

JUDICIARY COMMITTEE  
57th ASSEMBLY SESSION

MINUTES

MARCH 27, 1973

The meeting was called to order by Mr. Keith Hayes, Chairman.

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

MEMBERS ABSENT: MR. GLOVER AND MISS FOOTE.

GUESTS PRESENT: Col. Lambert, Nevada Highway Patrol; Howard Hill, DMV; R. Bortolin, Deputy Attorney General attached to the DMV; The Honorable J. Mendoza, Clark County District Judge; The Honorable Michael Wendell, Clark County District Judge; Ned Solomon representing the Juvenile Court Division in Clark County; and Press members.

Mr. Howard Hill spoke to the Committee in favor of A.B. 156. This bill would prevent a person from obtaining or renewing a driver's license if he had failed to appear in court after issuance of a traffic citation. Mr. Hill said that this matter had been discussed with the judges and they had agreed to cooperate in providing the names of these people to the Department of Motor Vehicles.

Mr. Torvinen felt that the bill should say that this would apply to a person for whom a warrant had been issued. He asked what the present procedure is and Mr. Hill said that nothing is being done now since the Department does not have this authority.

Mr. Hayes introduced Mr. Tom Cochran, Las Vegas Attorney and member of the Board of Governors of the State Bar Association. Mr. Cochran addressed the Committee with reference to A.B. 459 the bill which would increase the number of justices of the peace in certain townships. He feels that there is a definite need for an additional JP in Las Vegas. He noted that he is speaking strictly on a personal experience basis, that he had not conferred with anyone else on this matter. "I am here as an attorney and a concerned citizen of Clark County, if we wait until the matter becomes more critical we are always going to be at the back end of the horse."

Mr. Torvinen brought out previous testimony in telling Mr. Cochran that we had heard several different means of Clark County obtaining assistance and asked if Mr. Cochran knew if any of these methods were feasible. Mr. Cochran replied that in his opinion they were not. "We need a three man court with responsibility to one another and the court." I do not think that any system which would erode that responsibility to that court would be the way to handle the problem." "If the question is , "is it needed, the answer is yes".

On A.B. 165, Mr. Hill told the Committee that presently there is no way for the DMV to obtain the information required in Lines 9, 16, & 19. Something would have to be added to the bill to put the responsibility

on the courts to inform the DMV. Mr. Lowman inquired if additional personnel would be required if this bill passed, and Mr. Hill said no. Mr. Hill said that most of the offenses in Sub-section 2 are already covered by laws regarding revocation etc.

Mr. Ned Solomon testified on A.B. 588 and A.B. 610 saying that keeping in mind the concept of the juvenile code, the reason for the juvenile court, and also the confidentiality provisions of that code he would be speaking in opposition to A.B. 588. He read a judicial order from Judge Michael Wendell dated 12-11-72 in response to the problems that law enforcement agencies have encountered. (see attached) In view of this there would be no necessity for A.B. 588. He said that this applied to Clark County only and that each Judicial District would have to develop a similar order. Mr. Torvinen reviewed the order and inquired if there would be any objection to amending the bill to include Judge Wendell's specifications. Mr. Solomon indicated that this would be agreeable.

Mr. Huff remarked that the reason he had this bill drafted is that they have not been able to get this information. Since these problems have now been recognized and the reason for the order from Judge Wendell is to correct any past misunderstandings or lack of communication the Juvenile Division feels that any objections have been covered.

Judge Mendoza told the Committee that the purpose of the juvenile code should be examined. When the juvenile court was started it was started with the concept that there is a certain amount of confidentiality involved in working with a child in the system, and with the family. This bill attacks that premise. The language is too broad, it does not specify what type of record is open to inspection etc. "What are we talking about?" Mr. Huff retorted that "We are talking about criminal records, and the assistance of law enforcement agencies, what are we talking about when we want to hide these records?" Judge Mendoza asked about the need for criminal records, and Mr. Huff said this is needed to establish a method of operation. Mr. Solomon said that under this order that information would be available. On a field check the information is coded, but person to person it is not. Mr. Huff agreed that the bill would have to be amended before he would be satisfied with the content.

