Torts; defense of residence

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services and limits liability for such services to negligence\(^1\) or willful misconduct.\(^2\) Chapter 32 places the same limits on liability for the service of procuring, processing, distributing and use of organs or tissue for transplantation into the human body.\(^3\)

\(\text{PHB}\)


Torts; defense of residence

NEV. REV. STAT. § 41._ (new).

SB 215 (Malone); 1989 STAT. Ch. 759

Chapter 759 creates a presumption that a person lawfully in a residence,\(^1\) who uses deadly force\(^2\) against an unlawful intruder,\(^3\) is acting in reasonable fear\(^4\) of imminent death or bodily injury if the occupant has reason to believe that an unlawful entry occurred.\(^5\) Under these circumstances, the occupant may not be held liable in personal injury\(^6\) or wrongful death\(^7\) actions, unless the other party

1. See 1989 Nev. Stat. ch. 759, sec. 1, at 1798 (enacting NEV. REV. STAT. § 41._) (definition of residence includes any building, vehicle, trailer, or boat designed or intended for occupancy as a residence).

2. See id. (likely to cause death or bodily injury).


4. Reasonable fear sufficient to justify a homicide requires that the defendant be motivated to act by circumstances sufficient to excite the fear of a reasonable person, and not for a revenge motive. Id. § 200.150 (1987). A justifiable homicide is not criminally punishable. Id. § 200.190 (1987).


7. See id. § 41.085 (1987) (action maintainable by heirs or personal representatives on behalf of decedent).
Torts

overcomes the presumption of reasonable fear by clear and convincing evidence. 8

DMT


Torts; emergency medical services


Under existing law, a physician1 or nurse2 rendering3 emergency care gratuitously and in good faith4 at the scene of an emergency,5 or while transporting an injured person from an emergency, is not liable for civil damages except for an act or omission amounting to gross negligence.6 Chapter 19 extends this immunity to emergency medical attendants7 or registered nurses obeying instructions from a physician or registered nurse.8 A physician or nurse is not excused from liability if the negligence occurs in a licensed medical facility9 and the injured person was previously a patient.10

RRH

3. See id. § 41.505 (1987) (rendering includes giving instruction or providing supervision).
4. See Hulse v. Sheriff of Clark, 88 Nev. 393, 398, 498 P.2d 1317, 1320 (1972) (defining good faith as good intent and the honest exercise of the physician’s best judgment as to the needs of the patient).