

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

MEETING APRIL 8, 1971

The meeting was called to order at 12:05 p.m. All present.

SENATORS WARREN MONROE and CARL DODGE appeared before the committee to explain Senate Bills pending, as follows:

SB 7 - Prohibits possession or withholding of stolen goods.

Senator Dodge explained the District Attorneys have problems prosecuting under the present law, and this bill would clear up provisions.

SB 167 - Provides civil remedies and criminal penalties for unlawful burning.

Senator Dodge said the key to the bill is page 2, line 22, which provides for areas outside incorporated cities and towns, in the jurisdiction of the US Forest Service. It doesn't invade farmers' permits.

SB 182 - Grants immunity in licensing and disciplinary proceedings of professions and occupations.

Senator Dodge explained this would help ascertain truth in proceedings since witnesses would not have to fear legal proceedings for libel or slander.

SB 241 - Allows estates less than \$3,000 to be distributed without administration to children of deceased who are not minors.

Senator Dodge explained the present law discriminates against persons who are not minors. Mr. Torvinen noted there is not a provision in NRS 146.070 for paying debts or allowances to widows or children. Senator Monroe stated that on line 5 just payments may be directed to be paid.

SB 248 - Re-forms definition of excusable homicide.

Senator Dodge said the bill does not mean much, and they didn't care if it was killed.

SB 252 - Provides for allowance of attorneys fees in civil actions.

Senator Dodge said they had attempted to make the language uniform on page 2 by saying "sought". It would only cover a case under \$10,000. Mr. McKissick noted there is a Supreme Court decision that the existing statute is constitutional. The answer is to put a period in subparagraph (c) after "party" and leave the law as it is. Senator Dodge agreed with that.

SB 311 - Provides for chief judge in districts having more than one judge and requires certain information to be reported.

Mr. Torvinen stated Justice Zenoff thinks the Supreme Court has authority to appoint chief judges. Mr. Olsen said it is better to give appointing authority to the Supreme Court rather than letting the judges choose from among their number a chief judge.

SB 333 - Provides additional penalty for child abuse and neglect.

Senator Dodge stated this is an attempt to take care of cases of child neglect, and in paragraph 1 to protect the parents by providing the neglect shall be willful. The second section was requested by the Christian Science Church to protect those whose religion forbids certain medical treatment.

SB 349 - Permits appeal from pretrial district court orders in criminal cases.

Senator Dodge said the district attorneys wanted this bill, and stated it is one of the most important pieces of legislation this session. The Supreme Court feels this is the best procedure they can work out in order to decide if there is meritorious reason for them to decide if the evidence was properly suppressed. The defendant can always appeal, but the prosecution has not been able to appeal.

Mr. Kean objected to the notice of 24 or 72 hours, stating this should be in terms of judicial days instead of hours. Senator Dodge replied that the bill is worded the way the District Attorneys wanted it.

SB 414 - Requires a fee for advance sheets of Nevada Reports.

Senator Monroe stated there is an expense involved in sending out the advance sheets, and the Supreme Court Clerk's Office wanted this bill in order to help absorb the costs.

SB 427 - Requires Attorney General to prosecute actions to collect local school support tax.

Senator Monroe said there was a disagreement between district attorneys and the Attorney General about who should file the suits.

The suits are brought on behalf of the tax commission, so the commission should be represented by the Attorney General.

SB 437 - Revises requirements of statements to be filed for public intrastate offerings of securities.

Senator Dodge said the Secretary of State requested the legislation, since there is no provision now as to how long a financial statement is current. Mr. Kean said the provisions about financial statements on page 1 and page 2 should conform. Senator Dodge said the Secretary of State has no problems with the accounting.

SB 459 - Clarifies indexing requirements for county recorders.

Senator Monroe stated this is a procedural bill requested by the county recorders.

SB 460 - Makes permissive retention of child under jurisdiction of juvenile court until age 21.

