

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

MEETING MARCH 17, 1971

The meeting was called to order at 3:07 p.m. Present: Miss O'Foote, Messrs. O'Fry, O'Lowman, O'Kean, O'Dreyer, O'McKissick, O'May, O'Olsen. Absent: Mr. O'Torvinen.

AB 471 - Prohibits exhibition of obscene motion pictures in outdoor theaters under certain circumstances.

ASSEMBLYMEN RAWSON PRINCE and GROVER SWALLOW testified in favor of the measure, stating that indoor theaters can control attendance and insure that children aren't present. People who don't pay admission to attend outdoor theaters can still see the movies. They noted they have not had adverse reaction from theater people about the bill, but had support from the exhibitors and they urged passage of the bill.

Mr. Fry stated he didn't think the bill as written was constitutional, and suggested the introducers conform the definition of obscenity to that contained in NRS 201.250. Mr. Prince and Mr. Swallow had no objection to such an amendment.

AB 424 - Prohibits use of public records for private or commercial purposes.

ASSEMBLYMAN EILEEN BROOKMAN spoke in favor of the bill, stating it is a violation of personal rights and an infringement on privacy for state agencies to sell their lists of citizens, which results in the people named on the lists receiving "junk mail."

Members of the committee noted that names can be obtained from the telephone book; and further, that once names are taken from public agencies and published in newspapers, they may be taken from the newspapers and used for mailing lists.

Mr. Fry suggested Mrs. Brookman request the bill drafter to prepare an amendment to the bill patterned after a similar California statute.

MR. JOE MIDMORE, BUILDERS' ASSOCIATION OF NORTHERN NEVADA, symphatized with the intent of the bill for protecting individuals' privacy, but noted that the obtaining of names from public agencies is very important to builders. Mr. Midmore stated that title companies, county recorders and banks are leery of the way the bill is worded.

MR. LEONARD WINKELMAN, INTERNAL AUDITOR, DEPARTMENT OF MOTOR VEHICLES, stated his department is interested in Sec. 3, p. 2, since R. D. Polk Co. uses DMV records to compile automobile registration statistics, and then furnishes the department with registration lists. Auto Registration Service, Inc. has people working in the DMV supplying information from drivers' license files. The department receives 25 cents for each search they make in the department, and in 1969-70 the source of revenue from this search was \$39,000, and is increasing each year. The department would lose this revenue if the bill passes.

MR. ROBERT GUINN, NEVADA MOTOR TRANSPORT ASSOCIATION, stated the Department of Transportation requires that this information be used to check the driving records of drivers in interstate commerce. This is a Federal Act which must be complied with.

MR. TODD EARLY, CENTRAL CREDIT, LAS VEGAS, stated they are opposed to Sections 2 and 3. His business does work for the gaming industry and finds it imperative to be able to check arrest records. He states the bill is too broadly written and would preclude them from obtaining the information they require.

MR. BRIAN FIRTH stated the solution to putting an end to the lists is to put an end to compulsory driver's licenses.

AB 275 - Requires sharing of collection fee awarded collection agencies in garnishment cases with employer or other garnishee.

MRS. BEDE ROGERS, NEVADA SUBCONTRACTORS ASSOCIATION, stated the association is in favor of the bill as a way of sharing the costs involved in extra bookkeeping when garnishment proceedings take place.

Mr. May stated he had proposed an amendment to the bill allowing an amount not to exceed \$5 per week, awarded by the court.

MR. GEORGE YOUNG, BUSINESS AND PROFESSIONAL MEN'S COLLECTION SERVICE, stated the bill is discretionary in allowing the fee to be taken from just collection agencies, and not attorneys or other persons involved in garnishment proceedings. He stated the bill would place more burden on the debtor, who finds it difficult to pay. Mr. Young stated it presently costs the collection agency 41 cents to recover each dollar owed, and this cuts down on the amount recovered.

## Assembly Committee on Judiciary

AB 642 - Removes prohibition against parole of prisoner previously convicted of more than three felonies.

CARL HOCKER, WARDEN, NEVADA STATE PRISON, stated minor offenders convicted of more than three crimes could end up spending more time in prison than a person who is sentenced to life imprisonment. The parole board should be able to consider minor offenders for a parole.

AB 704 - Amends provisions governing concurrent and consecutive sentences for crimes and credit for time spent in confinement.

Warden Hocker supports the measure, stating it should be the prerogative of the courts to decide if sentences should run concurrently or consecutively since there are different circumstances in each case.

AB 705 - Provides general reform in laws, regulations and procedures governing Nevada State Prison.

Warden Hocker explained the bill, and stated the most important change is the increased amount given to the prisoners upon release. He stated \$25 is not enough release money if the prisoner has no job, and \$50 is more realistic. Such payment is precluded if the prisoner is being released on a "hold" from another jurisdiction.

ASSEMBLYMAN LAWRENCE JACOBSEN explained the Carson City Police Department becomes concerned if the prisoner has no bus ticket out of town and not enough money to go back home, and the only alternative left to the prisoner is to commit a crime to raise money in Carson City.

Mr. McKissick asked if the bill should go to the Ways and Means Committee for funding, and Warden Hocker said the additional amounts are presently in the prison budget.

Mr. May noted that SB 70 provides for release money, and Warden Hocker stated a value judgment should be made in each case, and the Legislature should be allowed an alternative if it desired.

AB 163 - Provides penalty for unauthorized entry upon Nevada State Prison property.

Mr. Fry stated the committee did not feel the bill permitted search.

Warden Hocker noted the bill was intended to stop people from delivering contraband to prisoners.

