

ASSEMBLY COMMITTEE ON JUDICIARY - 56TH SESSION, 1971

MEETING MARCH 9, 1971

The meeting began at 2:54 p.m. Present: Miss Foote, Messrs. Fry, Kean, Lowman, May, Dreyer, Olsen, Torvinen, and McKissick. None absent.

AB 316 - Requires a psychiatrist to concur before a sanity commission may find a defendant competent to stand trial.

CHARLES L. GARNER, CHIEF DEPUTY DISTRICT ATTORNEY OF CLARK COUNTY, stated that in the past, and he anticipates in the future, Clark County will handle 50% of the cases in which this is involved. He feels this is a very desirable bill and is in favor of its passage, as is Roy Woolfer, District Attorney.

OTTO RAVENHOLT, M.D., CLARK COUNTY HEALTH OFFICER, submitted a letter from Comprehensive Health Planning endorsing the provisions of the bill. The letter proposes an addition to the Bill:

"That all persons judged to be mentally incompetent to stand trial, and those who are judged to be criminally insane, be committed to the jurisdiction of the Superintendent of the State Hospital, and that a psychiatrist concur before a sanity commission may find a defendant competent to stand trial, and that funds should be included under the bill to pay for the use of psychiatrists in the above functions."

Dr. Ravenholt endorsed the addition, stating there is a serious problem with commitment of criminally insane. He suggested an amendment to read:

The State Hospital Superintendent may place the patient in the center nearest the location from which he is committed.

He stated criminally insane defendants at the present time are treated to a "rubber band" treatment, going from preliminary hearing in Clark County, to the State Hospital, to the State Prison, and back to Clark County for further hearings.

AB 398 - Increases jurisdiction of University of Nevada System Police Department.

ASSEMBLYMAN R. J. RONZONE stated the bill was requested by the University because of a problem of restrictions placed on the security staff.

Mr. Lowman asked if this is to take care of cases involving "hot pursuit". Mr. Ronzone answered the policemen aren't able to pursue off the campus.

Mr. Dreyer noted the campus policemen under the bill are allowed jurisdiction anywhere in the state, which is not the case for city and county peace officers. Mr. Ronzone said they might be trying to take care of campuses throughout the state.

Miss Foote observed that the present laws do not evidently solve the problem, or the University would not have asked for the bill. Mr. Ronzone asked if Neil Humphrey could speak to the committee in support of the bill, and Chairman Fry agreed to schedule it at Mr. Humphrey's convenience.

AB 422 - Limits time in which lien may be satisfied.

Speaking in opposition to the bill was DARYL CAPURRO, ~~ASSISTANT EXECUTIVE~~ DIRECTOR, NEVADA FRANCHISED AUTO DEALERS ASSOCIATION, saying the 60 day limit would be a problem not only to the repairman, but to the owner of a vehicle. He said the repairmen assume the time limit would begin to run upon the statement of charges being signed, and noted that for a lien, Chapter 487 requires certain steps to be taken. The following could take place: A repairman could repair the car in five days, leaving 55 days for the lien to take effect. If no payment is received in ten days, he must advertise in a newspaper for two weeks. The sale of the vehicle cannot take place less than 15 days after the first publication, which brings the time limit close to the 60 day limitation for the running of the lien.

Mr. Capurro stated it would require the filing of a lien almost immediately, or very shortly after repairs are made, which is not good public relations.

Mr. Torvinen noted the bill is aimed at unscrupulous auto repairmen, who charge exorbitant storage charges if the repair isn't paid for, and noted he felt the day the work is finished is the day the lien begins to run.

ASSEMBLYMAN MELVIN HOWARD stated the bill is aimed at stopping exorbitant storage charges in which the owner of the car gets no compensation when the car is sold.

ASSEMBLYMAN WILLIAM SWACKHAMER echoed the sentiments of Mr. Howard, in favor of the bill.

Mr. Fry asked if it would be objectionable to amend the bill to apply a limit on the storage charged. Mr. Howard and Mr. Swackhamer said that would resolve the problem.

MR. NICK LUSICH stated if there were the 60 day lien limit in the statutes, the courts would be over-crowded with lien cases, and he agreed with the statements of Mr. Capurro. He stated the consumer would be harmed in the long run.

MR. JOHN HOPE agreed with Mr. Capurro and Mr. Lusich, and stated that many times he keeps cars for people 60 days after they are repaired, if the customer can't pay.

AB 390 - Increases fees for court reporters.

MR. RICHARD A. WILLIAMS, VICE-PRESIDENT, NEVADA SHORT-HAND REPORTERS ASSOCIATION, testified in favor of the bill, stating there has not been a raise for court reporters for five years, although the cost of living has risen 7% per year. He stated the rates in the bill are realistic and reasonable.

In answer to questions from committee members, Mr. Williams stated he has often been asked if a court reporter should make more than a judge, and he feels they don't, considering the judges have fringe benefits such as retirement, vacations, and insurance.

