

SENATE JUDICIARY COMMITTEE

2- 006

MINUTES

April 6, 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: Assemblyman Tom Kean
Mr. A. A. Campos - Parole and Probation
Jean Ford - League of Women Voters
Grant Davis - Legislative Counsel Bureau
Press

A.B. #491 - Provides for expungement of certain criminal records.
Assemblyman Thomas M. Kean.

Assemblyman Tom Kean testified for this bill. It provides that a man, after he has served his time for the crime committed, may go back to the same court he was convicted in and get his record sealed. He is the only one who may, upon petition to the court, have this record unsealed. It provides that for a felony, after 15 years of a clean record he may petition; for a gross misdemeanor, after 10 years of a clean record he may petition; and for a misdemeanor, after 5 years of a clean record he may petition.

Assemblyman Kean said that he contacted the F.B.I. and the C.I.I. and they informed him that they will seal all their records upon a court order directing them to do so.

Grant Davis reminded the committee that S.B. #32 was amended to provide that these records could be opened if they pertain to co-defendants. He will amend this bill to incorporate the same language as used in S.B. #32.

Mr. A. A. Campos of the Parole and Probation Department testified that he is in support of the bill, but was concerned that if an organization did not receive notice that these records should be sealed and released the information, there could be a lawsuit. He suggested putting the burden on the person petitioning and his lawyer to list all those people who should receive notice of sealing.

Senator Dodge felt the bill was good, and said that 15 years was a long enough period of time and felt that not many people would be concerned enough to dig that far back into the man's past.

Senator Swobe made a motion to amend and "do pass." Senator Close seconded the motion. Motion carried.

A.B. #620 - Enacts new divorce and family law act.
McKissick and Kean.

Senator Foley expressed his opinion that he felt the counseling provisions were good, but was opposed to the remainder of the bill. He said that in California where they adopted the no-fault concept, their divorce rate has increased.

Senator Dodge stated that he thought the reduction to three weeks is a mercenary consideration, and would not be of any benefit to the State of Nevada. He did agree with the reduction of grounds to three, and with the no-fault concept except with custody or community property.

Senator Swobe felt the reduction of the age of minority should not be changed to 18 from 21. He felt the counseling provisions were good, and the bill was defensible on the reduction to three grounds. He felt that other states are liberalizing their divorce laws, so the three week residency provision would be no problem.

Senator Wilson stated that the reduction to three week residency requirement was bad public relations since people would come to Nevada to terminate their marriage, and return to their home states with the resultant problems.

Senator Close agreed with Senator Swobe's testimony, and felt that fault in divorce is not proper because it causes more problems than it solves. He felt that in most out-of-state divorces the marriage has long since been destroyed.

Senator Young didn't feel the minority age should be lowered to 18, especially in this day and age where youngsters need an education. The reduction of residency to three weeks did not bother him because he felt by the time the litigants get out here, the marriage is shot. He did feel the marriage counseling concept is good.

The committee voted on the following amendments:

Senator Close's amendment to strike out "if both parties agree" on Page 2, Line 1, and "with counseling training acceptable to the court" on Page 2, Line 9. Then insert on Page 1, Line 21, "if both parties agree."

Senator Close made a motion to adopt these amendments. Senator Swobe seconded the motion. Motion carried.

The amendment submitted by the Assembly to make this a no-fault concept except for child support or in a hearing to establish incompatibility. Senator Swobe made a motion to retain this amendment. Senator Dodge seconded the motion. The vote on the motion was as follows:

Yeas: Wilson, Dodge, Swobe, Close and Chairman Monroe (5)
Nays: Foley and Young (2)

Motion carried.

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The amendment by the Assembly to reduce the grounds to three.

Senator Dodge made a motion to adopt the amendment. Senator Swobe seconded the motion. The vote on the motion was as follows:

Yeas: Wilson, Dodge, Swobe, Close and Chairman Monroe (5)

Nays: Foley and Young (2)

Motion carried.

The amendment to reduce the residency requirement to three weeks.

Senator Swobe made a motion to adopt this amendment. Senator Close seconded the motion. The vote on the motion was as follows:

Yeas: Young, Swobe and Close (3)

Nays: Wilson, Dodge, Foley and Chairman Monroe (4)

This motion not having received a majority vote, was declared lost.

Senator Dodge made a motion on the same amendment to retain the 6 weeks residency. Senator Foley seconded the motion.

Yeas: Foley, Dodge, Wilson and Chairman Monroe (4)

Nays: Young, Swobe and Close (3)

Motion carried.

Senator Dodge then made a motion to amend A.B. #620, and "do pass." Senator Swobe seconded the motion. The vote on the motion was as follows:

Yeas: Wilson, Dodge, Swobe, Close and Chairman Monroe (5)

Nays: Foley and Young (2)

Motion carried.

Senator Foley will file a minority "do not pass" report.

A.B. #230 - Permits enforcement of gambling obligations in the courts.
McKissick, Branch, and May.

Senator Swobe felt if this bill passed, it would be the worst thing we could do for Nevada's image.

Senator Swobe made a motion to "kill" this bill. Senator Dodge seconded the motion. Motion carried. Senator Foley stated that although he is against the bill, he would like to consider some amendments to allow checks cashed in gaming establishments, but not used for gaming, to be enforceable.

A.J.R. #39 - Ratifies proposed amendment to U.S. Constitution providing rights of citizens of United States who are 18 years of age or older to vote shall not be denied, abridged on account of age.

Senator Dodge stated that the Finance Committee killed the bill allowing for the June 8 special elections. He said that he informed the Finance

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Committee that if they didn't fund the June 8 election, there would be a lot more motivation to pass the constitutional ratification. Senator Dodge stated again that he felt we should get a feeling from the people of this state, before the legislature takes any action on this ratification of the federal constitution. Senator Swobe suggested we urge the Finance Committee to reconsider the funding of the June election.

No final action was taken pending the Finance Committee's decision.

S.B. #141 - Makes sound recording subject to obscenity laws.
Senator Pozzi.

Chairman Monroe read the amendments which resolve the conflict with A.B. #253.

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

S.B. #466 - Permits expungement of drug violation record.
Senator Drakulich.

Senator Dodge felt that with this bill we are making too many exceptions, and reminded the committee that two expungement bills have already passed through the committee.

Senator Young made a motion to "do pass." Senator Close seconded the motion. The vote on the motion was as follows:

- Yeas: Young and Close (2)
- Nays: Swobe, Dodge and Chairman Monroe (3)
- Abstain: Wilson (1)
- Absent : Foley (1)

This motion not having received a majority, did not pass.

Meeting adjourned at 10:50 a.m.

Respectfully submitted,


Eileen Wynkoop, Secretary

Approved: _____