

ASSEMBLY COMMITTEE ON JUDICIARY - 56th Session, 1971

MEETING MARCH 18, 1971

The meeting was called to order at 3:45 p.m. Present: Miss Foote, Messrs. Fry, Lowman, Kean, Dreyer and May. Absent; Messrs. Torvinen, McKissick and Olsen.

Mr. Lowman reported that the chairman's subcommittee on AB 571 had met and recommended that the Judiciary Committee report the bill out of the committee with the recommendation "Re-refer to Committee on Education". Mr. Lowman made a motion to that effect, seconded by Miss Foote. Carried.

Mr. Fry presented a bill for introduction which would provide for podiatry hygienists.

MR. DAVE BOYE explained to the committee the bill is drafted on the model of the dental hygienist act, and that this assistance to podiatrists is needed.

Mr. Kean moved that the committee introduce the bill. Seconded by Mr. Fry. Carried.

AB 512 - Prohibits renewal or revival of charter of nonprofit corporations and provides other sanctions.

Miss Foote explained the bill was intended to take care of situations such as the recent one in Sparks when persons not previously interested in the charter of the Sparks Chamber of Commerce had renewed the charter.

MR. JAMES GUINAN felt the bill did not reach the problem in its present form. He felt the legal solution was to attempt to enjoin the renewers.

Miss Foote emphasized that the Secretary of State's door should not be open to people coming in to pick up lapsed charters. She will request that the Sparks City Attorney speak on the measure to the committee.

AB 596 - Increases credit allowed for good conduct of prisoners in county and city jails.

Mr. Lowman stated the Clark County Sheriff had informed him that his office does not want to see the provision changed to ten days.

AB 562 - Allows state, county, city, other public employees to designate persons to receive and negotiate checks upon death of employee.

ASSEMBLYMAN JACK SCHOFIELD stated the bill was requested by the Clark County School District, for the purpose of allowing employees to authorize others to negotiate their checks in case of their death, so the money would not be tied up in an estate proceeding.

Mr. Fry stated he is afraid it is a fugitive document, for the following reasons: An estate proceeding is to insure that the creditors get paid, and to have an orderly distribution of the remaining assets. The bill may subvert estate proceedings.

James Guinan stated it doesn't comply with the requirements for a will.

The committee requested Mr. Schofield to arrange for the Clark County School District Attorney to address the committee regarding the measure.

AB 516 - Redefines the term "adult" in Juvenile Court Act.

ASSEMBLYMAN FRANCES HAWKINS stated the bill was requested by the Juvenile Officer in Hawthorne to take care of situations in that county with boys under 21 or girls under 18 who are married, but still come under his jurisdiction for violations. The juvenile officer feels that if the persons are emancipated by marriage, they should not come under juvenile jurisdiction. She stated the figure "16" could be changed to apply to married persons, so that it would apply to married persons under 16 years of age.

The question then arose if the bill would cover persons who were under age but were divorced. Mr. Guinan stated that if a person is emancipated by marriage, divorce does not nullify that emancipation.

AB 544 - Imposes additional limitation on district court authorizing marriage between minors.

Miss Hawkins stated the Juvenile Officer in Hawthorne had also requested this bill, feeling that the judge in the jurisdiction where the minors live would know more about the circumstances and the family, and should make the decision as to authorization of marriage.

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Mr. Kean asked if Miss Hawkins would approve of an amendment to the bill exempting pregnant girls from the provisions therein. Miss Hawkins said she would not, since there are sometimes good reasons for these girls not to get married.

Mr. Guinan noted this would prevent a Nevada judge from authorizing a marriage between minors from out of state, which he felt might be a good idea.

Mr. May moved "Do Pass" AB 705, seconded by Mr. Dreyer. The motion lost. The chairman announced he would hold the bill until the comprehensive peace officer bill was referred to the committee and the measures could be studied together.

Mr. Kean moved "Do Pass" AB 642. Seconded by Mr. Fry. Carried, with Mr. Lowman voting "No."

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

Mr. Lowman explained the intent of the bill was to make a provision that once a person has been handled by the juvenile court, he wouldn't leave the jurisdiction when he reached majority. He stated it would take care of the situation wherein a juvenile on probation might be automatically off probation on reaching the age of majority, whether his sentence of probation had or had not been completed.

Mr. Guinan stated the State Bar had not taken a position on the bill, and spoke for himself, saying under the provisions of the bill there is no specific term to serve. Juveniles are sometimes placed on probation without having been convicted. Mr. Guinan felt the juvenile court act should be changed to make specific sentences, and that a person cannot constitutionally be committed to prison without a trial.

Mr. Fry moved that AB 219 be indefinitely postponed. Seconded by Mr. Kean. Carried.

Mr. Lowman presented his amendments to AB 141 and moved the committee recommend "Do Pass as Amended". Seconded by Miss Foote. Mr. Fry stated he is concerned with the provisions of the bill and the amendment in light of the recent Supreme Court decision stating persons may not be jailed if they cannot pay bail. Mr. Lowman's motion carried, with Mr. Fry voting "No."

AB 491 - Provides for expungement of certain criminal records.

Mr. Kean presented his amendments to the bill. He explained these take care of objections to the bill, and provide:

The word "expunged" is used in the title, but is not used in the bill. Instead the word "sealed" is used, for the reason that it was felt the convicted person may wish at some time to see the records, so they shouldn't be totally destroyed.

The bill doesn't interfere with the habitual criminal statutes because of the long period of waiting from release to sealing of record. The habitual criminal statute deals with persons committing several crimes in a shorter period of time. The bill will not conflict with the provisions of NRS 48.020 dealing with impeachment of witnesses in court, since that statute will be included in the new evidence code.

The CII and FBI have informed Mr. Kean they will cooperate with transfer of records for sealing.

Mr. Kean supports the bill, stating there is incentive for good behavior if a felon feels he may be able to have his record sealed, and stated that California has found the provisions successful.

Mr. Fry suggested that the wording on line 40, page two should read "for the same or similar offenses."

AB 541 was discussed, with no action taken. Mr. Kean wondered if the wording on page 1, line 9 is too broad regarding unlawful burning, and felt that this would apply to people burning trash without the fire department's permission, even if they had no intent to encourage a riot.

Mr. Guinan stated the words "offensive, indecent and abusive" in the bill are unconstitutionally vague under present court decisions, and the terms have to be spelled out more clearly. He felt that "unlawful burning", however, was good terminology, and could mean some form of arson.

There being no further business, the meeting was adjourned at 5:05 p.m.

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AGENDA FOR COMMITTEE ON JUDICIARY

Date March 18 Time p.m. adjournment Room 240

Bills or Resolutions to be considered

Subject

Counsel requested*

<u>AB 512</u>	<u>Prohibits renewal or revival of charter of nonprofit corporations and provides other sanctions.</u>	
<u>AB 516</u>	<u>Redefines "adult" in Juvenile Court Act.</u>	
<u>AB 519</u>	<u>Entitles stockholder to inspect, copy, or audit financial records of private corporation.</u>	
<u>AB 541</u>	<u>Prohibits advocacy, encouragement, incitation or solicitation of destruction of public or private property; broadens disturbing the peace to include intimidation and libel.</u>	
<u>AB 544</u>	<u>Imposes additional limitation on district court authorizing marriage between minors.</u>	
<u>AB 562</u>	<u>Allows state, county, city, other public employees to designate persons to receive and negotiate checks upon death of employee.</u>	

*Please do not ask for counsel unless necessary.

HEARINGS PENDING

Date _____ Time _____ Room _____
Subject _____

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