Mr. Jacobsen said the bill would help insure the security of prison property.

AB 464 - Permits use of case number in matters filed by district court clerks and makes filing of certain matters permissive.

MR. J. B. CUNNINGHAM, Reno, stated the bill is a housekeeping bill recommended by the County Clerks. He said the numerical method of filing would be simpler than listing titles of cases.

Mr. Olsen stated he had received a letter from the Clark County Clerk regarding Section 2 and detailing the California law on the subject, which will be later read to the committee.

Mr. Kean felt it would be difficult for the public to locate cases filed by number only, and Mr. McKissick questioned if this violates the right of the public and the press to access to public records.

Mr. Cunningham stated the bill isn't intended for the purpose of secrecy, and that the records would still be open whether they were filed by number or name.

Mr. Kean suggested the bill should allow for filing by number, but should require that a cross-reference by names of parties should be made available for public use.

AB 445 - Allows females to be employed in sale or disposition of liquor.

ASSEMBLYMAN VIRGIL GETTO testified on the bill, stating the statute needs clearing up on this matter, which is an archaic law and should be removed. Mr. Kean noted the federal equal rights law takes care of these provisions.

Mr. McKissick moved "Do Pass" AB 445. Seconded by Mr. Kean. Carried.

AB 483 - Revises procedure for execution and attachment and enlarges exemption of earnings.

Mr. McKissick exhibited to the committee the present Nevada form used in executions. The bill will conform the Nevada execution

law to that of California. The Form informs the debtor of his rights. Mr. McKissick stated the word "creditor" should be "debtor" in line 43, page 2.

George Young stated it is a good bill, and is a good correction for the present execution law.

AB 588 - Provides for continuing writ of garnishment on non-exempt earnings.

Mr. George Young stated he was in favor of the bill, but was somewhat disturbed about the continuing writ being used for a large amount over a period of several years, which would preclude claims from other creditors.

Mr. Young also questioned the meaning of the \$1,000 exemption on an automobile. Mr. McKissick stated he believes this follows the Federal law, and will check that.

AB 357 - Requires judgment before garnishing earnings.

Mr. Fry said the language in lines 14-22 on page 3 is very difficult to interpret. Mr. Young was unable to exactly interpret the language in this section either.

AB 141 - Grants justices' and municipal courts original jurisdiction for juvenile traffic offenses.

DISTRICT JUDGE JOHN MENDOZA, Clark County, commented on the letter the committee had received from former Judge Alvin Wartman. He stated the amendments to the bill take care of all the objections Judge Wartman had to the measure.

He stated the purpose of the bill is that the minors will be treated at the various cities where they reside and not in juvenile hearing. They have between 7,000-8,000 traffic citation cases each year and the juvenile court can't give them all individual attention.

Drunk driving, felony offenses and serious traffic offenses are excluded in the bill and still are in the juvenile court. All minors involved in any type of criminal activity have records on them in the various cities. He stated the cities want this back in their jurisdictions because it provides an additional source of revenue.

AB 219 - Permits incarceration of adult probation violators  
by juvenile division of district court.

Judge Mendoza stated he is in favor of the bill. One of the largest problems they have is the certification of 18-21 year old persons to the juvenile level. Persons of this age often ask to be certified as juveniles. If they are treated in the juvenile system and violate probation, the juvenile judge can do nothing with them.

There being no further business, the meeting was adjourned at 5:20 p.m.

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ASSEMBLY

AGENDA FOR COMMITTEE ON JUDICIARY

Date March 17 Time            <sup>p.m.</sup> adjournment Room 240

Bills or Resolutions to be considered

Subject

Counsel requested\*

AB 145	Protects perfected security interests in motor vehicles sold by used vehicle dealers.	
AB 233	Allows 18 year old persons to purchase, consume intoxicating liquor in certain establishments under certain conditions.	
AB 424	Prohibits use of public records for private or commercial purposes.	
AB 445	Allows females to be employed in sale or disposition of liquor.	
AB 464	Permits use of case number in matters filed by district court clerks and makes filing of certain matters permissive.	
AB 465	Imposes further restrictions on the court's discretion in appointing estate appraisers.	
AB 466	Allows certain claims or suits against special administrator in estate of deceased person.	
AB 471	Prohibits exhibition of obscene motion pictures in outdoor theaters under certain circumstances.	
AB 483	Revises procedures for execution and attachment and enlarges exemption of earnings.	

*See Addition*

\*Please do not ask for counsel unless necessary.

HEARINGS PENDING

Date \_\_\_\_\_ Time \_\_\_\_\_ Room \_\_\_\_\_  
Subject \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_ Room \_\_\_\_\_  
Subject \_\_\_\_\_

ASSEMBLY

AGENDA FOR COMMITTEE ON JUDICIARY  
IN ADDITION TO PREVIOUS AGENDA FOR THIS DAY  
Date March 17 Time p.m. Room 240  
adjournment

Bills or Resolutions  
to be considered

Counsel  
requested\*

Subject

<u>AB 275</u>	<u>Requires sharing of collection fee awarded collection agencies in garnishment cases with employer or other garnishee.</u>	
<u>AB 357</u>	<u>Requires judgment before garnishing earnings.</u>	
<u>AB 588</u>	<u>Provides for continuing writ of garnishment on nonexempt earnings.</u>	

\*Please do not ask for counsel unless necessary.

HEARINGS PENDING

Date \_\_\_\_\_ Time \_\_\_\_\_ Room \_\_\_\_\_  
Subject \_\_\_\_\_

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Subject \_\_\_\_\_

3-17-71, IN ADDITION TO PREVIOUS AGENDA