

## ASSEMBLY COMMITTEE ON JUDICIARY - 56th SESSION, 1971

MEETING FEBRUARY 10, 1971

The meeting was called to order at 2:30 p.m. Present: Miss Foote, Messrs. Fry, Lowman, Kean, Torvinen, McKissick, Olsen, Dreyer. Absent: Mr. May

AB 141: Grants justices' and municipal courts original jurisdiction for juvenile traffic offenses. Mr. Fry stated Mr. Bryan had introduced a new bill which is essentially the same. Mr. Lowman stated the bill is different, but the intent is the same.

The committee heard from JUDGE JOHN MENDOZA, JUVENILE COURT JUDGE, LAS VEGAS: Judge Mendoza stated the purpose of transferring the traffic cases was for individual treatment of the child. In Clark County there are approximately 7 to 8 thousand children coming before the juvenile referee in traffic matters and the concept of individual treatment has been lost because of the volume of cases. The municipal judges say they could give the children individual consideration. This keeps the more serious crimes in juvenile court. The county will lose more than \$20,000 a year, but the benefit is much more advantageous.

Mr. Fry asked if the city would be gaining that money. Judge Mendoza replied the city would generate about \$100,000 because of their fine schedule.

Mr. Lowman asked how the referee was appointed. Judge Mendoza stated the judges appoint him. Mr. Kean noted the requirement of having parents present, on page 3 and wondered if it isn't almost impossible to get the parents to come. Judge Mendoza stated that if the parents aren't present a responsible person present in court is appointed guardian ad litem. If the parent is available an order is issued to show cause why the parent should not be held in contempt of court for not appearing. If there is a violation which for an adult would be a felony, the juvenile is not charged with a felony, but a petition is filed in juvenile court.

Mr. Olsen stated the most effective method in dealing with juvenile offenders is suspending the driver's license and having the parents present is also very effective.

Mr. Lowman moved that the committee confer with Russell McDonald to see if AB 141 or Mr. Bryan's newly introduced bill would cover the situation better. Seconded by Mr. Kean. Carried.

AB 166: Removes limitation of parents' and guardians' liability for tortious acts of minors. The committee heard from GEORGE VARGAS, ESQ., who stated it is his concern that the child doing damage can wipe out a family financially. Parents these days have more trouble controlling their children. There should be some sort of limit on the parental responsibility because otherwise this is inoperable. It is against public policy to insure anyone against the penalty of a wilful act.

Mr. McKissick asked if it can be required of homeowners' policies to cover this type of thing up to \$5,000. Mr. Vargas said he would have to research it, but thought it was impossible because it is against public policy.

Mr. Lowman stated he is not as concerned with the liability of the parents as he is with the victim. The responsibility is obviously on the one who commits the tortious act.

The committee heard from VIRGIL ANDERSON, representing AAA Insurance: He stated there would be an unwillingness on the part of insurance companies to provide this type of coverage for families.

AB 55 - Charges all civil jury fees and allowances against parties.

MR. VARGAS stated consideration has to be taken that a trial juror is not earning a living by his jury fees, he is discharging his civic responsibilities. People may be entitled to a jury but can't afford to post high jury costs. If you raise the jury fees you may be denying a person his right to a jury trial. This is putting a penalty on the ordinary citizen who is entitled to a constitutional right to a jury trial.

Mr. McKissick asked if Mr. Vargas would have any objection to the provision that if the case is settled before court but before the jury is notified not to appear, the money would go to the county. Mr. Vargas had no objection. Mr. Fry noted it would encourage settlement and keep the counties happy.

Mr. Fry announced he would be holding a hearing on bills in which prosecution and defense attorneys would be interested, and would send notices to interested attorneys.

MR. JAMES GUINAN addressed the committee regarding AB 55 and stated that the Board of Governors of the State Bar is opposed to anything that increases the cost of litigation. People are being priced out of justice. The costs of trial are now high enough, and they shouldn't be any higher.

AB 146 - Extends power to modify orders for care, custody, education, maintenance and support of minor children in divorce actions. Mr. Fry read an amendment that had been prepared at the committee's direction. Mr. Kean moved "Do Pass as Amended", seconded by Mr. Lowman. Carried.

