

SENATE JUDICIARY COMMITTEE

MINUTES

Meeting was called to order at 2:30 p. m. on March 21, 1969 by Chairman Monroe.

Committee members present: Chairman Monroe
 Senator Dodge
 Senator Young
 Senator Swobe
 Senator Hug
 Senator Christensen

Committee member absent: Senator Bunker

Legislative Counsel: Frank Daykin

AB 314 - Increases interest rate chargeable and loan charges by pawnbrokers.

Senator Swobe advised this bill was requested by the pawnbrokers from the Las Vegas area. They had requested an increase from 3% to 6% but the bill provides for 4% and raised the minimum to \$3.00. The \$1.00 minimum had been in effect since 1951 and the 3% interest charge since 1913. There are city ordinances confining the location of pawshops so they are easy to police. Rents and operating expenses have increased and this will help to meet rising expenses. New Mexico now charges 4%, Oregon 10%, Arizona 2%, Utah and California 5% .

Senator Dodge moved "do pass".
 Senator Young seconded the motion.
 Motion carried.

SB 457 - Provides greater flexibility in handling zoning variances and special exceptions.

Senator Swobe explained this would make legal the procedure now used in Washoe County and would effect all use permits. Under the present law only the Board can handle rezoning and there is no provision for appeal. There have been a few law suits filed in the past and this would prevent any further suits.

Senator Dodge asked if this would set up more stringent restrictions.

Previously there was a board which could approve or deny and there was no appeal, so actually the restrictions were not more stringent.

Senator Young felt the language used would make it mandatory rather than optional and Senator Swobe said this was not the intent, however he would check with Frank Daykin to be sure.

SB 303 - Adopts uniform principal and income law.

Senator Swobe will contact Mr. Kwapil or Mr. McGee from the Trust Department to get their views before further action is taken.

AB 206 - Prohibits unlawful use of narcotic drug.

According to Frank Daykin this is a result of the "Study". A chiropodist might have to perform surgery and give a perscription for pain however a chiropracter would not be performing surgery so should not be able to give a perscription.

Senator Dodge moved "do pass".
Senator Swobe seconded.
Motion carried.

AB 272 - Expands unlawful detainer procedures to include mobile homes.

Mr. Daykin said there was a gap in the law as it referred to real property. This would include a mobile home for rental purposes.

Senator Swobe moved "do pass".
Senator Christensen seconded.
Motion carried.

AB 219 - Permits probation for minor narcotic supplier on first offense.

Senator Dodge felt this was one of the best of the narcotic bills. It would give a minor a chance after the first offense as he felt a lot of them were actually not criminals but this would put them on probation and if he behaved himself record would be expunged. He would have the privilege to ask for complete expungement.

Senator Swobe moved "do pass".
Senator Dodge seconded.
Motion carried.

AB 295 - Adds to exemptions from landlords' liens.

Senator Dodge moved "do pass".
Senator Christensen seconded.
Motion carried.

AB 117 - Specifies times when one spouse may testify against the other.

Frank Daykin stated a liberalization of the Criminal Proceeding Statute is in order. He stated that only the husband and wife would actually know what went on in their home and were the only ones that could tell the truth to protect a child. They would not be allowed to testify if either was incompetent.

Senator Young was concerned with and objected to sub-section 4 of Section 1 - Proceeding in the juvenile court. He felt one of the parents could let their emotions rule and would blame the other whether it were true or not. It could give the court evidence that a minor might be breaking the law.

Frank Daykin felt this section was one of the most important parts. The testimony would not be permissible in a criminal court but could be used as a lead to find a criminal.

Senator Young would like to check with Assemblyman Lowman before any action is taken.

AB 132 - Authorized publication of name of juvenile offender who commits subsequent felony.

Senator Christensen felt it was time the names were published and maybe it would make a minor think twice before committing another felony.

Senatr Swobe moved "do pass."
Senator Dodge seconded.
Motion carried.

AB 156 - Requires notice of alibi in criminal proceeding.

Frank Daykin advised this would save considerable time and not delay a trial while an alibi was being checked out. Would also cut down the cost of a trail.