Mr. Solomon told the Committee that the only comment he would like to make on A.B. 610 is that on Line 15 of Page 1 it would appear to be better worded to say the "petitioner" rather than the "court".

Before the Judges left Mr. Hayes asked if they had any opinion on the need for another justice of the peace in Clark County. The Judges declined to offer an opinion stating that it is a matter of being knowledgeable and they didn't feel that they could comment.

Mr. Hale Bennett, Chief of data processing for the DMV, stated that A.B. 605 should include magnetic disks as a method of storing information. When asked if the department needed this bill to maintain records on magnetic tape Mr. Bennett replied that at present this is considered interim storage, and with the passage of the bill it would be on a permanent basis. The properties of microfilm and magnetic tape were discussed. Mr. Lowman asked if there isn't a term which would cover

and leave the door open to the use of any technological development in this field. Mr. Barengo asked about the deteriorating of tape, Mr. Bennett explained that there is a vast difference in audio tape and magnetic tape. Mr. Bennett felt that perhaps the statutes should give the administrators the job of keeping records but let them decide what process to use.

Mr. Hickey explained the reason for A.B. 641. This is the pickpocket law. It would allow casino security guards to detain and question individuals suspected of violating the law in the casino or parking lot and not be criminally or civilly liable for doing so.

Mr. L. Kofoed from the Gaming Commission said this bill would give the industry another tool against slot cheaters, muggers, and cross roaders.

Mr. Barengo brought out the point that with this bill there would be a liability imposed upon the casino. Mr. Kofoed said that although this may be true, the bill advantages outweigh the disadvantages. Mr. Kofoed said that he is echoing the feelings of Bob Cahill who had to cover another meeting.

Richard Bortolin addressed the Committee on A.B. 802 saying that this is an attempt by the DMV to provide an administrative procedure whereby a person would not have his license suspended until after he has had an administrative hearing. Mr. Lowman questioned as to whether or not it has been established that a license is a privilege, and Mr. Bortolin said that the latest Supreme Court decision reflecting that point would be the Bell vs Berson case in the spring of 1971 in which the court said that a license is more than a privilege, it is an interest. This was under the financial responsibility law. Certain people have maintained that it is substantial right requiring under due process a hearing before that is taken away. He also noted that the hearings seem to be increasing.

Through Mr. Hayes, Mr. Huff requested Committee introduction of BDR 16-1938, an act relating to crimes against public justice, making it a crime to publish or disseminate the address or phone number of a peace officer under certain circumstances. Mr. Huff said that in general the press cooperated in trying not to print this information but occasionally there is a slip, or certain individuals will obtain this information and broadcast it to the underworld. Mr. Barengo said that he felt that this would infringe on the constitutional right of freedom of the press.

Mr. Lowman moved that the Committee sponsor this bill in introduction, Mr. Huff seconded.

VOTING AGAINST THE MOTION: Mr. Torvinen and Mr. Barengo  
Not VOTING: Mr. Fry and Mr. Hickey  
ABSENT: Ms. Foote and Mr. Glover  
MOTION FAILED

Mr. Huff requested Committee sponsorship in introduction of BDR 58-1967 which would allow certain contracts with political subdivisions for tow car services to remain valid until 7/1/75. Mr. Huff testified that there is a problem in Las Vegas with this and therefore this bill.

Mr. Hickey moved for Committee sponsorship in introduction, Mr. Barengo seconded.

MOTION CARRIED.

ACTION:

A.B. No. 156 SUMMARY-Prohibits issuance of original or renewal drivers' licenses to applicants who fail to appear in court for motor vehicle law violations.

Mr. Torvinen said that to make this bill workable an amendment would be necessary to make this applicable only to those persons for whom a warrant for arrest had been issued.

Mr. Huff moved to amend and recommend DO PASS.  
Motion failed for lack of a second.