Mr. Fry noted the committee had passed AB 219 which he prefers. Senator Dodge stated that by SB 460 they were trying to permit the judge to be able to release jurisdiction if he decided he didn't want to retain it, and the bill would make jurisdiction permissive.

Mr. Torvinen noted that AB 219 and SB 460 are not inconsistent.

SB 470 - Permits state highway construction contractor to withdraw amounts retained by Department of Highways under contract upon presentation of security.

Senator Dodge explained it would be an exchange of an asset posted but permits the contractor to earn interest on his retent. The Senate committee amended out bonds of political subdivisions. The securities are assigned to the state under an agreement.

SB 480 - Increases maximum value of estates which may be set aside without administration and those eligible for summary administration, and modifies uniform fee schedule for estate administration.

Senator Dodge stated the amount of the estate was increased to \$10,000, and inventory and appraisal were retained.

SB 487 - Makes correction in law governing University of Nevada System.

Senator Monroe stated this is a correctional bill, and he encourages passage.

SB 493 - Establishes procedure for clearing title to mining claims when adverse claim is made.

Senator Monroe said this would help with problems of claim jumping. Mr. Torvinen asked about the provisions for clearing title

within 30 days, stating this is not a long enough period for clearing title in the courts. Senator Dodge said this provides a procedure whereby the first claimant can clear title by getting a quitclaim deed filed. That can be done in less than 30 days.

Senator Monroe stated bond does not have to be posted until the claimant has been notified by the owner that the first claim is still valid. Mr. Kean said the new mining law passed will clear up the problem to some extent. Senator Dodge suggested that if the committee has further problems, they should request Senator Titlow's testimony.

SB 496 - Provides for reports of child abuse by members of public and grants immunity.

Senator Monroe stated persons will be more likely to report cases of child abuse if the immunity is granted. Senator Dodge said there was considerable support for this bill and no contrary testimony. They are also trying to develop statistical information with which they could detect patterns of child abuse and people who move around the country, with a central agency to gather information.

SB 532 - Permits parole board to exercise supervision over certain paroled prisoners.

Senator Dodge stated this is an attempt to help with rehabilitation of paroled persons, providing that the parole board can give supervision and assistance to these people until their commitment period is up, and if they were paroled before that term is up.

SB 562 - Requires justices of the peace and police judges to receive instruction.

Senator Dodge stated the justices of the peace and police judges are in favor of the bill, and that it would require no money. The state crime commission has funds to provide for the travel and per diem, and the College of State Trial Judges will provide the training.

SB 582 - Regulates locksmiths and safe mechanics.

Senator Dodge and Senator Monroe are in favor of the bill.

Mr. Fry presented the Senate amendment to AB 11. Mr. McKissick moved the committee concur in the amendment. Seconded by Mr. Kean. Carried.

Mr. McKissick stated he has an additional amendment to AB 483, and the only way procedurally to get the amendment on to the bill is not to concur in the Senate Amendment at this time, so the additional amendment can be added in conference committee. Mr. Kean therefore moved that the committee do not concur in the Senate Amendment to AB 483, seconded by Mr. Fry. Carried.

Committee in recess at 1:30 p.m.

April 8, 1971

## Assembly Committee on Judiciary

Committee in session at 5:14 p.m. Present: Miss Foote, Messrs. Fry, Kean, May, Dreyer, Olsen, McKissick, Lowman and Torvinen.

Mr. Dreyer presented a bill for which he requested introduction, making burglary a crime in the daytime as well as nighttime. The committee agreed to introduce the bill.

Mr. Olsen moved "Do Pass" AB 718 as amended. Seconded by Mr. Dreyer. Carried.

Mr. Kean moved "Do Pass" AB 809. Seconded by Mr. May. Carried.

Mr. Kean moved "Do Pass" SB 7. Seconded by Miss Foote. Carried.

Mr. Kean moved "Do Pass as amended" SB 12. Seconded by Mr. Fry. Carried.

