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SENATE JUDICIARY COMMITTEE

MINUTES

April 22, 1971

Chairman Monroe called the meeting to order at 9:35 a.m.

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

Others Present:                      Ned B. Solomon - Juvenile Probation - Carson City  
   Jim Carmany - Juvenile Probation - Carson City  
   Art Besser - Juvenile Probation - Carson City  
   Janet Mac Eachern, League of Women Voters  
   Constance Sparbel - League of Women Voters  
   Roy Woofter - District Attorney - Clark County  
   Judge Santini - Justice of the Peace, Clark Co.  
   Grant Davis - Legislative Counsel Bureau  
   Press

A.B. #141 - Provides Justices' and municipal courts original jurisdiction for juvenile traffic offenses.

Judge James Santini, Justice of the Peace in Clark County, testified against this bill. His objection is the impact it would have on municipal court and justice court in Las Vegas. It would mean an increase of 1,500 cases, and as a consequence, no juvenile will get any sort of hearing over the normal adult conviction. It would be impossible to have any type of hearing on administration. Also these judges would not have the juveniles' prior records.

Judge Santini was also concerned about the impact it would have on the administration of justice on the justice and district court levels. The city attorney would assume the responsibility of 6,000 more prosecutions. The district attorney would assume the responsibility of 1,500 more prosecutions. There is a freeze on personnel now in Clark County, and they can't fill any vacancies.

Judge Santini said that the supreme court determined that juveniles don't have the right to jury trials. If this is taken into the adult court where they do have rights to jury trials, he envisioned that every juvenile would be asking for jury trials on misdemeanor offenses. This would frustrate the trial and back them up in the hope that it will be dismissed.

Senator Dodge questioned if the best deterrent we have now isn't the point system, and felt that would be the only record needed.

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Mr. Jim Carmany of the Carson City Parole and Probation Department testified for this bill. He said that one of the strong recommendations they had heard from the municipalities was the traffic problem and because of limited manpower, they thought they could handle it as well within their own jurisdiction as it is handled through juvenile court.

Mr. Carmany stated that we are giving these juveniles the responsibility of an adult to drive a car at the age of 16, and yet we insist on handling them differently.

Mr. Carmany also stated that the proponents of the move to juvenile court believe we should be able to pick up the hard-core youngsters, and it is borne out in reviewing our statistics that the serious traffic offender we see at the other end anyway.

Mr. Carmany stated that the number of cases is not their problem, and that it is the one area in juvenile court that is a money maker. They are not asking for relief from a job.

Mr. Carmany agreed with Senator Dodge's statement that their greatest deterrent is the removal of the juvenile's driver's license, and stated that the juvenile's point record is on file with the Motor Vehicle Department.

Senator Young felt that to thrust these additional cases on the justice of the peace without planning ahead, would create nothing but problems.

Mr. Ned Solomon, Carson City Probation Department, testified that the supreme court said that juveniles have the same rights as adults. They have not found a great many requests for trial in delinquency matters. They average about 5 or 6%, and fewer in other areas.

Mr. Carmany stated that the juvenile court handles traffic matters one afternoon a week. He said we are really talking about 25 cases a week to split between the magistrates. That doesn't seem like they are talking about such a vast number of additional people coming through the system that would cause us not to move all people into the same system.

Chairman Monroe announced that this meeting would recess until 1:30 p.m.

Meeting called to order at 1:30 p.m.

Mr. Roy Woofter, District Attorney from Clark County, testified that he is against the bill as a matter of shifting the juvenile cases over to the justice court. He based his objection on being a former justice of the peace and an acting district attorney. He felt there would not be enough time in a day to handle these extra matters because of the tight schedule in justice courts.

Mr. Woofter stated that he is in agreement with Mr. Carmany and Judge Mendoza that there has to be an adjustment because of the heavy traffic case load, but felt this was not the way to cope with it. He said that hopefully in the next two years, we would have a definite traffic court system and a judge to handle it.

Mr. Woofter also stated that as an attorney, he felt that the juvenile should be treated in juvenile court. He felt they could accomplish more in

juvenile court with respect to parents being advised and shifting the pressure to the parents to steer the juvenile in the right direction. In justice court, the juvenile with money could pay his ticket without his parents' knowledge.

Mr. Ned Solomon stated that the traffic record of a juvenile is separate from his other record, and is much larger. He said they get involved with the juveniles who are delinquent through other areas, not through the traffic court. Where the traffic offense would be a felony, the juvenile would automatically be sent to juvenile court under this bill.

Senator Foley said that he had talked to Judge Griffith in Las Vegas, and he said this would be quite a burden on him at this time, but that he might be able to handle it in two years. Senator Dodge suggested making the bill effective on July 1 of next year in order to give some advance notice as far as staffing.

Mrs. Janet MacEachern, League of Women Voters, felt that most of the testimony given was concerned with the metropolitan areas. She said many of the smaller towns are quite far away and don't have a juvenile court. They have to go from the small towns to a juvenile court area, when the justices of the peace in the township might know the child a whole lot better, and be able to do a lot more for him than juvenile court would.

Judge Santini stated he had received a letter from Justice Zenoff who stated that he strongly believes that jurisdiction for juvenile matters should remain in juvenile court.

Senator Young objected to carving out the traffic offenses from the juvenile court, and agreed with Justice Zenoff's observation.

Senator Dodge made a motion to amend the bill to be effective July 1, 1972, and "do pass." Senator Foley seconded the motion. The vote on the motion was as follows:

- Yeas: Senators Close, Foley, Swobe, Wilson and Dodge. (5)
- Nays: Senator Young. (1)
- Abstain: Chairman Monroe. (1)

Motion carried.

Meeting adjourned at 2:05 p.m.

Respectfully submitted,



Eileen Wynkoop, Secretary

Approved: \_\_\_\_\_