He testified some of the reporters in smaller counties are on a salary of approximately \$800 per month and receive fringe benefits from the county. In counties where reporters are not on salary, their costs in civil actions are paid by the parties to the action. Comparing the fees received in Nevada to those in California, Mr. Williams stated in Orange County, California court reporters receive a per diem of \$72.50 per day, and in Nevada the per diem is \$55 per day. The Nevada court reporters receive \$15 for taking and transcribing an uncontested divorce.

AB 401 - Permits court to require premarital counseling of certain minors.

JAMES GUINAN, Board of Governors, State Bar Association, stated that judges don't authorize underage marriage except in case of pregnancy, and the bill doesn't really accomplish anything.

AB 357 - Requires judgment before garnishing earnings.

Mr. Guinan stated the Supreme Court of the United States has held you can't have garnishment without judgment, and the bill is necessary to comply with the Supreme Court decision.

Mr. Torvinen said he had asked for AB 357 because there is no Supreme Court case in Nevada stating what debts are liable to garnishment, and the present statute isn't clear on this point.

Mr. Torvinen asked the committee if the bill should be clarified to say that only debts due and immediately payable are subject to garnishment, or whether garnishment should reach debts existing but not due and payable.

Mr. McKissick requested that the bills regarding garnishment proceedings be placed on the agenda for March 17.

Mr. Fry ~~moved~~ for committee introduction of a bill permitting not only Nevada Highway Patrol officers, but also local police and sheriff's officers, to take possession of vehicles they suspect are being operated with improper registration or which the officer believes is stolen. Seconded by Mr. Lowman. Carried, with Mr. Torvinen voting "No."

Mr. Fry requested the committee ask for a bill draft and for introduction of a bill requiring limits on pyramid promotions and chain sales. Mr. Dreyer moved the committee request the draft and introduce the bill. Seconded by Mr. Torvinen. Carried.

Mr. Lowman moved "Do Pass" AB 194. Seconded by Mr. Fry. Carried.

Mr. Torvinen moved that AB 316 be amended by taking out the veto power of the psychiatrist on page 2, and the committee recommend "Do Pass as Amended". Seconded by Mr. Kean. Carried.

Mr. Kean moved "Do Pass" AB 343. Seconded by Mr. Lowman. Carried.

Mr. Torvinen moved that AB 401 be indefinitely postponed. Seconded by Mr. Lowman. Carried.

Mr. Kean moved that AB 390 be amended by deleting \$60 in line 4 and making it \$50, and deleting 60 cents in line 7 and making it 50 cents. Seconded by Mr. Fry. Carried.

Miss Foote ~~moved~~ that AB 422 be amended to state that storage charges shall not accrue for more than 60 days without the consent of the owner, and that the committee recommend "Do Pass as Amended." Seconded by Mr. Kean. Carried.

Mr. McKissick moved that AB 504 be amended to delete sections 2 and 3 and add a new section 2 providing that step-parents of any child subject to provisions of this chapter shall be subject to the same court orders as may be entered under the

provisions of this chapter against a natural parent, and the committee recommend "Do Pass as Amended". Seconded by Mr. Kean. Carried.

Mr. McKissick moved that AB 307 be indefinitely postponed. Seconded by Mr. Fry. Carried.

There being no further business, the meeting adjourned at 4:40 p.m.

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Comprehensive Health Planning

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Clark County

(702) 385-1291

March 8, 1971

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Mr. Charles Deaner, Chairman
District Board of Health
625 Shadow Lane
Las Vegas, Nevada

Dear Mr. Deaner:

In order to improve the mental health situation in the State of Nevada, and in particular in Clark County, the Mental Health and Mental Retardation Task Force of the Advisory Council of Clark County Comprehensive Health Planning recommends the following additions to Assembly Bill No. 316:

"That all persons judged to be mentally incompetent to stand trial, and those who are judged to be criminally insane, be committed to the jurisdiction of the Superintendent of the State Hospital, and that a psychiatrist concur before a sanity commission may find a defendant competent to stand trial, and that funds should be included under the bill to pay for the use of psychiatrists in the above functions."

This action was recommended by the Mental Health and Mental Retardation Task Force and a telephone vote was taken of the Advisory Council in order that this recommendation could be issued as soon as possible.

Heartily yours,

Richard V. Nutley, Planner
For: Charles H. Emery, Chairman
Advisory Council

mh

ASSEMBLY

AGENDA FOR COMMITTEE ON JUDICIARY

Date March 9 Time p.m. adjournment Room 240

Bills or Resolutions to be considered

Subject

Counsel requested*

AB 307	Exempts authorized persons from civil liability for disciplining public school pupils.	
AB 316	Requires a psychiatrist to concur before a sanity commission may find a defendant competent to stand trial	
AB 343	Adjusts procedural requirements in perfecting mechanics' liens.	
AB 357	Requires judgment before garnishing earnings.	
AB 390	Increases fees for court reporters.	
AB 398	Increases jurisdiction of University of Nevada System police department.	
AB 401	Permits court to require premarital counseling for certain minors.	
AB 422	Limits time in which lien may be satisfied.	

*Please do not ask for counsel unless necessary.

HEARINGS PENDING

Date _____ Time _____ Room _____
Subject _____

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