Mr. Kean moved "Do Pass" SB 19. Seconded by Mr. Dreyer. Carried, with Mr. May voting "No."

Mr. Kean moved "Do Pass" SB 116. Seconded by Mr. May. Carried.

Mr. Kean moved that SB 139 be amended to provide for 30% and the committee recommend "Do Pass as Amended". Seconded by Mr. McKissick. Motion Lost.

Mr. Fry moved that SB 139 be indefinitely postponed. Seconded by Mr. May. Carried.

Mr. McKissick moved "Do Pass" SB 167. Seconded by Mr. Dreyer. Carried.

Mr. May moved that SB 182 be indefinitely postponed. Seconded by Mr. Dreyer. Carried.

Mr. Fry moved that SB 236 be indefinitely postponed. Seconded by Mr. Kean. Carried.

Mr. Fry moved "Do Pass" SB 242. Seconded by Mr. Dreyer. Carried.

Mr. Fry moved that SB 244 be indefinitely postponed. Seconded by Mr. Dreyer. Carried.

Mr. Dreyer moved that SB 245 be indefinitely postponed. Seconded by Mr. Lowman. The Motion lost.

Mr. Kean moved "Do Pass" SB 245. Seconded by Mr. May. Carried, with Messrs. Dreyer and Lowman voting "No."

Mr. Fry moved that SB 248 be indefinitely postponed. Seconded by Mr. Kean. Carried.

April 8, 1971

Mr. Fry moved "Do Pass" SB 307. Seconded by Mr. Lowman.  
Carried.

Mr. Fry moved "Do Pass" SB 308. Seconded by Mr. May.  
The motion lost.

Mr. Fry moved that SB 311 be indefinitely postponed.  
Seconded by Mr. Lowman. Carried.

Miss Foote moved "Do Pass" SB 333. Seconded by Mr. Lowman.  
Carried.

Miss Foote moved "Do Pass" SB 345. Seconded by Mr. Lowman.  
Carried.

Mr. Fry moved that SB 414 be amended by deleting paragraph  
5 of Sec. 1 and the committee recommend "Do Pass as Amended."  
Seconded by Mr. Kean. Carried.

Mr. Lowman moved "Do Pass" SB 457. Seconded by Mr. Fry.  
Carried.

Mr. Kean moved "Do Pass" SB 459. Seconded by Mr. McKissick.  
Carried.

Mr. May moved "Do Pass" SB 460. Seconded by Miss Foote.  
Carried.

Mr. Kean moved "Do Pass" SB 487. Seconded by Mr. Fry.  
Carried.

Mr. Fry moved "Do Pass" SB 562. Seconded by Miss Foote.  
Carried.

Mr. Kean moved that SB 580 be indefinitely postponed.  
Seconded by Mr. Dreyer. Motion lost.

Mr. Olsen moved "Do Pass" SB 582. Seconded by Mr. May.  
Carried.

Mr. May presented Amendment No. 3988 to AB 714 and requested  
the committee's approval of the amendment.

Miss Foote moved that the action whereby a "Do Pass" recommenda-  
tion was given to AB 714 be rescinded. Seconded by Mr. Kean.  
Carried, with Messrs. Dreyer, May and Olsen voting "No."

Miss Foote moved that AB 714 be indefinitely postponed.  
Seconded by Mr. Kean. Motion Lost.

Mr. Fry moved that Messrs. May, Olsen and Dreyer be appointed  
as a sub-committee to prepare further amendments to AB 714.  
Seconded by Miss Foote. Carried, with Mr. May voting "No."

Mr. Dreyer moved "Do Pass" SB 181. Seconded by Mr. May. Discussion followed, indicating that Tom Wilson wished to speak on the bill. Mr. Dreyer withdrew his motion and Mr. May withdrew his second.

There being no further business, the meeting adjourned at 6:20 p.m.

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