

MINUTES OF MEETING - ASSEMBLY COMMITTEE ON JUDICIARY, 54th Session, February 22, 1967

Meeting was called to order at 2:00 P.M.

Present: Wooster, Schouweiler, Torvinen, Swackhamer, Lowman, Dungan, Hilbrecht,  
White

Absent: Kean

SB 155: Permits prior submission of written questions and supplemental voir dire examination of juror by counsel.

This was Senator Cliff Young's bill and he was invited to come in and explain the reason for it to the committee.

He said that originally both sides had right to examine prospective jury members. Then five years ago the Supreme Court handed down a new ruling that this examination was to be conducted only by the judge from then on. This met with universal opposition from the bar, but members who tried to talk to the Supreme Court about the decision were treated rather cavalierly.

Most judges have allowed counsel to undertake some examination, but the members of the bar feel that this should be a matter of right. This bill also is a proposal that written questions can be submitted to the jury panel in advance. This makes much information available and eliminates a lot of time in asking these same questions at the trial and it presents the questions in a less embarrassing way. This way jurors could be excused by stipulation.

Mr. Young said this is an over-all good bill because it allows counsel to examine. They should be able to conduct this questioning without being subject to the court.

SB 141: Extends liability of parent or guardian for willful misconduct of minor.

This is Senator Coe Swobe's bill and he was invited to come in and speak to the committee concerning it. He explained that this bill merely increases liability to the parents or guardian of minors for willful misconduct, such as willful damage of school buildings, cemeteries, joining others to beat up on someone, etc. Parents and guardians should be liable for these damages, but there should be a limit, or ceiling. Mr. Swobe said he had put this limit at \$5,000 originally but the Senate committee had lowered it to \$2,000.

Mr. Lowman asked if they had given any thought to not having any limit at all. Mr. Swobe said the purpose was not to bankrupt or completely clean out a family so they felt there should be a limit.

Mr. Lowman said with a limit the injured party could get cleaned out.

Mr. Wooster asked if there had been a public hearing on the matter, or did anyone seem to be in opposition. Mr. Swobe replied that there was no hearing and as far as he knew, no opposition was made known. He said that the reduction in the ceiling was brought about solely through the committee.

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Miss Dungan asked what the penalty or remedy is now in the event of injury or death of another person caused by a minor.

Mr. Torvinen answered that you can sue the minor but you cannot take action against the parent. The minor has nothing that you can get from him so there is not much sense to suing him. Minors very rarely have assets in their own name.

Miss Dungan asked if parents don't usually carry insurance on their children. Mr. Hilbrecht said that usually they carry insurance just on the house in the amount of \$5,000.

SB 96: Provides for substitution of trustee under deed of trust by recording instrument of appointment without conveyance by former trustee.

Senator Swobe explained that this bill allows the beneficiary to confer upon the new trustee the duties of a trustee. This is normally done by a conveyance but sometimes the original trustee cannot be found, or has gone out of business, etc. Mr. Swobe said he had conferred with all the title companies in Reno and several property attorneys in regard to the bill and none objected to the language of the bill.

SB 155: Permits prior submission of written questions and supplemental voir dire examination of juror by counsel.

Mr. Hilbrecht moved Do Pass

Mr. Swackhamer said he thought the committee should talk to the Justices of the Supreme Court and find out their reasons for the ruling. Mr. Torvinen said they did it to shorten the time of trial. Some of the attorneys abused the privilege.

Mr. Wooster said he would ask Chief Justice Thompson to come over and explain the ruling to the committee. Will wait on the bill until after his visit.

SB 141: Extends liability of parent or guardian for willful misconduct of minor.

Mr. Lowman said he would like to see the limit put back up to \$5,000, or better still, with no limit.

Mr. Hilbrecht said we should get at least the \$2,000 and since the Senate had turned down the original \$5,000 he wondered if we would lose the whole bill if we changed it.

Mr. Torvinen said the basic question is does the parent have control of the child? Does he have control of his positive actions?

Mr. White commented that this concerns willful misconduct. It does not affect an accident.

Mr. Swackhamer said it is going to cost the parent of the abused plenty.

Mr. Lowman moved Do Pass with amendment making the amount the original \$5,000.

Mr. Swackhamer seconded

Motion passed with 7 Ayes and Mr. Torvinen voting No

SB 96: Provides for substitution of trustee under deed of trust by recording instrument of appointment without conveyance by former trustee.

Mr. Lowman moved Do Pass  
Mr. Hilbrecht seconded  
Motion passed unanimously

AB 148: Wiretapping bill

Mr. Hilbrecht brought typed amendments on the bill. He said he had talked with the Public Service Commission because they would be the ones to enforce the act. They had suggested some amendments to make the bill worthwhile. Mr. Hilbrecht said the amendments practically rewrite the bill. He then went over the amendments with the committee.

Mr. Hilbrecht moved Do Pass as amended  
Mr. White seconded  
Motion passed unanimously

AB 270: Requires execution of written contract prior to performance of work or services by contractor.

Mr. Torvinen, whose bill this is, explained that it is a lien law. He said there are some bills that go with it that are in the Senate. He said the present lien law requires that before you can have a lien you have to send a 20-day notice. There have been objections to the 20 days. There is a bill in now to change this to 30 days and putting the responsibility on the contractor who is doing the job to educate the owner.

It was decided to hold the bill until the companion bills come through.

Mr. Swackhamer said if AB 129 is important and needed he thinks we effectively shot it down yesterday. Mr. Gwynn will have it thrown out because of diversion of funds.

Mr. Lowman reported that the subcommittee on Mr. Gettos bill has gotten it all taken care of with Mr. McDonald. He is now drafting the new bill.

Mr. Wooster passed out copies of the written objections to the new Criminal Code. He announced that the meeting tomorrow would consider AB 233, AB 251 and AB 265. Mr. Daykin will be present to help.

Meeting was adjourned at 2:50 P.M.