Mr. Lowman moved Indefinite Postponement, Mr. Fry seconded  
VOTING AGAINST THIS MOTION: Mr. Huff

MOTION CARRIED INDEFINITE POSTPONMENT OF A.B. 156

A.B. No. 165 SUMMARY-Requires revocation of drivers' license on conviction of certain offenses within specified time period.

Mr. Torvinen moved Indefinite Postponement of A.B. 165, Mr. Fry seconded

Mr. Lowman asked Mr. Torvinen what his objections were to this bill.  
Mr. Torvinen said that for the most part it is already covered in the point system.

VOTING AGAINST THE MOTION: Mr. Lowman and Mr. Huff.

MOTION CARRIED. INDEFINITE POSTPONEMENT A.B. 165.

A.B. No. 605 SUMMARY-Provides that public records may be preserved on magnetic tape.

Mr. Hayes said that if we are going to do anything on this we should leave an open end to enable use of any media .

Mr. Lowman moved INDEFINITE POSTPONEMENT OF A.B. 605, Mr. Barengo seconded  
VOTING AGAINST THIS MOTION: Mr. Torvinen, Mr. Huff, and Mr. Hayes

Absent: Mr. Glover and Ms. Foote

VOTING FOR THE MOTION: Mr. Lowman, Mr. Barengo, Mr. Fry, & Mr. Hickey.

MOTION FAILED.

Mr. Torvinen moved to amend to insert magnetic tapes or disks on line 7, and recommend DO PASS, Mr. Huff seconded.

VOTING AGAINST THE MOTION: Mr. Barengo, Mr. Fry, & Mr. Lowman

Absent: Mr. Glover & Ms. Foote

VOTING FOR THE MOTION: Mr. Torvinen, Mr. Huff, Mr. Hickey, & Mr. Hayes.

MOTION FAILED

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A.B. No. 641 SUMMARY-Permits gaming licensees to question and detain certain suspected public offenders.

Mr. Fry moved INDEFINITE POSTPONMENT, Mr. Huff seconded saying "I do not see how we can grant police powers to someone who doesn't have police powers".

VOTING AGAINST THE MOTION: Mr. Lowman and Mr. Hickey.  
ABSTAINED FROM VOTING: Mr. Torvinen and Mr. Barenco  
VOTING FOR THE MOTION: Mr. Fry, Mr. Huff and Mr. Hayes  
ABSENT FOR THE VOTE: Ms. Foote and Mr. Glover

MOTION FAILED.

S.B. No. 414 SUMMARY-Provides that irrevocable trust is irrevocable even though settlor and beneficiary is same person

Mr. Torvinen had talked to Mr. George Fulson, recognized authority in the matters of estates and trusts who said that he did not really understand what the bill does. He asked that it be held for two days so that he could study it and call back with the information.

A.B. No. 588 SUMMARY-Provides access to records of juvenile offenders for law enforcement agencies.

Mr. Torvinen moved to amend as previously discussed and DO PASS, Mr. Lowman seconded.

Mr. Huff felt that additional amendments might be necessary.  
Mr. Torvinen withdrew his motion.  
It was left to Mr. Huff to work out the amendments and report back to Committee.

A.B. No. 610 SUMMARY-Amends provisions providing for sealing records relating to criminal and juvenile proceedings.

Mr. Torvinen moved INDEFINITE POSTPONMENT OF A.B. 610, Mr. Lowman seconded  
Mr. Huff voted against the motion.  
MOTION CARRIED. INDEFINITELY POSTPONMENT A.B. 610.

A.B. No. 802 SUMMARY-Provides for hearing prior to suspension of driving privileges for violation of implied consent law.

Mr. Fry said that there seems to be a lot of confusion with regard to whether or not people are entitled to a hearing.

Mr. Torvinen remarked that on Page 2, Line 11 the words "who is 21 years of age or older" should be deleted since all that is required of the employee of the DMV is that he be able to take an oath.

