

JUDICIARY COMMITTEE
57th NEVADA ASSEMBLY SESSION

MINUTES

February 28, 1973

The meeting was called to order at 1:15 PM by Keith Hayes, Chairman, who announced that since the agenda for today has already been published with a hearing time of 2:00 PM, we will consider old business first.

MEMBERS PRESENT: Messrs: Hayes, Barengo, Glover, Huff, Fry, Lowman, Torvinen, Hickey, and Ms. Foote.

MEMBERS ABSENT: NONE

Mr. Lowman requested that the Department of Motor Vehicles be notified of the date set for hearing on A.B. 426. In the matter of A.B. 430, the Senate has a similar bill* so we will wait for referral and discuss both bills at the same time.

S.B. 34 -Summary-Clarifies nature of presumption created by recording affidavit of death of joint tenant.

We had been holding this bill to await comments from various Title Companies. Mr. Hayes told the Committee that he had received a letter from an attorney's firm in Reno saying that they could see no problem created by this bill. Contrary to that a letter from a Title Co. in Las Vegas was received in opposition. Mr. Fry said that he had heard from a Title Co, saying that they would just as soon the law be left as is. Changing the law now might imply that something has been wrong in the past, which is not true.

Mr. Fry moved DO KILL, MR. HICKEY SECONDED.

MOTION CARRIED- DO KILL S.B. 34

A.B. No. 210 See discussion 2-20-73.

Initially Mr. Fry felt uncomfortable with this bill, but in the meantime he has talked with Chief Farr who feels that this is a good bill.

Mr. Hickey moved to recommend DO PASS, Mr. Fry seconded.

MOTION CARRIED (DO PASS A.B. 210) Mr. Fry to speak on floor.

S.J.R. 10 SUMMARY Permits legislature to enact laws enabling justices in municipal courts the power to suspend sentences and grant probation.

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Mr. Torvinen questioned why this couldn't be done by the statutes. Mr. Fry checked the statutes AND determined that it has been assumed that the inclusion of one excludes the others, thereby making this bill necessary.

Mr. Huff moved to recommend DO PASS, Mr. Lowman seconded.

MOTION CARRIED- S.J.R. 10- DO PASS

Mr. Hayes announced the Committee would recess until 2:00 PM.

The meeting reconvened at 2:00 PM

MEMBERS PRESENT: MESSRS: HAYES, BARENGO, GLOVER, TORVINEN, HUFF, FRY, LOWMAN, HICKEY, AND Ms. FOOTE.

MEMBERS ABSENT: NONE

GUESTS: Mr. L. Kofoed of the Gaming Commission, and Mr. Jim Allum.

A.B. No. 266 SUMMARY-Authorizes gaming licensees and agents to detain and question persons suspected of swindling. (BDR 41-579)

Mr. Torvinen explained that Section 2 of this bill merely enacts the unlawful use of coins in vending machines other than slot machines. It takes it out of the gaming chapter and puts it into the crimes against property chapter where it really belongs. It also adds NRS 465.070 to the temporary detaining provisions. The first Section of the bill takes out the phone boxes and broadens the definition of cheating and cheating devices used on slot machines. Keys have been added to this statute, and Mr. Torvinen called on Mr. Kofoed to explain why keys needed to be included. Mr. Torvinen also said that he had a suggestion for an amendment to this bill to include a new sub-section to section 1 which would say that slot machines defined in this section would be as stated in NRS 463.0127. This is done to make sure that slot machines included in this section would include the electronic 21 machines or keno machines.

Mr. Kofoed said that he really had nothing to add unless the Committee is interested in the reason for including keys. It has really become a big problem, occurring more frequently all of the time. Mr. Kofoed went on to explain some of the devices people use to cheat the slot machines. Every time a dollar comes out of the slot machines that isn't added on to the gross win the state loses the tax. Mr. Kofoed explained that Section 2 was passed last session. Mr. Kofoed explained further that the shoplifter's act was made applicable to the gaming industry. This bill only strengthens that law. One of the main reason for this bill is that there has been a lack of cooperation from the Justices of the Peace in setting bail. Bail would be set at \$50.00 or \$100.00 and the fellow would get out, go down the street, knock off a nickel machine and he'd be all well. Then he would jump bail and a bench warrant is rarely issued in this instance. Making this a felony and thereby higher bail, "I think we are going to catch up with a lot of them".

Mr. Robert Allum representing himself appeared before the Committee in opposition to A.B. 266. Mr. Allum stated that increasing the penalty to a felony is uncalled for, "what is called for, is more effective prosecution by the attorneys involved. "What is the rationale for making a slot machine so overly protected. This type of severe penalty for paraphernalia is not even invoked for a more harmful crime, that of the dangerous narcotic drugs. In this bill all you have to do is have paraphernalia and you can be put in jail for from one to ten years, and a fine of up to \$5,000. Why such a severe penalty for something when possibly even the intent to use is not present. "I do not understand the rationale." When you broaden the law to such a degree that a person doesn't knowingly break it, you are going against his constitutional right. Another Section Mr. Allum takes exception to is Section 2. "Supposedly it is nothing more than a technical word change of NRS. However Mr. Torvinen in an interview on radio expanded the change. Mr. Allum, with Mr. Torvinen's agreement, then played a tape which he had made of this interview. The point Mr. Allum said he is trying to establish with the tape is that law takes on two forces, the letter of the law and the intent of the law. One of the most widely used evidence in support of the law is public statement made by the statesmen who make the law. "In my mind the legislators have a duty, that when they write the law, when they enact the law, and when the law is enforced, that it is not abused." Mr. Allum continued on in this vein, particularly questioning the rationale behind this legislation.

Mr. Torvinen was given the opportunity to rebut Mr. Allum's statements. Mr. Torvinen stated that he felt that he had given a good interview, and that he would be flattered if any judge used an extra legislative statement of mine in determining legislative intent.

Mr. Hayes said that he believes the bill comprehends the situation, and is willing to take it as is.

Mr. Huff remarked that he would like to point out something that had been overlooked, that is that the gaming industry depends on it's customers if they were subjected to the kind of abuse that has been intimated might occur, they would not be in business very long.

Mr. Barengo very successfully cited statutes which would allay Mr. Allum's fears concerning abuse, etc.

Mr. Hickey moved that the hearing be ended.
Mr. Barengo very graciously thanked the witnesses and excused them.

Mr. Barengo announced that he had before him a bill for possible Committee introduction. He read a letter from Judge Santini requesting another justice of the peace for Las Vegas. The bill was to provide for additional justices of the Peace in certain towns.

Mr. Huff moved the Committee accept this bill for introduction, Mr. Torvinen seconded.

MOTION CARRIED-BILL ACCEPTED FOR COMMITTEE INTRODUCTION

Barengo declared the meeting adjourned.

*A.B. 459 (BDR 1-1179)

ASSEMBLY

AGENDA FOR COMMITTEE ON JUDICIARY

Date FEBRUARY 28 Time 2:00 PM Room 240

Bills or Resolutions
to be considered

Subject

Counsel
requested*

A.B. 118

SUMMARY—Imposes additional criminal liability when firearm is used in
commission of violent crime. Fiscal Note: No. (BDR 16-5)

A.B. 266

SUMMARY—Authorizes gaming licensees and agents to detain and question
persons suspected of swindling. Fiscal Note: No. (BDR 41-579)

*Please do not ask for counsel unless necessary.

HEARINGS PENDING

Date _____ Time _____ Room _____
Subject _____

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