

SENATE BILL NO. 451—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

MARCH 29, 2005

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing indemnification of certain persons in civil actions by State and other governmental entities. (BDR 3-107)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to civil liability; providing that the State and other governmental entities are not required to indemnify certain persons in a civil action for conduct that violated a state or federal law for which a criminal penalty is provided; 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 41.0349 is hereby amended to read as follows:
2 41.0349 In any civil action brought against any present or
3 former officer, employee, immune contractor, member of a board or
4 commission of the State or a political subdivision or State
5 Legislator, in which a judgment is entered against the defendant
6 based on any act or omission relating to his public duty or
7 employment, the State or political subdivision shall indemnify him
8 unless:
9 1. The person failed to submit a timely request for defense;
10 2. The person failed to cooperate in good faith in the defense of
11 the action;
12 3. The act or omission of the person was not within the scope
13 of his public duty or employment; ~~for~~



- 1 4. The act or omission of the person was wanton or malicious
- 2 H; or
- 3 5. *The act or omission of the person violated a state or federal*
- 4 *law for which a criminal penalty is provided.*

