

2-218

SENATE JUDICIARY COMMITTEE

MINUTES

April 14, 1971

Chairman Monroe called the meeting to order at 9:00 a.m.

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

Others Present: Assemblyman Roy Torvinen
Assemblyman William D. Swackhamer
Judge John Mowbrey
Grant Davis - Legislative Counsel Bureau
Press
Senator Floyd Lamb

S.B. #185 - Eliminates necessity of seal on corporate documents,
Committee on Judiciary.

Senator Swobe made a motion to concur in the Assembly amendment. Senator Dodge seconded the motion. Motion carried.

S.B. # 91 - Changes organizational structure, operational
procedures of State Gaming Control Board and
Nevada Gaming Commission.
Committee on Judiciary.

Senator Wilson made a motion to concur in the Assembly amendment. Senator Dodge seconded the motion. Motion carried.

S.B. #515 - Conforms law on consideration of appropriation
bills by Legislature to actual practice; repeals
obsolete section relating to state claims against
Federal Government for war expenditures.
Committee on Judiciary.

Senator Swobe made a motion to concur in the Assembly amendment. Senator Dodge seconded the motion. Motion carried.

S.B. #431 - Requires general contractors to inform owners of
certain provisions of mechanics' lien law.
Committee on Judiciary.

Senator Swobe made a motion to concur in the Assembly amendment. Senator Wilson seconded the motion. Motion carried.

S.B. # 32 - Permits expunging records of juveniles in certain circumstances,
Senator Hug.

Senator Swobe made a motion to concur in the Assembly amendment. Senator Foley seconded the motion. Motion carried.

A.B. #705 - Provides general reform in laws, regulations, and procedures governing Nevada State Prison,
Assemblyman Jacobsen.

This bill would raise the amount given to prisoners when discharged from \$25.00 to \$50.00, and provides that they receive a bus ticket back to the county in which he was sentenced.

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

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.

The Assembly amended this bill to give an option to go to the state or county defender. Senator Dodge and Chairman Monroe objected to this because if this system is set up state-wide as the Assembly provided, the large counties would want to cancel their systems and be included in the state system.

Assemblyman Torvinen said that the Assembly amended the original bill because it did not conform to the present public defender laws. They felt they should not destroy the public defender laws that are functioning well in Clark and Washoe, and replace them with the new bill.

Senator Dodge pointed out that this will eliminate the incentive to continue the locally financed systems in Clark and Washoe, and then we would have to seek additional appropriations to finance those systems.

Assemblyman Torvinen pointed out that the LEAA offer of funding was only for two years, and we would have to provide for funding in the 1973 session.

Assemblyman Swackhammer testified that the Senate and Assembly money committees had agreed in committee on the state's share. The money contributions were not prepared in time to be included in the budget, so Senator Lamb will put the money into the bill rather than the budget.

Assemblyman Swackhammer explained that the way the funding will work, the first two years a federal matching fund of 75% - 25% will be available from LEAA. After that biennium, the state will assume the expense for all post-conviction writs, and the 15 rural counties will contribute funds according to their participation. He said they introduced a resolution in the Assembly which would provide that the Defender General make a study of the total cost of the system, and provide a financing scheme taking into account the amount of federal funds available and charging the counties on a need basis. The small counties that have the need, will be funding the program, except for post-conviction writs.

Judge Mowbrey testified that the Assembly did provide for the exclusion of Clark and Washoe Counties from this system in Section 10. It provides that the provisions only apply to counties in which the office of public defender has not been created in Chapter 260 of NRS.

Judge Mowbrey suggested amending Section 7, Subsection 3 to read: "In cases of post-conviction proceedings and appeals therefrom", so that it is clear that these are the appeals referred to. He also pointed out that an amendment would be needed to correct the reference in Line 41 on Page 3 to: "provisions of Subsection 3 of Section 7".

Senator Dodge made a motion to re-refer to the Finance Committee with the recommendation: "do pass", and ask them to attach the two amendments. Senator Swobe seconded the motion. Motion carried.

A.B. #208 - Creates additional crimes involving explosives.
Olsen and Bryan.

Chairman Monroe stated that District Attorney Mike Evans supports this bill because in these circumstances, they can only prosecute for a misdemeanor and felt there should be a stronger penalty.

Senator Wilson suggested amending into A.B. #208, the false alarm concept for bomb scares contained in S.B. #346 and making the penalties the same as in Section 11 of the first reprint.

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

A.B. #107 - Enacts Uniform Controlled Substances Act.

Assemblyman Torvinen informed the committee that he was opposed to the amendments which lowered the penalty for marihuana. He said that marihuana may not damage a person for smoking, but you can extract THC out of marihuana, which is a drug almost equal to LSD. He urged the committee to return to the original penalties, or to put a limitation on the amount of marihuana which would apply to the lower penalty.

Senator Dodge informed Assemblyman Torvinen that the committee was not in favor of the lower limitation, and were considering leaving flexibility with the judge to make the penalty either a gross misdemeanor or a felony.

Senator Dodge and Grant Davis both pointed out that the way the bill was amended, it did not provide any penalty for a second offense, or a penalty for persons over 21.

Senator Close felt that the lowered penalty for taking away a driver's license should be incorporated into the penalty of a felony or a gross misdemeanor.

The committee decided to have an informal conference with the Assembly Judiciary Committee members to discuss the penalty provisions before recommending an amendment.

No final action was taken pending the result of that informal conference. 2- 251

A.B. #569 - Authorizes persons 18 years old and over to vote in national, state elections depending on result of state special election.
Committee on Elections.

Senator Dodge explained to Senator Lamb the committee's position of wanting to have the people of Nevada make the decision of whether or not the 18-year olds will vote in the elections. Since the Finance Committee killed this bill, he asked Senator Lamb if his committee would reconsider their action. Senator Lamb explained that his committee rules call for 5 votes before a bill can be reconsidered, and he said that he didn't have the horses to reconsider it. He said he would take another vote for reconsideration.

No final action was taken pending the result of that vote.

S.B. #648 - Prohibits mingling of harmful substances in food.
Senator Close.

Senator Close explained that this would take care of the situation where people were putting poison and other harmful substances in Halloween candy.

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

Meeting adjourned at 10:30 a.m.

Respectfully submitted,


Eileen Wynkoop, Secretary

Approved: _____