

SENATE JUDICIARY COMMITTEE

MINUTES

April 8, 1971

Chairman Monroe called the meeting to order at 8:40 a.m.

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

Absent: Senator Swobe

Others Present: Warden Hocker - State Prison
Mr. Bob Bowers - Chairman, Nevada Assn. of Realtors
Mr. Ray Kniseley
Assemblyman Darrell Dreyer
Mr. Glen Griffith - Department of Fish and Game
Assemblyman Zel Lowman
Assemblyman Howard McKissick, Jr.
Assemblyman Tom Kean

A.B. #642 - Removes prohibition against parole of prisoner
previously convicted of more than three felonies.
Assemblyman Lawrence Jacobsen.

Warden Hocker testified that there are a tremendous number of gross inequities in the parole procedures due to an Attorney General's opinion which said that anyone with four prior convictions was not eligible for parole consideration. Then in accordance with that decision, the supreme court ruled that Parole and Probation Department and the prison were to obtain information as to the legitimacy of these convictions and whether the accused had counsel. This is a problem for them because some states don't keep accurate records, and some of these convictions go back a long time.

Warden Hocker said that the Parole Board would still have the prerogative to keep a person with a high violence potential in prison.

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

A.B. #704 - Amends provisions governing concurrent and consecutive sentences for crimes and credit for time spent in confinement.
Assemblyman Lawrence Jacobsen.

Warden Hocker felt that there is another gross inequity in the provision of the existing statute. Under the terms of the existing statute, if a person commits two or more crimes, his sentences must run end to end, and he

2-117

would have to complete the sentence for the first crime, before he can start serving time on the second.

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

A.B. #743 - Increases number of crimes for which interception of communications or conversations relating to such crimes is permissible.
Assemblyman Fry.

Chairman Monroe explained that this bill would add robbery and dangerous drugs to the present statute. Senator Wilson asked why the Assembly had deleted gaming from the original bill. Senator Dodge replied that the industry feared it would be used for witch-hunting.

Grant Davis suggested amending this to refer to Chapter 453, which at the present time is the Uniform Drug Act, and upon passage of A.B. #107, will become the Controlled Substances Act.

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

S.B. #121 - Provides for court administrator and makes appropriation.
Young, Brown, Swobe, Walker, Wilson, Foley, and Close.

Senator Dodge explained that Justices Zenoff and Gunderson felt they would not get a quality man at the salary the committee recommended, \$15,000. Senator Brown advised the committee through Senator Dodge to pull the amendment off the bill and go with it the way it was originally, \$30,000, with a kick-back if we get federal funds available.

No vote was taken.

A.B. # 30 - Permits real estate agents to receive customary commissions for sales of property from decedents' estates.

Mr. Bob Bowers, Chairman of the Legislative Committee for the Nevada Association of Realtors, testified that this bill was requested by the Association because the present statute limits any sale of a decedents' estate to a 5% fee. He felt this limitation should be increased to be fair and reasonable, as was done with attorneys' fees.

Senator Dodge informed Mr. Bowers that Assemblyman Lingenfelter testified that this bill would help the estates because the brokers would not handle the property for a 5% fee. Mr. Bowers replied that in certain cases that is true.

Senator Dodge requested testimony from the people who handle the estates to determine if there is a problem.

No final action was taken.

2-219

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

Senator Foley and Senator Young were against this bill if it applied to anything other than original purchases. The committee will hear further testimony.

A.B. #729 - Permits single person to make declaration of homestead and be allowed applicable exemptions.
Assemblyman Dreyer.

Assemblyman Darrell Dreyer stated that this is a "homestead" act for single persons, and is in conformance with the current trend on the income tax laws.

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

A.B. #442 - Establishes title system for motorboats.
Assemblyman Smith.

Mr. Glen Griffith of the Department of Fish and Game testified that this would set up a title and registration system for motor-boat owners. Senators Dodge and Young felt that it would not be practical to mandate all motor-boat owners to have their boats registered by January, 1972. They felt it would be better to amend it to require all new boats purchased after January 1, 1972, and all boats upon transfer, be registered.

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

A.B. #165 - Increases penalty for interfering with peaceful conduct of activities in public buildings.

Senators Dodge, Wilson and Young felt this bill was not necessary because it is provided in the present law. Senator Close felt this was needed because it makes it easier to get a prosecution.

Senators Dodge and Wilson felt that "proper official" should be defined in the bill to avoid any constitutional problems. Grant Davis suggested amending Line 22 on Page 1 to state "proper official who identifies himself as such."

Senator Young objected to making the third offense a felony. He suggested amending it to be a gross misdemeanor.

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

A.B. #735 - Revises provisions pertaining to conversion of rented or leased personal property.
Committee on Commerce.

Assemblyman Tom Kean testified that this bill would solve the problem that

Senate Judiciary Committee Minutes
April 8, 1971

2-1000

the car rental agencies are having with people who rent cars and never bring them back. They have no provisions for determining at what point that car is stolen. Senators Wilson, Dodge and Close felt that the oral demand provision in Subaaction 2 would not provide sufficient evidence for prosecution. Senator Wilson suggested amending this bill to delete Subsection 2 altogether.

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

Meeting adjourned at 10:55 a.m.

Respectfully submitted,



Eileen Wynkoop, Secretary

Approved: _____