AB 11 - Mr. Fry read an amendment deleting lines 7-10 and amending the title to reflect that change. Mr. Kean moved "Do Pass as Amended", seconded by Mr. Lowman. Carried.

AB 111: Mr. Fry read the amendment to Section 1, page one, deleting in line 3 "except the" and including the inventory and appraisal as provided in Chapter 144 of NRS. Mr. Guinan stated Mr. Bryan was concerned about amendments in Chapter 143 because of duties of executors and administrators which are not taken care of under Chapter 143.

AB 109: Mr. Fry read the amendment deleting Section 1.

SB 26: Mr. Fry suggested deleting lines 14 and 15 from SB 26, and making it effective on passage and approval. He suggested Senator Monroe will introduce a new bill covering the provisions in lines 14 and 15. Mr. Lowman moved "Do Pass as Amended", seconded by Mr. Kean. Carried.

AB 79: Mr. Kean moved that the bill be indefinitely postponed. Seconded by Miss Foote. Carried.

AB 47: Prepared amendments were presented. Mr. McKissick moved "Do Pass as Amended", seconded by Mr. Kean. Carried.

AB 12: Mr. Kean moved "Do Pass", seconded by Mr. Lowman. Carried.

AB 74: Miss Foote moved "Do Pass", seconded by Mr. McKissick. Carried.

AB 77: Mr. Fry presented a letter from the Parole and Probation Department, a copy of which is attached to these minutes, which supports passage and signifies approval. Mr. Lowman moved "Do Pass", seconded by Mr. McKissick. Carried.

AB 54: Mr. Kean moved "Do Pass", seconded by Mr. McKissick. Carried.

AB 105: Mr. Kean moved "Do Pass", seconded by Mr. Lowman. Carried.

Mr. Kean requested that no action be taken on AB 208 in his absence.

There being no further business, the committee meeting was adjourned at 4:30 p.m.

STATE OF NEVADA

PAUL LAXALT 88  
GOVERNOR

ADDRESS ALL COMMUNICATIONS TO  
PHILIP P. HANNIFIN, CHIEF  
DEPARTMENT OF PAROLE  
AND PROBATION



Department of Parole and Probation

CARSON CITY, NEVADA 89701

TELEPHONE 882-7386

BOARD OF PAROLE COMMISSIONERS  
CLAYTON D. PHILLIPS, CHAIRMAN  
A. LORING PRIMEAUX,  
VICE CHAIRMAN  
M. E. LUNDBERG, MEMBER  
FRANK PETERSEN, MEMBER  
DENNIS WRIGHT, MEMBER  
PHILIP P. HANNIFIN, SECRETARY

STATE BUILDING  
215 E. BONANZA STREET  
LAS VEGAS, NEVADA 89101

STATE BUILDING  
946 IDAHO STREET  
ELKO, NEVADA 89801

February 4, 1971

Assembly Judiciary Committee  
Leslie M. Fry, Chairman  
Zelvin D. Lowman, Vice-chairman  
Thomas M. Kean, Member  
Howard F. McKissick, Member  
Roy L. Torvinen, Member  
Paul W. May, Member  
Darrell H. Dreyer, Member  
Arthur Olsen, Member  
Margie Foote, Member

RE: ASSEMBLY BILL #77

Honorable Members:

This Department strongly supports passage of this Bill.

Many times, Judges, when sentencing a man to Prison include in the Order that he be granted credit for County Jail time.

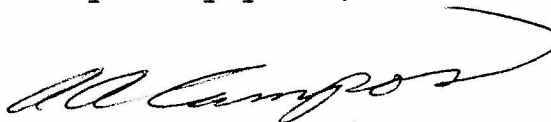
As the Order is not legal, the Prison cannot abide by it.

This immediately causes turmoil, hostility, and more solidified feelings on the part of inmates that authority "does not know what they are doing."

As things now stand, the only authority which can grant County Jail time is the Board of Pardons.

As a result, a good part of Pardons Board agendas are taken up with this relatively minor act of clemency. I am sure the members of the Board of Pardons would be greatly relieved if they could devote their valuable time to more important matters.

Very truly yours,

  
A. A. Campos, Chief