

Assembly

156

MINUTES OF MEETING - COMMITTEE ON JUDICIARY, 53rd Legislature, March 17, 1965

Meeting was called to order at 3:10 P.M.

Present: Close, Parsons, Olsen, Rosaschi, Jacobsen, Kean (and Knisley last half)

Absent: Swobe, Delaney

BDR 43-1279*

Mrs. Parsons moved to introduce
Mr. Jacobsen seconded
Motion passed unanimously

AB 186: Provides that sale, destruction, or removal of encumbered personal property worth \$500 or more is a felony.

Mr. Kean said the point of issue on this bill is the relationship of the value of the property with the mortgaged interest.

Mr. Kean moved to postpone indefinitely
Mr. Rosaschi seconded
Motion passed unanimously

AB 351: Authorizes Real Estate Division to audit and regulate collections and use of maintenance fees for condominiums.

Mr. Kean moved Do Pass as amended by Mr. Olsen
Mr. Jacobsen seconded
Motion passed unanimously

AB 377: Requires the district attorney's approval before petitions for commitment of mentally ill persons can be filed.

Mr. Jacobsen moved Do Pass
Mr. Kean seconded
Motion passed unanimously

AB 511: Adopts administrative procedures act.

Mr. Jacobsen moved to kill
Mr. Kean seconded
Motion passed unanimously

AB 512: Requires agencies of State Executive Department to file any rule or regulation with Secretary of State, and with every county clerk.

Mr. Jacobsen moved to kill
Mr. Kean seconded
Motion passed unanimously

*A.B. 614

AB 535: Prescribes methods for adoption of administrative regulations.

Mr. Jacobsen moved to kill
Mr. Kean seconded
Motion passed unanimously

AB 516: Defines "vehicle" in vehicle antitheft laws.

Mr. Close explained that the word "bicycle" is wrong and should not be in there. It should be "motor scooter" or "motorcycle".

Mr. Olsen moved to delete "bicycle and Do Pass as amended
Mrs. Parsons seconded
Motion passed unanimously

Mr. Kean suggested adding "motor" in front of "other vehicles".

Mr. Jacobsen later moved to reconsider AB 516.
Mr. Kean seconded
Motion passed unanimously

Mr. Kean then moved to "deep six" AB 516
Mr. Jacobsen seconded
Motion passed unanimously

AB 518: Provides for summary proceeding against sureties on third party claim in attachment proceeding.

Mr. Close explained that this bill permits filing within an action to go after a bond, rather than starting an entirely new action. He said it would save time and cut down on attorneys' costs. He added that it seems to be a reasonable method of procedure.

Mr. Olsen said insurance companies might find themselves involved many times without actual notice. They should insist that they be given notice.

Mr. Close said he believed that the court would give them notice.

Ted Marshall said this is a good simple bill and he recommends it. He said the insurance companies would be notified, same procedure as on Supreme Court appeal bond.

Mr. Olsen moved Do Pass
Mrs. Parsons seconded
Motion passed unanimously

AB 520: Provides penalty for unlawful sale of any substance in lieu of narcotics.

Mr. Knisley said he does not want to be bound by any action the committee takes on this bill; it leaves the door wide open.

Mr. Rosaschi moved to postpone indefinitely
Mr. Knisley seconded
Motion passed unanimously

AB 519: Provides penalty for planting or cultivation of marijuana and peyote.

Mr. Kean moved to strike out "peyote" and Do Pass
Mr. Jacobsen seconded
Motion passed unanimously

AB 522: Specifies manner of losing right to disqualify district judges in civil actions.

Mr. Close said he felt this particular situation should be enlarged by legislation and not by judicial decision. He saw nothing wrong with the bill.

Mr. Kean moved Do Pass
Mr. Olsen seconded
Motion passed unanimously

AB 534: Amends criminal laws relating to burglary.

Mr. Kean moved to postpone for this session as he would like to see the criminal study finished before taking any action on it.

