

ASSEMBLY BILL NO. 436—ASSEMBLYMEN
MUNFORD AND KIRKPATRICK

MARCH 19, 2007

Referred to Committee on Judiciary

SUMMARY—Makes various changes concerning conducting a coroner's inquest. (BDR 14-1331)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

~

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

AN ACT relating to coroners; requiring that a coroner's inquest be conducted any time that a person dies as a result of the use of deadly force to effect an arrest; requiring that family members of a person who died as a result of the use of deadly force to effect an arrest be allowed to provide testimony at the coroner's inquest; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law provides that the holding of a coroner's inquest is within the
2 discretion of the district attorney or district judge of the county. (NRS 259.050)
3 **Section 2** of this bill requires an inquest to be conducted any time that a person dies
4 as a result of the use of deadly force by an officer to effect the arrest of a person.
5 **Section 3** of this bill amends existing law to require the justice of the peace who
6 presides over a coroner's inquest to allow any family member of a person who died
7 as a result of the use of deadly force by an officer to effect the arrest of a person to
8 provide testimony at the inquest. (NRS 259.090)

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

- 1 **Section 1.** NRS 171.1455 is hereby amended to read as
2 follows:
3 171.1455 **1.** If necessary to prevent escape, an officer may,
4 after giving a warning, if feasible, use deadly force to effect the



1 arrest of a person only if there is probable cause to believe that the
2 person:

3 ~~(1-1)~~ (a) Has committed a felony which involves the infliction or
4 threat of serious bodily harm or the use of deadly force; or

5 ~~(1-2)~~ (b) Poses a threat of serious bodily harm to the officer or to
6 others.

7 **2. *If any person dies as a result of the use of deadly force by***
8 ***an officer to effect the arrest of a person, the law enforcement***
9 ***agency that employs the officer shall inform the county coroner***
10 ***and the district attorney of the county.***

11 **Sec. 2.** NRS 259.050 is hereby amended to read as follows:

12 259.050 1. When a coroner or his deputy is informed that a
13 person has been killed, has committed suicide or has suddenly died
14 under such circumstances as to afford reasonable ground to suspect
15 that the death has been occasioned by unnatural means, he shall
16 make an appropriate investigation.

17 2. In all cases where it is apparent or can be reasonably inferred
18 that the death may have been caused by a criminal act, the coroner
19 or his deputy shall notify the district attorney of the county where
20 the inquiry is made, and the district attorney shall make an
21 investigation with the assistance of the coroner. If the sheriff is not
22 ex officio the coroner, the coroner shall also notify the sheriff, and
23 the district attorney and **the** sheriff shall make the investigation with
24 the assistance of the coroner.

25 3. ~~The~~ **Except as otherwise provided in subsection 4, the**
26 holding of a coroner's inquest is within the sound discretion of the
27 district attorney or district judge of the county. An inquest need not
28 be conducted in any case of death manifestly occasioned by natural
29 cause, suicide, accident or when it is publicly known that the death
30 was caused by a person already in custody, but an inquest must be
31 held unless the district attorney or a district judge certifies that no
32 inquest is required.

33 4. **A coroner's inquest must be conducted any time that the**
34 **coroner is notified pursuant to NRS 171.1455 that a person died as**
35 **a result of the use of deadly force by an officer to effect the arrest**
36 **of a person.**

37 5. If an inquest is to be held, the district attorney shall call
38 upon a justice of the peace of the county to preside over it. The
39 justice of the peace shall summon three persons qualified by law to
40 serve as jurors, to appear before him forthwith at the place where the
41 body is or such other place within the county as may be designated
42 by him to inquire into the cause of death.

43 ~~(5-1)~~ 6. A single inquest may be held with respect to more than
44 one death, where all the deaths were occasioned by a common
45 cause.



1 **Sec. 3.** NRS 259.090 is hereby amended to read as follows:
2 259.090 1. The justice of the peace may issue subpoenas for
3 witnesses, returnable as he may direct, and served by such person as
4 he may direct.

5 2. ~~He must~~ *The justice of the peace shall* summon and
6 examine as witnesses every person who, in his opinion or that of any
7 of the jurors, has any knowledge of the facts, and he may summon a
8 qualified surgeon or physician to inspect the body, or hold a
9 postmortem examination thereon, or a chemist to make an analysis
10 of the stomach or the tissues of the deceased and give a professional
11 opinion as to the cause of the death.

12 3. *The justice of the peace shall allow any member of the*
13 *family of a person who died as a result of the use of deadly force*
14 *by an officer to effect the arrest of the person pursuant to NRS*
15 *171.1455 to provide testimony at the inquest.*

16 ~~3.~~ 4. The coroner may adjourn the inquest from time to time
17 as may be necessary.

