

JUDICIARY COMMITTEEMINUTES OF MEETING HELDMARCH 18, 1967

A meeting of the Judiciary Committee was held at 9:10 A.M., Saturday, March 18, 1967, in Committee Room, State Capitol, Chairman Monroe presiding.

## Members Present:

Warren L. Monroe, Chairman  
V. L. Bunker  
M. J. Christensen  
Procter R. Hug  
Coe Swobe  
C. Clifton Young

## Members Absent:

Carl F. Dodge

## Also Present:

Senator Fisher  
Joe Jackson, Nevada State Journal

A.B. 71 "Revises criminal penalties and provides for determinate sentences."

Mr. Frank Daykin stated that the basic purpose of the Bill was to harmonize the penalties provided for various crimes and offenses against the Law of the State. It was studied from the last Legislative Session to the present one by a Committee composed of five legislators, various justices of the Supreme Court and the District Court and practicing attorneys, with the idea that penalties, for example the various degrees of homicide, be graded. Also, that the penalties of equal seriousness in different categories be the same. Offenses of willful destruction of property are graded by the amount of harm that was done. The other key feature of the Bill is the provision for determinate sentences. Under this Bill for the same offenses the judge could sentence anywhere in the range of, say 1 to 10 years, but the judge would pick the number of years depending on his judgement, then the Parole Board could consider parole after one-fourth of the sentence had been served, but in no case in less than one year. The Parole Board would still have complete discretion in the range up to the limit of the time the judge set. Under Chapter 213, Sections 235 to 237, for certain serious offenses there are certain statutory thresholds, these include forcible rape, kidnapping with bodily harm, first and second degree murder. The schedule established by law for good behavior credits are in NRS 209, there was a debate as to whether we should take away credits for merely being "good" by doing nothing, but that was rejected because the prison warden said there were not enough jobs for all of them. Senator Monroe asked if the Bill changed any of the court procedures. Mr. Daykin replied, no, the only effect was the determinate sentences. Senator Christensen asked if capital punishment was covered in the Bill. Mr. Daykin said yes for treason, forcible rape, kidnapping with bodily harm, and first and second degree murder -- capital punishment is not abolished in this Bill. When asked about sentences for misdemeanors Mr. Daykin stated that they were not set, that they were left to the judge's discretion. Senator Young asked about narcotic violations. Mr. Daykin referred to Section 440, Page 131. For possession

the sentence would be not less than one year and not more than six years and a fine of not more than \$2,000. Second offense one to ten years and optional fine up to \$2,000. Third or subsequent offense, one to twenty years and fine of not more than \$5,000. Illegal sale to a person who is over twenty-one is, one to twenty years and a fine of not more than \$5,000. Second offense, life imprisonment without possibility of parole. For selling to minors, any offense, life with possibility of parole and minimum of seven years for parole. Second offense, life without possibility of parole. Senator Christensen asked if it meant what it said. Mr. Daykin replied, yes, but the State Board of Pardons could commute it to life with possibility of parole. Mr. Daykin added, for the wholesaler the first offense is life with possibility of parole and for subsequent offense it is life without possibility of parole. Senator Hug asked whether the Bill in the Assembly to reduce the penalties on marihuana from a felony to a misdemeanor had passed, to which Mr. Daykin replied no that it had been defeated. Mr. Daykin stated that if the Committee gave the Bill a Do Pass that it would require two amendments to take care of conflicts with Bills that have already been signed by the Governor, but he could have them ready by Monday. Senator Young asked if this Bill followed any other state's law. Mr. Daykin replied that they had compared the provisions of the Illinois law which had been revised in 1961 and the Model Penal Code. Senator Young asked if there was any conflict with the proposed Pharmacist Bill which would give the State Pharmacist Board the right to make regulations relative to dangerous drugs. Mr. Daykin said that if there was any conflict their Bill would have to be conformed to this one. Senator Young asked if it wasn't unconstitutional to give a Board the power to make these regulations. Mr. Daykin replied that they could not define a new offense it is controlled the same as any other rule of regulation and they have to work within guidelines, but most of the regulatory power is to add to the list of dangerous drugs and they do not have too much on narcotics. Senator Young asked if there were any areas of great dispute in the Assembly. Mr. Daykin replied just in the marihuana and sentencing areas.

Disposition: ON MOTION of Senator Swobe, seconded by Senator Christensen, it was agreed to "Do Pass A.B. 71 as Amended."

S.B. 385 "Expands and clarifies municipal court duties, power, and jurisdiction."

Mr. Daykin stated that this Bill pulls together and places in one place in the statutes the procedures of the Municipal Courts, and, it provides for appeals, however, the appeals are to be heard without jury. Senator Monroe objected to the inclusion of the juvenile jurisdiction, and Senator Young questioned the constitutionality of prohibiting a trial by jury.

Disposition: "Amend to remove jurisdiction over juveniles, and Do Pass as Amended" Motion was made by Senator Young, seconded by Senator Swobe and unanimously passed.

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A.B. 37 "Provides uniform law for initiative and referendum in cities and counties."

Mr. Daykin said that this Bill was the result of a study made by the Election Study Committee. Chairman Monroe asked if he agreed with it, to which Mr. Daykin replied that he did.

Disposition: ON MOTION of Senator Dodge, seconded by Senator Bunker, it was unanimously agreed to "Do Pass A.B. 37."

A.B. 338 "Provides for automatic revocation of will as to spouse on divorce or annulment."

Senator Swobe suggested that the Bill be amended to conform to the similar provisions caused by marriage, and read the statute to the Committee. He stated that this would make it possible to add a codicil to the Will rather than having to have another one drawn.

Disposition: Senator Swobe is to have the amendment prepared.

A.B. 36 "Eliminates conflict between special election law for sewerage bonds of unincorporated towns and general election laws."

Disposition: ON MOTION of Senator Swobe, seconded by Senator Young, it was unanimously agreed to "Do Pass A.B. 36."

A.B. 129 "Extends protection afforded owners and encumbrancers of vehicles left stored or parked."

Senator Swobe stated that he thought this was a good Bill. He used as an example the situation that existed in Reno several years ago, there was collusion between the police and the towing company and when the officer would notice a stolen car he would tip off the company who would tow it away for storage then about three months later they would "find" it and there would be a very substantial towing and storage fee due from the owner. Chairman Monroe stated that he agreed that there should be some control over this situation.

Disposition: ON MOTION of Senator Christensen, seconded by Senator Swobe, it was unanimously agreed to "Do Pass A.B. 129."

A.B. 175 "Exempts certain articles from the liens of innkeepers and apartment keepers, and extends right of lien."

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

A.B. 202 "Provides that personal injury actions are not assignable."

Disposition: ON MOTION of Senator Swobe, seconded by Senator Bunker, it was unanimously agreed to "Do Pass A.B. 202."

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A.B. 233 "Requires facts to be alleged in taxpayer petition for summoning grand jury, and makes summoning discretionary."

Disposition: ON MOTION of Senator Swobe, seconded by Senator Young, it was unanimously agreed to "Do Pass A.B. 233."

The Committee unanimously agreed to introduce the two Bills described as follows:

1. Revision of the demerit system on traffic violations.
2. Establish a State Historical Commission.

The meeting was adjourned at 10:15 A.M.