Mr. Jacobsen seconded Mr. Kean's motion.
Motion passed unanimously

AB 536: Provides penalty for use of foul or offensive language in presence of child under 14.

Mr. Rosaschi moved Do Pass
Mr. Jacobsen seconded
Motion passed unanimously

AB 537: Requires marriage certificates to indicate address where ceremony has been performed.

Mr. Jacobsen moved Do Pass
Mr. Rosaschi seconded
Motion passed unanimously

AB 538: Provides penalty for defacing list of voting results posted outside a polling place.

Mr. Ted Marshall explained the purpose for this bill and what led up to it.

Mr. Jacobsen moved Do Pass
Mrs. Parsons seconded
Motion passed unanimously

Mr. Close went over a series of bills to see if the committee favored their introduction. The bills have been requested by the Association of D.A.'s of the State of Nevada.

Mr. Knisley suggested the committee be careful about introducing new bills as this is the 59th day of the Legislature.

Mr. Olsen suggested the committee go through the bills and see whether or now they would require a public hearing. If not, the committee can process them.

BDR 14-1165^{*}: Calls for motions to suppress to be given at least 10 days before trial wherever possible.

Mr. Marshall explained that this bill is taken right out of the federal law.

Mr. Knisley moved to introduce and refer back to committee

Mr. Olsen seconded

Motion passed unanimously

BDR 14-1157^o:

Mr. Marshall explained that this bill applies only to people from out of state who commit crimes in the State of Nevada. Wants to be able to say that they do not have to bring the criminal back to the state, at the state's expense, until after the criminal has served his sentence elsewhere.

Mr. Olsen suggested that this would serve another purpose, also, to keep some undesirable citizens out of the state. This would save the taxpayers money.

Mr. Olsen moved to introduce

Mr. Knisley seconded

Motion passed unanimously

BDR 20-1134^A: Empowers County Commissioners to provide penalties for offenses by Coroner.

Mr. Olsen stated that he can see a real need for this particular bill. There is now no law to punish or remove a coroner for wrong doing.

Mr. Olsen moved to introduce

Mr. Jacobsen seconded

Motion passed unanimously

BDR 14-1127⁺: Provides for consolidation of criminal trials.

Mr. Marshall explained the need for this law and stated that it is from the federal law.

Mr. Knisley moved to introduce

Mr. Olsen seconded

Motion passed unanimously

*A.B. 610

^AA.B. 612

^oA.B. 613

⁺A.B. 611

BDR 16-1160: Provides penalty for abuse of process of excluding D.A.'s staff from court room in criminal prosecutions. Makes it a misdemeanor.

Mr. Olsen: Wouldn't it be better to make it grounds for contempt?

Mr. Kean: This should work both ways.

SB 156: Amends procedure in criminal appeals from justice's courts.

Mr. Marshall explained that this puts the burden of appeal on the defendant rather than on the district attorney.

Mr. Olsen moved Do Pass

Mr. Knisley seconded

Motion passed unanimously

SB 151: Amends provisions for challenging of jurors for alternate jurors, and for trial of joint defendants in criminal prosecutions.

Mr. Knisley moved Do Pass

Mr. Jacobsen seconded

Motion passed unanimously

SB 153: Clarifies distinction between grand larceny, petit larceny, and unlawful taking of motor vehicles.

Mr. Marshall said that lines 22 and 23 should say "upon a second conviction".

Mr. Jacobsen moved Do Pass as amended

Mr. Olsen seconded

Motion passed unanimously

SB 208: Empowers district attorney to issue subpoenas for reappearance of witnesses in justice court.

Mr. Marshall explained that this merely makes legal what is already being done.

Mr. Olsen moved Do Pass

Mr. Jacobsen seconded

Motion passed unanimously

BDR 1-1133: Abolishes direct appeal on an order denying change of venue.

Mr. Marshall withdrew this bill.

Meeting adjourned at 5:10 P.M.