

SENATE BILL NO. 136—SENATOR PARKS (BY REQUEST)

FEBRUARY 18, 2013

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to justifiable homicide by a public officer. (BDR 15-867)

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 crimes; revising provisions relating to justifiable homicide by a public officer; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that homicide committed by a public officer, or a person acting under the command and in aid of the public officer, is justifiable under certain circumstances. (NRS 200.140) This bill provides that homicide by such a person is also justifiable when necessary in protecting against an imminent threat to the life of a person.

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

Section 1. NRS 200.140 is hereby amended to read as follows:
200.140 Homicide is justifiable when committed by a public officer, or person acting under the command and in the aid of the public officer, in the following cases:
1. In obedience to the judgment of a competent court.
2. When necessary to overcome actual resistance to the execution of the legal process, mandate or order of a court or officer, or in the discharge of a legal duty.
3. When necessary:
(a) In retaking an escaped or rescued prisoner who has been committed, arrested for, or convicted of a felony;
(b) In attempting, by lawful ways or means, to apprehend or arrest a person; ~~for~~



- 1 (c) In lawfully suppressing a riot or preserving the peace  ; or
- 2 (d) *In protecting against an imminent threat to the life of a*
- 3 *person.*

