

ASSEMBLY JUDICIARY COMMITTEE - 56th Session, 1971

MEETING FEBRUARY 8, 1971

Meeting called to order at 2:20 p.m. Present: Miss Foote, Messrs. Fry, Lowman, Kean, May, Dreyer, Olsen and McKissick. Absent: Mr. Torvinen.

AB 90 - Gives school security officers the status of peace officers. The committee heard from RICHARD MORGAN, Nevada State Education Association, who stated that the Clark County School District is spending \$300,000 a year to protect schools from riot and vandalism. There are three points to consider in this bill:

- (1) I am not certain there is a demonstrated necessity for security officers to have jurisdiction over school personnel (see line 11, page 1) and urge the committee to strike the word "personnel".
- (2) We are concerned about officers carrying firearms in the school while children are in attendance. If officers carry guns during school hours the children will be encouraged to use equal means. We have no objections to officers having a firearm in the school area, but not in a crowded corridor.
- (3) We are concerned about the degree of training the security officers would have in dealing with children in our schools. The great losses that occurred in the schools were occurring at weekends and nights, and there should be a security officer then, but not while the children are in school. The bill is silent if an officer of this type would have authority to make arrests and carry a firearm, and that should be made clear.

Mr. Dreyer suggested that perhaps the principal of the school district could say the person hired should not carry a firearm during school.

Mr. May suggested that the word "personnel" need not necessarily mean persons employed by the school district, but could include non-student agitators coming onto the school property. Mr. Morgan said his objections as to "personnel" would be removed if that were the intent of the bill. Mr. Fry suggested the word "personnel" might have been added because of cases in which teachers had been involved in plotting and leading riots.

AB 163: Provides penalties for unauthorized entry upon Nevada State Prison property. The committee heard from ASSEMBLYMAN LAWRENCE JACOBSEN: He stated this bill was drafted after a situation wherein seven convicts obtained some guns and it was discovered that the guns were kicked out of a vehicle outside the prison gates. The prison authorities feel they need the authority to investigate the cars or persons of visitors. Mr. Kean asked how a trespasser would be distinguished. Mr. Jacobsen replied that all persons entering upon prison property should have permission in writing from the warden. Those who didn't have such permission would be trespassers.

Mr. May stated that his objection to the bill was the way the property was described. There are 19 parcels owned by the prison

and a description should be included in the bill. Mr. Jacobsen said all prison land is posted.

AB 138: Gives public administrators additional duties in certain counties. The committee heard from ASSEMBLYMAN JOE DINI. He stated there are cases in the small counties where the District Attorney acts as administrator with his secretary handling estates. The public administrator should administer the estates. Mr. May questioned if there is a reason for giving the public administrator priority over claims of creditors in the bill. Mr. Dini stated he knew of no particular reason. Mr. Kean said he was in favor of reversing the order and protecting the creditors. Mr. Dini said the committee should ask bill drafter Jerry Wise why this order was reversed.

AB 54: Clarifies duties of Superintendent of Nevada State Hospital concerning custody of criminal defendants. The committee heard from J. B. CUNNINGHAM, representing the State Association of County Commissioners. This is to clarify the status of persons incarcerated in the state hospital. Some persons have been released from the state hospital before the court has ordered release. If this bill passes they will not be released until the purpose of their confinement is fulfilled. This prevents the superintendent of the hospital from making an independent decision as to the sanity of a confinee.

Mr. May asked if this bill were passed, would it mean that no criminal ~~declared~~ insane may be sentenced to prison, but must go automatically to the state hospital? Mr. Cunningham replied that it is intended that a person who has been committed to the hospital must be kept there until such time as the court releases him and not at the discretion of the superintendent. He stated Mr. Kinnison is in support of AB 54.

AB 141: Grants justices' and municipal courts original jurisdiction for juvenile traffic offenses. Mr. Lowman stated that the Clark County Juvenile Judge, Judge Mendoza, has appeared before the delegation and indicated he would like to have this bill passed. Mr. Lowman said his concern is to relieve the district courts of these matters and these are matters in which a juvenile should take the responsibility if he were going to have the privilege of driving a car.

