

SENATE JUDICIARY COMMITTEE

MINUTES

April 19, 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 Wilson
Senator Young

Absent: Senator Swobe

Others Present: Assemblyman Roy Torvinen
Clark Guild, Jr. - Reno Attorney
Grant Davis - Legislative Counsel Bureau
Press

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

The committee reviewed the amendments which resulted from the conference. They corrected some references of "misdemeanor" to "gross misdemeanor" which were overlooked, and asked Grant Davis to deliver the amendment to the Assembly for approval before they are sent for printing.

No final action was taken.

A.B. #458 - Conforms Nevada Revised Statutes to amend judicial article of Nevada Constitution.
Committee on Judiciary.

Assemblyman Roy Torvinen testified that this bill is only effective if S.J.R. 23 of the 55th Session passes by a vote of the people. This is a general clean up bill which would conform all laws concerning the court system. There were several technical amendments which the Assembly asked us to attach. To save time the committee felt these should be sent to the printer and then referred back for final action after further discussion.

Senator Foley made a motion to amend and re-refer back to Senate Judiciary Committee. Senator Wilson seconded the motion. Motion carried.

A.B. #457 - Provides for organization of county courts.
Committee on Judiciary.

Senator Dodge explained that the subcommittee working on S.J.R. 23 of the 55th Session felt that we could never get anywhere, without outlining what the concept of the county court structure would be.

Assemblyman Torvinen added that the main thrust is also to provide a

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system that will be functional for the first 60 days after S.J.R. 23 is in effect.

Assemblyman Torvinen said that S.J.R. 23 of the 55th Session does away with municipal courts and justice courts. Along that line, A.B. #457 sets jurisdiction of county courts at \$1,500, and creates magistrates courts. It raises the small claims actions to \$500.00. Everybody can have small claims tried by county judges. The litigants in the small counties could have the claim settled by a magistrate if agreed to by both litigants.

On traffic offenses, the magistrate sets the bail if the person pleads guilty. If he pleads not guilty, he goes to county court. The county courts would sit in larger counties, and in the smaller counties the judge would travel there once or twice a week. The county courts will be a court of record. They will use a multi-track recording system rather than court stenographers. The magistrates will not be a court of record, so there will be no trial de novo and no appeal.

Senator Dodge stated that part of the cost of this system would be allayed by the municipalities for the services performed by the county court in the handling of municipal type things.

Assemblyman Roy Torvinen explained further that every elected justice of the peace will become a magistrate for the first two years. The justices of the peace can qualify and make application to judicial selection system.

Chairman Monroe asked how many county courts there would be.

Assemblyman Torvinen replied that there would be four in Washoe County, seven in Clark County, and one each for the other districts. The county commissioners will determine where the magistrates will be.

Senator Young asked who is responsible and pays for the premises where the county judges will sit. Roy Torvinen answered that the present municipal and police court facilities must be available to these people. If justices courts were actually functioning in present facilities he felt that county courts could function there also. The only problem would be Clark County where they might not have 7 good courtrooms.

Senator Young felt that there would be a lot of problems in both the small and large counties, and was worried about how it would be implemented.

Senator Dodge stated that if we don't have something we can point to as to what the basic structure will be, we will blow S.J.R. 23 out of the water.

Senator Foley felt that the system of justice is not working as well as we want, and if we pass this bill, we will be building in 10,000 to 15,000 votes against S.J.R. 23 that will kill it.

Senator Close stated that he is not ready to vote on this bill at this time. He felt it was one of the more far-reaching bills in the session.

Chairman Monroe informed him that the Assembly amendments were not yet incorporated into the bill so it still had to go to the printer and time was running out.

Senator Close then made a motion to "do pass " as amended, and re-refer back to the Senate Judiciary Committee. Senator Foley seconded the motion. Motion carried.

A.J.R. 31 - Proposes to amend the Nevada Constitution by creating a criminal court of appeals.
Assemblyman Roy Torvinen.

Assemblyman Torvinen testified that many people have complained to him that criminal justice proceedings were allowing criminals to stay the ultimate execution of their judgment by staying on bonds through numerous procedures. This bill would create a criminal court of appeals and gives them the final jurisdiction of appeals and post-conviction writs.

Senator Young objected to the wording "after the appeal has been initiated", and suggested the wording "after the appeal has been docketed", to allow time for the transcript to be typed.

Senator Dodge asked Assemblyman Torvinen if he thought the new public defender system proposed would eliminate some of the post-conviction remedy appeals. Assemblyman Torvinen replied that in Clark County, the appeals have tripled since their public defender system was established.

No final action was taken.

A.B. #200 - Prohibits deficiency judgments on purchase money obligations and provides cause of action for waste.
Committee on Commerce.

Mr. Clark Guild informed the committee that the Assembly did not concur in our amendment, and urged the committee not to recede.

A.B. #721 - Prohibits issuance of nonrestricted state gaming license without prior approval of local authorities; constitutes sheriffs and deputies as deputy state gaming control officers; requires proof of financial responsibility of license applicants.
Committee on Commerce.

Senator Close received a phone call from Mr. Bill Compton, Gaming Investigator, from Las Vegas regarding this bill. Mr. Compton requested a conference call with the committee because he felt they would have a big problem with this bill since they had no funds to do this investigation.

Senator Dodge felt the county has no delegated authority to come along after the fact and deny a license already granted by the state. He said that under no concept do we give a lower level of government the privilege of preempting a decision by a higher level of government.

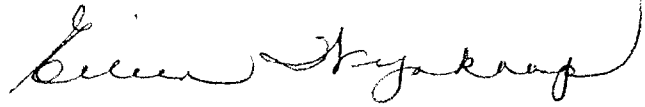
Chairman Monroe felt that this bill is no answer to their problems. This bill provides the county can investigate and make their o.k. first, and the counties don't have the facilities. What they have been doing is riding free on the state's investigation and then coming up with their own objections based on that.

Chairman Monroe, Senator Close, and Senator Foley will participate in the conference call.

No final action was taken.

Meeting adjourned at 11:00 a.m.

Respectfully submitted,



Eileen Wynkoop, Secretary

Approved: _____