

SENATE JUDICIARY COMMITTEE

MINUTES

March 29, 1971

Chairman Monroe called the meeting to order at 7:30 p.m.

Committee Members Present: Chairman Monroe
Senator Close
Senator Dodge
Senator Foley
Senator Swobe
Senator Wilson
Senator Young

Others Present: Judge John Mowbrey
General Decker - Retired Army Major General
Grant Davis - Legislative Counsel Bureau
Press

A.B. #720 - Establishes procedures relating to rights of needy defendants in criminal cases and the office of Defender General of the State of Nevada.

Judge John Mowbrey introduced General Decker, retired Army Major General who has now devoted himself to establishing a public defender program for the states. Judge Mowbrey stated that this system would cost approximately \$90,000. The Crime Commission has a grant for this purpose, which the state has to match on a 75% - 25% basis. Therefore, the states share would be less than \$30,000. He said the primary purpose of this bill is to give representation to the rural counties.

General Decker then made a presentation of the bill to the committee. His statement is attached (attachment 1). He asked that the record show that he felt another draft of this type of bill that was shown to him when he first came out here was the poorest piece of legislation he had ever seen in his life.

General Decker outlined the disbursements of the cost for operating this system within the budget given to him.

Defender General	\$20,000
Deputy Defender General	17,000
Administrative Assistant to gather statistics	7,300
Secretary	6,500
Telephone, Supplies and Printing	5,000
Travel and Per Diem	25% of basic contract.

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General Decker stated that the estimated cost would be between \$83,000 and \$93,000.

This would not include Washoe and Clark counties since they have a public defender system of their own. He said the Defender General and Assistant would operate out of Carson City and would be full-time positions. The other Deputy Public Defenders would operate out of the districts on a part-time basis.

No final action was taken.

A.B. #597 - Authorizes "new residents" and former Nevada residents to vote for President and Vice President in compliance with federal Voting Rights Act Amendments of 1970. Committee on Elections.

This bill complies with the present law.

Senator Wilson made a motion to "do pass." Senator Dodge seconded the motion. Motion carried.

A.B. # 11 - Grants immunity to legislators and legislative witnesses for certain statements.

The committee felt that this immunity should be limited to when a legislator is in committee or on the Senate or Assembly floor.

Senator Young made a motion to amend and "do pass." Senator Wilson seconded the motion. Motion carried.

A.B. # 12 - Protects suppliers and materialmen under contractors' surety bonds. Assemblyman Howard F. McKissick, Jr.

Senator Dodge made a motion to "do pass." Senator Foley seconded the motion. Motion carried.

A.B. # 77 - Permits credit for prior confinement if sentenced to state prison. Assemblyman Howard F. McKissick, Jr.

Senator Foley made a motion to "do pass." Senator Young seconded the motion. Motion carried.

A.B. # 82 - Increases security for costs required of nonresident plaintiffs in civil actions. Committee on Judiciary.

Senator Dodge made a motion to "do pass." Senator Young seconded the motion. Motion carried.

A.B. #105 - Requires issue of penalty for capital offense to be tried separately. McKissick and Kean.

Chairman Monroe stated that he received a letter from the Attorney General's office stating their opposition to the bill.

Senator Foley made a motion to "kill" this bill. Senator Young seconded the motion. Motion carried.

A.B. #132 - Amends definition of "uninsured motor vehicle."
Committee on Judiciary.

This would allow a person to collect on the uninsured motorists' provision of his insurance policy if the owner of the vehicle doing damage is not identified, they can then presume it is uninsured.

Senator Wilson made a motion to "do pass." Senator Young seconded the motion. Motion carried.

A.B. #153 - Provides for biweekly payments of judicial pensions.
Committee on Judiciary.

Senator Dodge made a motion to "do pass." Senator Foley seconded the motion. Motion carried.

A.B. #186 - Provides court shall examine prospective trial jurors in criminal cases.
Committee on Judiciary.

The court presently questions prospective jurors in civil trials, but not criminal. Senators Close and Foley felt this proposal would save a lot of time and speed up the trial.

Senator Foley made a motion to "do pass." Senator Dodge seconded the motion. Motion carried.

A.B. #199 - Defines crimes that are ground for disciplinary action against real estate brokers and salesmen.
Committee on Commerce.

Senator Young made a motion to "do pass." Senator Dodge seconded the motion. Motion carried.

Meeting adjourned at 10:15 P.M.

Respectfully submitted,



Eileen Wynkoop, Secretary

Approved: _____

An Introduction to Organized Defense Services

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When a crime is committed, the public is best served by the speedy identification of the suspect, and, if trial is warranted, a speedy trial.

Over the past ten years the problem of speedy trial has become acute. Delays have grown generally throughout the country. Further, appeals from convictions in criminal cases have increased alarmingly, as have habeas corpus and other collateral attacks.

The obvious remedy is to provide an efficient prosecution and an efficient defense so that cases are prepared promptly, tried expeditiously and correctly.

The best way to provide an efficient defense, which in turn contributes to quicker trials, fewer appeals and post-conviction proceedings, is through an organized defender system for the state.

The advantages of the statewide organization are many.

Cases go to trial more quickly because the defense counsel is, on average, better versed in criminal law and practice than the practitioner who tries criminal cases only on occasion. The public defender does not give priority to better compensated civil cases; hence, he is less likely to delay trial in criminal cases. The defender general of the state is on hand to supervise, assist, and insist on the expeditious preparation of cases by the public defender.

Careful studies indicate that public defenders advise clients to plead guilty more often than do other counsel and public defenders' clients request fewer jury trials. However, in spite of the foregoing, about the same percentage of public defenders' clients are found not guilty. These figures are reliably set forth in the reports of the Public Defender of Santa Clara County, California.

The most advantageous service rendered to clients by the public defender, however, lies in the disposition of his clients who are found guilty. Fewer sentences to confinement for clients who have committed nondangerous crimes result. Four years of documentation on this subject may be found in the reports of the Massachusetts Defenders Committee on an organized defender service started in the district courts in Boston and later extended throughout the state.

The use of public defenders is cheaper on a per case basis than is the use of the compensated assigned counsel system. In Minnesota, where the entire state has an integrated public defender system except for two circuits, the per case cost in the two circuits which cling to the old system have been consistently higher. So, also, runs the experience in California, in Colorado, in Pennsylvania, and in many other jurisdictions.

In Colorado, after trying a random assigned counsel system in parts of the state, a public defender system in other parts, and a coordinated assigned counsel system in yet other parts, it was concluded that a statewide system would be better, and in 1969 that state moved to a statewide public defender system.

The Federal government has now moved to organize defender systems, effective February 1, 1971, to increase efficiency and to expedite the criminal process in the Federal courts.

Economies that are real, but which are seldom recognized, are those arising out of shorter periods of confinement prior to trial and the disposition of those convicted to corrective processes not involving maximum security facilities.

Of interest to the public is the more expeditious trial. Speedy trials benefit the innocent, and speedy conviction of the guilty is a generally recognized deterrent to crime.

A Model Public Defender Act was approved by the National Conference of Commissioners on Uniform State Laws in August, 1970. It was this Act which furnished the basis for the draft of legislation submitted for the State of Nevada. Although the Model Act served as a base, the draft of legislation represents, as well, continuing study of the Clark county public defender office, studies of available data pertaining to trials of needy persons in Nevada, plus personal conferences with the governor, the judges of the Supreme Court and district courts, district attorneys, public defenders and peace officers throughout the state.