AB 109: Permits station house release of certain prisoners and prohibits professional bondsmen from giving bail to certain persons already on bail. ASSEMBLYMAN WILLIAM SWACKHAMER addressed the committee. He stated the bill as drafted was not what he asked for and he would like to get the committee to amend it to get more of the intended meaning in. He did not want to deprive any person of his right to bail. He is aiming instead at the bondsman who gives bail on several offenses to one person. He wishes to make it unlawful for a person to issue a bond to a person presently out on bail in that jurisdiction, and a county line would be the largest jurisdiction you could have. He fears that a person would get bail, then go out and commit another crime in order to pay the bondsman for the original bail. He requests a bill not touching the right to bail, but the right of a person to issue a bail bond for a second offense

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when a person is already out on bail.

Mr. McKissick stated that the station house release portion of the bill was a good one and should be left in. Mr. Lowman stated he has a bill covering bail coming up, and asked if other members had bills dealing with the same thing, so they could be looked at together. Mr. Swackhamer stated there will be some amendments offered to the insurance code and it may be possible to limit bail bonds in that bill. Mr. Fry asked if this shouldn't be limited to bail on felonies. Mr. Swackhamer said it should apply to felonies or gross misdemeanors.

Mr. McKissick said the subject is better dealt with in a bill of this type than it would be in an insurance code bill.

Mr. Swackhamer stated he hoped the committee wouldn't take any decisive action on the bill until hearing Chief Briscoe. Mr. Olsen said the committee should consider all the bills dealing with this together.

AB 144: Expands motor vehicle liability insurance coverage. Mr. McKissick said it is like uninsured motorist coverage, unless you say you reject it in writing. Line 8 should be "reject such waiver", not "reject such coverage." Mr. McKissick will confer with Mr. Swackhamer on this bill.

AB 153: Provides for biweekly payments of judicial pensions. Mr. Kean moved "Do Pass", seconded by Mr. McKissick. Carried.

Mr. May questioned the provisions of Section 5, saying he didn't think one legislature could bind a future legislature. Mr. McKissick said the language was superfluous, but it covered the full faith and credit requirements of the retirement law.

AB 161: Eliminates requirement that Governor offer rewards for apprehension of certain criminals. Mr. McKissick moved "Do Pass", seconded by Mr. Dreyer. Carried.

AB 166: Removes limitation of parents' and guardians' liability for tortious acts of minors. Mr. McKissick stated that lawyers who are involved in collecting money for injured people are in favor of this, but people with children will wonder if you can insure for tortious activity of their children. He suggested removing the limitation of \$2,000 and making a limit of \$5,000. He suggested saying that any homeowners' policy of insurance should include coverage for wilful misconduct of minors under the age of 18 years, unless the coverage is expressly rejected.

Mr. Fry stated there may be something in the statutes covering juvenile offender repeaters because the parents are aware of the minors' misbehavior and the parents are negligent in not controlling them. They can be sued on that basis now. Mr. Lowman asked where the responsibility rests. The answer is, with the parents.

Mr. May stated in many cases parents don't have the means to pay for their children's destructive acts.

Mr. Lowman asked what the limitation on financial responsibility should be. Mr. McKissick suggested \$5,000.

AB 173: Authorizes Commissioners for Veterans Affairs to retain guardianship of estate of minor female child of deceased veteran until such child reaches age of 21 years.

Mr. Fry stated the Commissioner on Veterans' Affairs had called and was in favor of the bill. This bill doesn't affect the age of majority for purposes other than collecting the veterans' pensions. Mr. Lowman stated that the age of majority should be lowered to 18 for all purposes, for males and females. Miss Foote moved "DO Pass", seconded by Mr. Kean. Carried, with Mr. Lowman voting "No".

Mr. May presented a bill for introduction which would exclude members of the State Bar from being members of the Judiciary Committee. The committee did not agree to introduce it as a committee measure.

AB 109: Mr. Kean moved that the bill be amended by striking out the first section and the committee recommend "Do Pass As Amended" seconded by Mr. Dreyer. Carried.

AB 90: Mr. Lowman asked if there is any special definition of a peace officer that affects the bill. Mr. McKissick stated that if the special group were peace officers, they would then come under the retirement plan as peace officers. Mr. Kean stated it should specifically say they can't get benefits from the peace officers' retirement fund. Mr. Lowman suggested that they not be named peace officers, and their authority be spelled out.

