

ASSEMBLY COMMITTEE ON JUDICIARY - 56th Session - 1971

MEETING FEBRUARY 22, 1971

Meeting called to order at 3:00 p.m. Present: Miss Foote, Messrs. Fry, May, Olsen, Kean, Dreyer, Lowman and McKissick. Absent: Mr. Torvinen.

Mr. Fry presented the following amendments to AB4 - Removes criminal penalties for abortions performed by licensed doctors.

(1) Amendment proposed by Mr. Fry that would limit the time in which an abortion could be performed to the third month of pregnancy.

(2) Amendment proposed by Mrs. Frazzini that would limit the time in which an abortion could be performed to the 12th week of pregnancy.

(3) Amendment proposed by Mr. Swackhamer which would limit the time in which an abortion could be performed to the time before the fetus is viable.

Mr. Dreyer and Miss Foote noted that during the hearing on AB 4, the consensus of opinion was that the 12th week was the best time limit.

Mr. Fry read the similar Hawaii statute. He stated he is bothered about interpreting the term "viability" and feels a definite time limit should be established.

Mr. Lowman moved Mrs. Frazzini's amendment limiting the time to 12 weeks be approved. Seconded by Mr. Kean. Carried.

Further amendments to AB 4:

(1) Amendment proposed by Mr. Swackhamer stating that no person or hospital would be required to participate in an abortion or would be liable for refusal to participate.

(2) Amendment proposed by Mrs. Frazzini that any person or hospital would not be liable for refusal to participate in an abortion.

Mr. Lowman questioned if the doctor could require hospital personnel to participate. Mr. Kean said they could be fired for not doing their job, and that is part of their job.

Miss Foote moved the amendment of Mr. Swackhamer's be approved. Seconded by Mr. Kean. Carried.

Further amendments to AB 4:

(1) Amendment proposed by Mr. Swackhamer authorizing abortions to be performed only in hospitals licensed by the state health department, and in counties of 10,000 or more population, in hospitals

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accredited by the Joint Committee of Hospital Accreditation.

(2) Amendment proposed by Mr. Fry authorizing abortions to be performed only in hospitals licensed by the health division of the state department of health.

By a show of hands, the committee members indicated unanimous approval of Mr. Fry's amendment. Mr. Kean moved Mr. Fry's amendment be approved. Seconded by Mr. Fry. Carried.

The committee agreed that Mr. Swackhamer would present the amendments to the bills, with the committee's endorsement.

Miss Foote moved that the committee recommend "Do Pass as Proposed to be Amended". Seconded by Mr. Kean. Carried, with Messrs. Olsen, Lowman and May voting "No." None of the three wished to file a minority committee report.

Mr. McKissick suggested amendments to A.B. 55 - Charges all civil jury fees and allowances against parties: That lines 17-26 be deleted, and a new section 3 be added stating that if a civil case is settled within 24 hours prior to start of jury trial, the party depositing the jury fees shall forfeit such fees.

Mr. McKissick moved "Amend AB 55 and Do Pass as Amended". Seconded by Mr. Dreyer. Carried.

Mr. Fry read a comparison from the Attorney General's Office regarding AB 194 and AB 27. A copy of the comparison is attached to these minutes. The committee will take further action when Mr. Torvinen is present.

SJR 23 of the 55th Session - Proposes to amend judicial article of Nevada Constitution. Mr. Kean moved "Do Pass". Seconded by Mr. Lowman. Carried.

AB 222 - Abolishes capital punishment. Mr. Olsen stated his reason for introducing the bill is that he feels it is futile to have a law on the books that is not used. There are 450 people on death row throughout the country, and they are dying of old age. Court calendars are crowded with appeals for the death row inmates. He believes the Supreme Court will shortly find that the death penalty is unconstitutional, as the Attorney General did in Pennsylvania. There are 8 or 9 on death row in Nevada, one of whom has been there for 12 years.

Mr. Lowman stated he is not sure the Supreme Court will so find, and feels that if this law were enacted, a person committing a burglary would feel he had nothing to lose by killing his victim. Mr. Kean felt that capital punishment is a deterring factor. Mr. Olsen disagreed, for the reason that it hasn't been enforced.

Mr. Lowman moved to indefinitely postpone AB 222. Seconded by Mr. Kean. Carried.

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AB 253 was discussed. No action was taken. Mr. Olsen suggested Mr. Claiborne would like to be present at a hearing on the bill.

AB 275 was discussed. No action was taken.

AB 341 - Allows minors' work permits to be signed by other than a district judge. Mr. Fry moved "Do Pass", seconded by Mr. Lowman. Carried.

AB 315 - Provides that the common law supplements penal statutes. MR. SWACKHAMER said he wanted this bill since he had discovered that misprison, which was a violation in the common law, had been left out when the criminal code was enacted. Mr. Fry has a suggested bill including this and other common law crimes which he will give to Mr. Swackhamer to examine.

AB 355 - Permits city attorney to appeal granting of writ of habeas corpus. Mr. Lowman moved "Do Pass". Seconded by Mr. Fry. Carried.

AB 371 - Allows district court to dispose of depositions or exhibits filed or introduced in civil cases. Mr. Fry stated that there is a storage file for exhibits for the courts and this would help alleviate that problem. Mr. Kean moved "Do Pass". Seconded by Mr. Lowman. Carried.

There being no further business before the committee, the meeting was adjourned at 4:15 p.m.

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