Senator Young asked Mr. Daykin to define alibi. Mr. Daykin said it was evidence presented that the defendent was in another place at the time the crime was committed. He also said that at the present time the prosecutor could not ascertain the situation in advance.

Senator Christensen moved "do pass".
Senator Young seconded.
Motion carried.

AB 175 - Prescribes certain procedures relative to motion for change of venue in criminal actions.

Mr. Daykin gave an example of the Lucas trial. Judge Gregory claimed everyone had read the newspapers and changed the venue to Las Vegas without a preliminary trial or any evidence that he could not panel a jury. This merely gives both sides a chance and says the Judge has to try to panel a jury before a change of venue. It is expensive to the county where the crime was committed as they have to pay the expense to move venue.

Senator Young moved "do pass".
Senator Christensen seconded the motion.
Motion carried.

AB 176 - Provides for detaining in jail certain juveniles charged with committing offenses.

Mr. Daykin commented that if a minor is a serious offender and considered to be a hardened criminal if he was placed in a detention home he could influence the others in the home. He cannot be detained in a county jail for more than 24 hours unless ordered so by a district judge.

Senator Dodge moved "do pass".
Senator Young seconded.
Motion carried.

AB 195 - Prohibiting certain practices of insurers.

The former law provided no course of action against personal injuries. They cannot take in obligation any assignment of an insured of a cause of action for personal injury or no loan receipt from an insured prior to making medical payments.

Senator Young moved "do pass".
Senator Swobe seconded.
Motion carried.

AB 405 - Permits local governments to acquire tax-delinquent properties.

Mr. Daykin felt this was a very good piece of legislation. If a piece of property goes delinquent for non payment of taxes the property now has to be sold for taxes. There are times when the parcel would be valuable to the city or county but they are not allowed to have it as it has to be put out for bids. If the county or city needs it they should be able to retain it.

Senator Swobe moved "do pass".
Senator Young seconded the motion.
Motion carried.

AB 211 - Makes possession of narcotic or dangerous drug prima facie evidence that possession was unlawful.

This was another bill to come out of the study.

Mr. Daykin stated the state did not have to prove possession was illegal it was up to the defendant to prove he had a prescription to have the drug.

Senator Young questioned "burden of proof" and wanted to know where the language came from. Mr. Daykin advised it was used in many places in the Nevada Law. There were at least twenty places where the defendant had to prove instead of the state.

Senator Young would like to check with Dick Bryan before making a decision on this.

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AB 212 - Prohibits possession of paraphernalia for unlawful narcotic drug use.

Mr. Daykin advised this was amended by the Assembly to exclude collectors, however he could foresee problems with the exemptions. He would suggest it be amended further and not apply the exemptions to collectors but to tie it to actual use.

After general discussion Senator Young moved to "Bucket".
Senator Swobe seconded.
Motion carried.

AB 217 - Provides immunity from prosecution of narcotic drug violation for certain peace officers and persons.

Senator Dodge moved "do pass".
Senator Swobe seconded.
Motion carried.

AB 213 - Prohibits being in place where narcotic or dangerous drug is being used.

Senator Dodge felt this could be harmful to an innocent person. They might not be aware what was going on in another room. Senator Young expressed that he did not like the bill either.

Mr. Daykin advised this was brought about from a decision of the Supreme Court. A man was arrested and convicted of possession however he was just present in a room where there were narcotics. He was prosecuted. This was a misdemeanor.

Senator Swobe moved to "Bucket"
Senator Young seconded.
Motion carried.

AB 216 - Resolves ambiguity relating to offense of narcotic drug possession.

Senator Dodge moved "do pass".
Senator Swobe seconded.
Motion carried.

AB 218 - Excludes from privileged communications information given to physician to obtain dangerous drug unlawfully.

Mr. Daykin commented they could have saved a lot of time and compiled all of the narcotic bills.

Senator Dodge moved "do pass".
Senator Swobe seconded
Motion carried.

There being no further business the meeting adjourned at
4:00 p. m.

Respectfully submitted,

Jeanne M. Smith, Secretary.

Approved: _____