

ASSEMBLY BILL NO. 320—ASSEMBLYMAN HAMBRICK

MARCH 18, 2011

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing coroners' inquests.
(BDR 20-1024)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 coroners; making certain provisions governing mandatory investigations and inquests by coroners applicable in all counties; requiring a coroner to notify the district attorney to investigate any death reasonably believed to be caused by a peace officer under certain circumstances; repealing provisions which entitle a justice of the peace to a daily fee for holding an inquest; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law provides the circumstances in which a coroner must investigate, or
2 notify the district attorney to assist him or her in investigating, a death which
3 appears to be by unnatural means or caused by a criminal act. (NRS 259.050)
4 **Section 2** of this bill requires the coroner to notify the district attorney and the
5 district attorney to investigate as a homicide any death which appears to have been
6 caused by a peace officer, while acting in his or her official capacity, either through
7 the use of force or in a motor vehicle accident which was caused by the actions of
8 the peace officer. While existing law exempts coroners appointed by a board of
9 county commissioners from the majority of the statutory provisions relating to
10 coroners' inquests, **section 1** of this bill makes the provisions of **section 2**
11 applicable to such coroners.

12 Existing law entitles a justice of the peace to be paid a fee of \$23 out of the
13 county treasury for each day he or she is necessarily employed in holding an
14 inquest into a death which appears to be by unnatural means. (NRS 259.200)
15 **Section 3** of this bill repeals that provision.



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

1 **Section 1.** NRS 259.010 is hereby amended to read as follows:

2 259.010 1. Every county in this State constitutes a coroner's
3 district, except a county where a coroner is appointed pursuant to
4 the provisions of NRS 244.163.

5 2. The provisions of this chapter, except NRS 259.025 ,
6 **259.050** and 259.150 to 259.180, inclusive, do not apply to any
7 county where a coroner is appointed pursuant to the provisions of
8 NRS 244.163.

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

10 259.050 1. When a coroner or the coroner's deputy is
11 informed that a person has been killed, has committed suicide or has
12 suddenly died under such circumstances as to afford reasonable
13 ground to suspect that the death has been occasioned by unnatural
14 means, the coroner shall make an appropriate investigation.

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

23 3. *In all cases where it is apparent or can be reasonably*
24 *inferred that the death may have been caused by a peace officer*
25 *while acting in his or her official capacity:*

26 (a) *Through the use of force, including, without limitation,*
27 *physical force, the use of chemical agents, electric force or the use*
28 *of a firearm; or*

29 (b) *As a result of a motor vehicle accident caused, in whole or*
30 *in part, by an action of the peace officer,*

31 *the coroner or the coroner's deputy shall notify the district*
32 *attorney in the county where the inquiry is made and the district*
33 *attorney shall investigate the death as a homicide.*

34 4. The holding of a coroner's inquest *pursuant to subsection 1*
35 *or 2* is within the sound discretion of the district attorney or district
36 judge of the county. An inquest need not be conducted in any case
37 of death manifestly occasioned by natural cause, suicide, accident or
38 when it is publicly known that the death was caused by a person
39 already in custody, but an inquest must be held unless the district
40 attorney or a district judge certifies that no inquest is required.

41 ~~[4.]~~ 5. If an inquest is to be held, the district attorney shall call
42 upon a justice of the peace of the county to preside over it. The



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1 justice of the peace shall summon three persons qualified by law to
2 serve as jurors, to appear before the justice of the peace forthwith at
3 the place where the body is or such other place within the county as
4 may be designated by him or her to inquire into the cause of death.

5 ~~5.1~~ 6. A single inquest may be held with respect to more than
6 one death, where all the deaths were occasioned by a common
7 cause.

8 7. *As used in this section, "peace officer" means any person*
9 *upon whom some or all the powers of a peace officer are*
10 *conferred pursuant to NRS 289.150 to 289.360, inclusive, when*
11 *carrying out those powers.*

12 Sec. 3. NRS 259.200 is hereby repealed.

13 Sec. 4. This act becomes effective on July 1, 2011.

TEXT OF REPEALED SECTION

259.200 Fee of justice of the peace for holding inquest.

1. A justice of the peace is entitled, for each day necessarily employed in holding an inquest, to a fee of \$23.

2. This fee must be paid out of the county treasury as other demands against the county are paid.

