
ASSEMBLY BILL NO. 398—ASSEMBLYMEN ALLEN, BEERS,
ARBERRY, GOICOECHEA AND SETTELMAYER

MARCH 16, 2007

Referred to Committee on Judiciary

SUMMARY—Revises provisions concerning justifiable homicide.
(BDR 15-1286)

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 certain provisions concerning justifiable homicide; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law defines justifiable homicide as the killing of another in necessary
2 self-defense, or in defense of habitation, property or person, if the person killed
3 intends to commit a certain offense. (NRS 200.120) **Section 1** of this bill revises
4 the definition of “justifiable homicide” to include specifically the killing of a
5 person in defense of a motor vehicle or to defend against any person who
6 manifestly intends and endeavors to enter the motor vehicle of another for the
7 purpose of assaulting a person who is in the motor vehicle. (NRS 200.120)
8 **Section 2** of this bill revises the standard applied for determining when a
9 homicide is justified. Under existing law, to establish justifiable homicide the
10 circumstances must be sufficient to excite the fears of a reasonable person and the
11 person who committed the killing must not have acted in revenge. This bill instead
12 requires that the person who committed the killing of another person had at least a
13 bare fear that the person killed intended to commit a certain offense and the person
14 who committed the killing was not acting in revenge.
15 **Section 3** of this bill amends existing law to provide that a person who kills
16 another person in self-defense must subjectively believe the conditions that would
17 justify the killing actually existed. (NRS 200.130)



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

1 **Section 1.** NRS 200.120 is hereby amended to read as follows:
2 200.120 **1.** Justifiable homicide is the killing of a human
3 being in necessary self-defense, or in defense of habitation, property
4 **, including, without limitation, a motor vehicle,** or person, against
5 one who manifestly intends, or endeavors, by violence or surprise,
6 to commit a felony, or against any person or persons who manifestly
7 intend and endeavor, in a violent, riotous, tumultuous or
8 surreptitious manner, to enter the habitation **or motor vehicle** of
9 another for the purpose of assaulting or offering personal violence to
10 any person dwelling or being therein.

11 **2.** *As used in this section, "motor vehicle" means every*
12 *vehicle which is self-propelled.*

13 **Sec. 2.** NRS 200.130 is hereby amended to read as follows:

14 200.130 A bare fear of any of the offenses mentioned in NRS
15 200.120, to prevent which the homicide is alleged to have been
16 committed, ~~[shall not be]~~ **is** sufficient to justify the killing. It must
17 appear ~~[that the circumstances were sufficient to excite the fears of a~~
18 ~~reasonable person, and]~~ that the ~~[party]~~ **person who committed the**
19 killing really acted under the influence of ~~[those fears]~~ **that fear** and
20 not in a spirit of revenge.

21 **Sec. 3.** NRS 200.200 is hereby amended to read as follows:

22 200.200 If a person kills another in self-defense, it must appear
23 **to the person who committed the killing** that:

24 1. The danger was so urgent and pressing that, in order to save
25 his own life, or to prevent his receiving great bodily harm, the
26 killing of the other was absolutely necessary; and

27 2. The person **who was** killed was the assailant, or that the
28 slayer had really, and in good faith, endeavored to decline any
29 further struggle before the mortal blow was given.

30 **Sec. 4.** This act becomes effective on July 1, 2007.

