

ASSEMBLY JOINT RESOLUTION NO. 2—ASSEMBLYMEN  
OHRENSCHALL, HORNE, BUCKLEY, CARPENTER,  
GERHARDT, HOGAN, MABEY, MANENDO, MUNFORD,  
PIERCE, SEGERBLOM, SETTELMAYER AND WOMACK

FEBRUARY 19, 2007

Referred to Committee on Elections, Procedures, Ethics,  
and Constitutional Amendments

SUMMARY—Proposes to amend the Nevada Constitution to  
prohibit the taking of private property for any private  
use. (BDR C-22)

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.

ASSEMBLY JOINT RESOLUTION—Proposing to amend the  
Nevada Constitution to prohibit the taking of private  
property for any private use.

**Legislative Counsel’s Digest:**

1 Section 8 of Article 1 of the Nevada Constitution provides that private property  
2 shall not be taken for a public use without just compensation. In *Kelo v. City of*  
3 *New London*, 125 S.Ct. 2655 (2005), the United States Supreme Court ruled that  
4 the use of eminent domain to acquire property for the purpose of economic  
5 development does not violate the Takings Clause of the Fifth Amendment to the  
6 United States Constitution.

7 This joint resolution proposes an amendment to the Nevada Constitution to  
8 prohibit the taking of private property for any private use.

1 RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF  
2 NEVADA, JOINTLY, That Section 8 of Article 1 of the Nevada  
3 Constitution be amended to read as follows:

4 Sec. 8. 1. No person shall be tried for a capital or  
5 other infamous crime (except in cases of impeachment, and in  
6 cases of the militia when in actual service and the land and



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1 naval forces in time of war, or which this State may keep,  
2 with the consent of Congress, in time of peace, and in cases  
3 of petit larceny, under the regulation of the Legislature)  
4 except on presentment or indictment of the grand jury, or  
5 upon information duly filed by a district attorney, or Attorney  
6 General of the State, and in any trial, in any court whatever,  
7 the party accused shall be allowed to appear and defend in  
8 person, and with counsel, as in civil actions. No person shall  
9 be subject to be twice put in jeopardy for the same offense;  
10 nor shall he be compelled, in any criminal case, to be a  
11 witness against himself.

12 2. The Legislature shall provide by law for the rights of  
13 victims of crime, personally or through a representative, to  
14 be:

15 (a) Informed, upon written request, of the status or  
16 disposition of a criminal proceeding at any stage of the  
17 proceeding;

18 (b) Present at all public hearings involving the critical  
19 stages of a criminal proceeding; and

20 (c) Heard at all proceedings for the sentencing or release  
21 of a convicted person after trial.

22 3. Except as otherwise provided in subsection 4, no  
23 person may maintain an action against the State or any public  
24 officer or employee for damages or injunctive, declaratory or  
25 other legal or equitable relief on behalf of a victim of a crime  
26 as a result of a violation of any statute enacted by the  
27 Legislature pursuant to subsection 2. No such violation  
28 authorizes setting aside a conviction or sentence or continuing  
29 or postponing a criminal proceeding.

30 4. A person may maintain an action to compel a public  
31 officer or employee to carry out any duty required by the  
32 Legislature pursuant to subsection 2.

33 5. No person shall be deprived of life, liberty, or  
34 property, without due process of law.

35 6. Private property shall not be taken for public use  
36 without just compensation having been first made, or secured,  
37 except in cases of war, riot, fire, or great public peril, in  
38 which case compensation shall be afterward made. *Private*  
39 *property shall not be taken for any private use.*

