

## Senate

JUDICIARY COMMITTEEMINUTES OF MEETING HELD  
FEBRUARY 27, 1967

A meeting of the Judiciary Committee was held at 2:30 P.M., Monday, February 27, 1967, in Committee Room 56, State Capitol, Chairman Monroe presiding.

Members Present                    Warren L. Monroe, Chairman  
   V. L. Buner  
   M. J. Christensen  
   Carl F. Dodge  
   Coe Swobe  
   C. Clifton Young

Members Absent:                    Procter R. Hug

Also Present:                        Robert J. Galli, Chief, Sparks Police Dept.  
   Ray Roberts, Investigator, Attorney General's Office  
   Bob Humphrey, Sheriff, Ormsby County  
   John Duarte, Inspector, Nevada Highway Patrol

Messrs. Galli, Roberts, Humphrey and Duart represent, collectively, the following organizations:

Nevada Peace Officers  
Western Nevada Police Officers  
Eastern Nevada Police Officers  
Nevada Sheriff's Association  
Nevada Narcotics Investigators Association  
Las Vegas Protective Association  
White Pine Peace Officers Association

Chairman Monroe announced that March 6, 1967, had been set for Hearing of the Mobile Home Builders.

S.B. 180 "Prohibits solicitation of automobile repairs and towing service on highways."

Chairman Monroe commented that after the Committee had passed the Bill out it had been necessary to bring it back as the Clark County Delegation had indicated a negative vote.

Chief Galli advised that the Bill had been submitted on behalf of the Sheriff's Office in Clark County. They have a problem of "cruising" operators, without an established place of business, actually "gouging" vehicle operators travelling South on Highway 91. The "snow chain monkeys" problem was also discussed at length, and Sheriff Humphrey advised that this was difficult to control without legislation. The primary problem appeared to be that after California, through legislation, made it impossible for them to operate in California, they merely moved their operation into Nevada. Later in the meeting, Mr. Frank Daykin advised that the Bill had been copied from a California County Ordinance.

Disposition: Bill to be Amended to include "snow chain service" operators, and, Senator Bunker is to confer with Clark Co. Senators.

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S.B. 174 "Requires certain officials to disperse unlawful and riotous assemblies of two or more persons."

This Bill amends the present statute which provides that 6 persons constitute an unlawful assembly to 2 persons. Mr. Duarte advised that this law was identical to California's. Chief Galli pointed out that Chief of Police had been omitted from the listing of persons authorized to disperse such unlawful assemblies.

Disposition: It was agreed to Amend the Bill to include "Chief of Police". It was unanimously agreed to "Do Pass S.B. 174 as Amended

S.B. 175 "Requires persons not engaged in lawful business to leave buildings and grounds of public agencies upon request at times when agency is not open."

Senator Dodge inquired as to whether the legislation could be held unconstitutional. Mr. Daykin stated that it was his belief that it was constitutional in that it does not provide that persons can be ordered out at any time, only when the building is normally closed.

Disposition: ON MOTION of Senator Christensen, seconded by Senator Swobe, it was unanimously agreed to "Do Pass S.B. 175."

S.B. 176 "Prohibits hampering of police officers and others at scene of disaster area, inciting of riots, and entering into or refusing to leave a disaster area."

Mr. Daykin advised that he had followed the draft submitted to him by the Peace Officers, and that the only changes were in cutting down repetition. Chief Galli commented that they had copied it almost verbatim from the California Statute. Senator Dodge queried Mr. Daykin on the constitutionality of the Bill and the reasons for the Governor vetoing a similar measure during the 1965 Session. Mr. Daykin read the Governor's Veto Message. He also stated that the only area in which the constitutionality could be questioned would be under the "freedom of speech" as interpreted by the U. S. Supreme Court. Senator Young noted that "press" and "labor unions" were excluded and that perhaps there were other groups just as qualified for exclusion. Senator Swobe recommended that this Bill be adopted on passage.

Disposition: Held Over. Mr. Daykin is to check the language of this Bill against that in California's in order to preclude any basis for objections.

S.B. 177 "Provides that arrests for gross misdemeanors or misdemeanors may be made at any time on probable cause without warrant."

Chief Galli explained the difficulties encountered in making an arrest, even though a warrant had been issued, when the warrant was not actually in possession of the officer. Senator Young asked if this legislation didn't make a profound change in the

in the law, to which Chief Calli replied: "In Nevada, yes."  
Mr. Daykin advised that the Legislative Commission's Subcommittee is studying the Criminal Law and propose to revise the legislation in this area.

Disposition: Held Over. Committee to study changes in Penal Code.

S.B. 178 "Eliminates 6-month residence requirement for deputy sheriffs."

Disposition: ON MOTION of Senator Swobe, seconded by Senator Dodge, it was unanimously agreed to "Do Pass S.B. 178."

S.B. 179 "Requires written undertaking in certain actions against peace officers."

Mr. Daykin advised that the legislation had been originally requested from Clark County that they felt that many of the suits were irresponsibly filed and they would be required to post a bond to show good faith. The officers present explained the problems involved when they are sued. Senators Swobe and Young expressed the wish to give the Bill more study. Chairman Monroe asked if the members believed that the District Attorneys should be included in this legislation, to which the members indicated that they did not feel this to be necessary.

Disposition: Held Over.

S.B. 137 "Makes extensive changes in provisions relating to vital statistics"

Senator Christensen expressed the dissatisfaction of the County Clerk in Clark County which was primarily concerned with the elimination of fees for providing certified copies of documents. He was assured that by eliminating Section 11 in it's entirety this situation had been corrected, that the State would have an index but the person wishing copies would be required to go to the County in order to obtain them. Chairman Monroe advised the members that if the Recorder is to be required to send the Marriage Certificate to the State, when he presently mails it to the married couple, the State office will have to be required to mail it, after recording the information, to the married couple.

Disposition: Chairman Monroe is to have the Bill amended.

Senator Dodge stated that the Eagles had requested that he submit a Bill which would make it unlawful to refuse to hire a person solely on the basis of being over a certain age. The Committee unanimously agreed to introduce the Bill.

Senator Bunker stated that he had been requested to introduce a Bill that would provide for the issuance of traffic citations in the form of Summons and Complaint. The Committee unanimously agreed to introduce the Bill.

The meeting adjourned at 4:15 P.M.