 expands court authority by authorizing the court to order the destruction of dangerous drugs² or immediate precursors.³ In addition, Chapter 73 specifies that authenticated⁴ photographs,⁵ samples, and writings⁶ describing the measurements⁷ of hazardous waste⁸

1. NEV. REV. STAT. § 52.395 1 (1987) (amended by 1989 Nev. Stat. ch. 73, sec. 2, at 183) (allowing destruction of any alleged controlled substance seized from a defendant by a peace officer). *See id.* § 0.031 (1987) (definition of controlled substance). *See also id.* § 52.395 (1987) (requiring weighing and retention of a sample of the substance). *See generally id.* §§ 453.011-.348 (1987) (Uniform Controlled Substances Act).

2. *See* 1989 Nev. Stat. ch. 73, sec. 2, at 183 (incorporating NEV. REV. STAT. § 454.201) (definition of dangerous drug). *See also* *Smithart v. State*, 86 Nev. 925, 931, 478 P.2d 576, 580 (1970) (diet pills requiring a prescription and bearing a cautionary label are dangerous drugs).

3. 1989 Nev. Stat. ch. 73, sec. 2, at 183 (amending NEV. REV. STAT. § 52.395). *See id.* (incorporating NEV. REV. STAT. § 453.086) (definition of immediate precursor).

4. *See* NEV. REV. STAT. § 52.015 (1987) (authentication or identification required for admissibility into evidence).

5. *See id.* § 52.215 (1988) (definition of photograph).

6. *See id.* § 52.225 (1988) (definition of writing).

7. *See* 1989 Nev. Stat. ch. 73, sec. 1, at 183 (enacting NEV. REV. STAT. § 52.—) (including actual net or estimated net weight).

8. *See id.* (incorporating NEV. REV. STAT. § 459.430) (definition of hazardous waste).

or hazardous material⁹ are admissible in evidence in criminal or civil proceedings in place of the waste or material.¹⁰

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9. See *id.* (incorporating NEV. REV. STAT. § 459.700) (definition of hazardous material).

10. See *id.* sec. 2, at 183 (amending NEV. REV. STAT. § 52.395). See also 1989 Nev. Stat. ch. 44, sec. 1, at 77 (amending NEV. REV. STAT. § 50.315) (allowing admissibility of an expert's affidavit to prove the quantity of a controlled substance).

Evidence; hearsay exception—banking and financial institution records

NEV. REV. STAT. § 52.— (new); § 51.135 (amended).

AB 452 (Committee on Judiciary); 1989 STAT. Ch. 152

Under existing law, an affidavit signed by the custodian¹ of medical records or records of a casino or hotel verifying that the copies of those records are true and complete reproductions is admissible as an exception to the hearsay² rule.³ Under Chapter 152, an affidavit signed by the custodian of records of a banking or financial institution⁴ verifying that copies of those records are true reproductions is also admissible as an exception to the hearsay rule.⁵ Furthermore, Chapter 152 specifies the language to which the affidavit must substantially conform,⁶ and provides that either mailing or personally delivering true and complete copies of the records of a banking or financial institution, together with the custodian's affidavit authenticating the records, constitutes compliance with a subpoena requesting the production of records.⁷ Moreover, Chapter 152 provides that a court

1. See NEV. REV. STAT. § 52.405 (1987) (defining custodian of the records of a casino or hotel).

2. See *id.* § 51.035 (1988) (defining hearsay).

3. *Id.* § 51.135 (1987) (amended by 1989 Nev. Stat. ch. 152, sec. 1, at 322).

4. See 1989 Nev. Stat. ch. 152, sec. 3, at 323 (enacting NEV. REV. STAT. § 52.—) (defining custodian, records, and banking or financial institution).

5. *Id.* sec. 1, at 322 (amending NEV. REV. STAT. § 51.135).

6. *Id.* sec. 4, at 323 (enacting NEV. REV. STAT. § 52.—) (setting forth the contents of the certificate of custodian of records).

7. *Id.* sec. 5, at 324 (enacting NEV. REV. STAT. § 52.—).