

ASSEMBLY BILL NO. 333—ASSEMBLYMAN HETTRICK

FEBRUARY 26, 1999

Referred to Committee on Judiciary

SUMMARY—Includes within crime of involuntary manslaughter violation of certain laws resulting in death of another person. (BDR 15-1353)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~to be omitted~~ is material to be omitted.

AN ACT relating to crime; including within the crime of involuntary manslaughter the violation of certain laws resulting in the death of another person; providing penalties; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 193.190 is hereby amended to read as follows:
2 193.190
3 ***1. Except as otherwise provided in subsection 2, in*** every crime or
4 public offense there must exist a union, or joint operation of act and
5 intention, or criminal negligence.
6 ***2. A conviction for involuntary manslaughter pursuant to paragraph***
7 ***(c) of subsection 1 of NRS 200.070 may be based upon a finding of***
8 ***simple negligence.***
9 **Sec. 2.** NRS 200.070 is hereby amended to read as follows:
10 200.070 ***1. Except ~~under the circumstances~~ as otherwise*** provided
11 in ~~NRS 484.348 and 484.377,~~ ***subsection 2,*** involuntary manslaughter is
12 the killing of a human being, without any intent to do so ~~in~~ :
13 ***(a) In the commission of an unlawful act, ~~for~~ other than an unlawful***
14 ***act described in paragraph (c);***
15 ***(b) In the commission of*** a lawful act which probably might produce
16 such a consequence ***if committed*** in an unlawful manner ~~but where~~ ; or
17 ***(c) As a result of violating a provision of chapter 484 or 706 of NRS,***
18 ***whether or not the violation constitutes criminal negligence or simple***
19 ***negligence.***

1 **2.** *If* the involuntary killing occurs in the commission of an unlawful
2 act, which, in its consequences, naturally tends to destroy the life of a
3 human being, or is committed in the prosecution of a felonious intent, the
4 offense is murder.

5 **Sec. 3.** NRS 200.090 is hereby amended to read as follows:

6 200.090 *Unless a greater penalty is otherwise provided in NRS*
7 *484.348, 484.3595, 484.377 or 484.3795 or another specific statute:*

8 **1.** A person convicted of involuntary manslaughter *pursuant to*
9 *paragraph (a) or (b) of subsection 1 of NRS 200.070* is guilty of a
10 category D felony and shall be punished as provided in NRS 193.130.

11 **2.** *A person convicted of involuntary manslaughter pursuant to*
12 *paragraph (c) of subsection 1 of NRS 200.070 for a violation of chapter*
13 *484 or 706 of NRS constituting criminal negligence is guilty of a*
14 *category D felony and shall be punished as provided in NRS 193.130.*

15 **3.** *A person convicted of involuntary manslaughter pursuant to*
16 *paragraph (c) of subsection 1 of NRS 200.070 for a violation of chapter*
17 *484 or 706 of NRS constituting simple negligence, but not constituting*
18 *criminal negligence, is guilty of a misdemeanor.*

19 **Sec. 4.** The amendatory provisions of this act do not apply to offenses
20 that were committed before October 1, 1999.