Mr. McKissick recommended stating that the board of trustees may employ security officers who shall have the powers of peace officers, or spell out who should be able to perform the duties listed in NRS 169.125. Mr. Fry stated this is covered in section 393.718. Mr. Lowman moved the bill be indefinitely postponed. Mr. Fry will try to find out more about the reasons for the bill.

AB 138. It was suggested by Mr. McKissick that the committee examine a bill that Ray Knisley has, patterned after a Texas statute, which clears up a lot of misunderstandings about estates. Miss Foote moved that the bill be amended on page 1, lines 13-16, so the public administrator comes after the creditors, and the committee recommend "Do Pass as Amended". Mr. Fry objected to the provision appointing the public administrator as an appraiser on estates. Mr. Fry moved the bill be indefinitely postponed. Mr. Kean seconded Miss Foote's motion, and it carried. Mr. McKissick moved that lines 16-19, section 2, be deleted, together with subsection 3 and section 4. Seconded by Mr. Kean. Carried. Mr. Kean moved that the bill be amended and that the committee recommend "Do Pass as Amended". Seconded by Mr. McKissick. Carried.

Mr. McKissick wished to see the reprint before the committee referred out the bill.

Mr. May distributed copies of the Federal act on credit cards.

Mr. McKissick presented a bill which would raise the salaries of state officials. Mr. Kean moved it be introduced as a committee measure, seconded by Mr. Dreyer. Carried.

Mr. McKissick presented the following bills for committee introduction:

1. Proposes to amend the constitution to say a person may defend himself only in non-felony cases.

2. Permits minors to donate blood without parental consent.

Mr. Fry moved the committee introduce the bills, seconded by Mr. Kean. Carried.

3. Exempts services involving human blood from strict liability. Mr. Kean suggested a liability limit be set and provisions made for insuring against liability. Mr. McKissick said that would create another sovereign immunity type thing.

Mr. Kean moved the committee introduce the bill, seconded by Mr. Fry. Carried.

4. Raises the standards for personnel and equipment of ambulances. Mr. Dreyer stated he has a bill on that too.

There being no further business, the meeting adjourned at 4:45. p.m.

sg

ASSEMBLY

AGENDA FOR COMMITTEE ON JUDICIARY

Date February 8 Time p.m. adjournment Room 240

<u>Bills or Resolutions to be considered</u>	<u>Subject</u>	<u>Counsel requested*</u>
<u>SJR 14 of 55th Session</u>	<u>Proposes to amend constitution to provide for concurrent or consecutive amendments affecting same provision.</u>	
<u>SB 47</u>	<u>Provides for early judicial hearing of matters concerning Tahoe Regional Planning Agency.</u>	
<u>AB 54</u>	<u>Clarifies duties of Superintendent of Nevada State Hospital concerning custody of criminal defendants.</u>	
<u>AB 90</u>	<u>Gives school security officers status of peace officer</u>	
<u>AB 109</u>	<u>Permits station house release of certain prisoners and prohibits professional bondsmen from giving bail to certain persons already on bail.</u>	
<u>AB 138</u>	<u>Gives public administrators additional duties in certain counties.</u>	
<u>AB 141</u>	<u>Grants justices' and municipal courts original jurisdiction for juvenile traffic offenses.</u>	
<u>AB 144</u>	<u>Expands motor vehicle liability insurance coverage.</u>	
<u>AB 153</u>	<u>Provides for biweekly payments of judicial pensions.</u>	
<u>AB 161</u>	<u>Eliminates requirement that Governor offer rewards for apprehension of certain criminals.</u>	
<u>AB 163</u>	<u>Provides penalties for unauthorized entry upon Nevada State Prison property.</u>	
<u>AB 166</u>	<u>Removes limitation of parents' and guardians' liability for tortious acts of minors.</u>	
<u>AB 173</u>	<u>Authorizes Commissioners for Veterans Affairs to retain guardianship of estate of minor female child of deceased veteran until such child reaches age of 21 years.</u>	

*Please do not ask for counsel unless necessary.

HEARINGS PENDING

Date _____ Time _____ Room _____
Subject _____

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