

SENATE BILL NO. 11—SENATOR TITUS

PREFILED JANUARY 6, 1999

JOINT SPONSOR: ASSEMBLYMAN PERKINS

Referred to Committee on Judiciary

SUMMARY—Repeals rule that for prosecution of murder or manslaughter, death of victim must occur within 1 year and 1 day of criminal act which caused death of victim. (BDR 15-130)

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

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

AN ACT relating to crimes; repealing the rule that for a prosecution for murder or manslaughter, the death of the victim must occur within 1 year and 1 day of the act which caused the death of the victim; 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 200.410 is hereby amended to read as follows:
2 200.410 If a person fights, by previous appointment or agreement, a
3 duel with a rifle, shotgun, pistol, bowie knife, dirk, smallsword, backsword
4 or other dangerous weapon, and in so doing kills his antagonist, or any
5 person, or inflicts such ***a*** wound that the party or parties injured die thereof
6 , ~~{within a year and a day thereafter,}~~ each such offender is guilty of murder
7 in the first degree , which is a category A felony, and upon conviction
8 thereof shall be punished as provided in subsection 4 of NRS 200.030.
9 **Sec. 2.** NRS 200.450 is hereby amended to read as follows:
10 200.450 1. If a person, upon previous concert and agreement, fights
11 with any other person or gives, sends or authorizes any other person to give
12 or send a challenge verbally or in writing to fight any other person, the
13 person giving, sending or accepting the challenge to fight any other person
14 shall be punished:

1 (a) If the fight does not involve the use of a deadly weapon, for a gross
2 misdemeanor; or

3 (b) If the fight involves the use of a deadly weapon, for a category B
4 felony by imprisonment in the state prison for a minimum term of not less
5 than 1 year and a maximum term of not more than 6 years, and may be
6 further punished by a fine of not more than \$5,000.

7 2. A person who acts for another in giving, sending, or accepting,
8 either verbally or in writing, a challenge to fight any other person shall be
9 punished:

10 (a) If the fight does not involve the use of a deadly weapon, for a gross
11 misdemeanor; or

12 (b) If the fight involves the use of a deadly weapon, for a category B
13 felony by imprisonment in the state prison for a minimum term of not less
14 than 1 year and a maximum term of not more than 6 years, and may be
15 further punished by a fine of not more than \$5,000.

16 3. Should death ensue to a person in such a fight, or should a person
17 die from any injuries received in such a fight, ~~within a year and a day,~~ the
18 person causing or having any agency in causing the death, either by
19 fighting or by giving or sending for himself or for any other person, or in
20 receiving for himself or for any other person, the challenge to fight, is
21 guilty of murder in the first degree which is a category A felony and shall
22 be punished as provided in subsection 4 of NRS 200.030.

23 **Sec. 3.** NRS 200.100 is hereby repealed.

24 **Sec. 4.** The amendatory provisions of this act do not apply to offenses
25 committed before the effective date of this act.

26 **Sec. 5.** This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

200.100 Death must occur within a year and a day. In order to make the killing either murder or manslaughter, it is requisite that the party die within a year and a day after the stroke received, or the cause of death administered, in the computation of which the whole of the day on which the act was done shall be reckoned the first.