Mr. Barengo moved to amend to Mr. Torvinen's suggestion and recommend DO PASS, Mr. Hickey seconded.

VOTING AGAINST THE MOTION: Mr. Lowman and Mr. Huff.

MOTION CARRIED AMEND AND DO PASS A.B. 810

Mr. Huff talked to the Committee about the need for legislation to require felons to re-register in the event of a move etc.

Mr. Torvinen pointed out that within a year the state will be hooked up to a computer and the information will be readily available.


There was general discussion concerning the best method of accomplishing this requirement. The statutes provide that a felon only has to register once in the state.

Mr. Lowman moved to have Mr. Huff get a BDR and have the Committee sponsor in introduction, Mr. Hickey seconded.

Mr. Torvinen and Mr. Fry voted against this motion.  
Mr. Barengo abstained from voting.

MOTION CARRIED.

MEETING ADJOURNED.

TO: All Department Heads  
FROM: James P. Carmany   
DATE: 11 December 1972  
RE: Records Release

Please find attached a copy of an Order and letter which have been sent to all agencies concerned with the records of juveniles. You will note that the Order, signed by Judge Wendell on November 28, 1972, very clearly specifies the type of information that we may release and that which we may not except with specific authorization from me or by judicial order.

You will also note that there has been devised a code for law enforcement use. This code has been given to each law enforcement agency and our Records Department.

I am requesting that you notify all staff as to the Order and the new procedures and that they be implemented immediately. If you should have any questions, please do not hesitate to contact me.

Also, please note that the attached Order is the result of many months of work and it is expected that the Order will be followed to the letter.

JPC:ro

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FILED

Nov 29 10 57 AM '72

LORETTA BOWMAN  
CLERK

BY GEORGIA BRAMWELL

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IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF CLARK

IN THE MATTER OF THE RELEASE )  
OF INFORMATION FROM )  
JUVENILE RECORDS )

O R D E R

The procedure for release of information concerning the records pertaining to juveniles consistent with N.P.S. 62.270, 62.122, 62.123 and 62.275 to interested persons, in said records shall be pursuant to the contents of this Order:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

The Director of Juvenile Court Services release the following information from juvenile records:

1. Information to police agencies requesting identifying information on juveniles under eighteen (18) years of age for the following reasons:

- A. Verification of Juvenile status
- B. Positive identification (Biographical information)
- C. Information on juveniles under

investigation for a particular offense.

2. Dispositional information to a police agency for the sole purpose of releasing physical evidence held by said agency belonging to alleged victims.

3. Information to foreign jurisdictions provided subject minor is in the dispositional stages from the requesting foreign jurisdiction.

4. Information of previous record to Nevada



1 State Welfare, if information is to be used only for rehabili-  
2 tational purposes.

3 5. Information to requesting recruiting  
4 agencies shall require the written permission for release of  
5 both the parent and juvenile if under the age of eighteen, over  
6 the age of eighteen: written permission for release by the  
7 subject minor.

8 6. Information to various State Prisons  
9 or other penal institutions, written permission of subject  
10 prisoner shall be required.

11 7. Information may be released to Justice  
12 and Municipal Courts requesting addresses of juveniles for  
13 purpose of subpoena as witnesses on contributing to delinquency  
14 of minor charges.

15 8. Information may be released to Clark  
16 County Health Department (V.D. Section), as to addresses of  
17 juveniles for treatment purposes only.

18 IT IS HEREBY ORDERED, ADJUDGED AND DECREED  
19 that:

20 Any request for release of information of  
21 juveniles records who are now adults and said records have not  
22 been Ordered sealed, from the Office of the District Attorney,  
23 shall be referred directly to the Director of Juvenile Court  
24 Services.

25 IT IS HEREBY ORDERED, ADJUDGED AND DECREED  
26 that:

27 All other information requested from juvenile  
28 records from any person, county, state or federal agency shall  
29 only be released upon petition to the District Court, (juvenile  
30 department), in and for the County of Clark, State of Nevada.

31 IT IS HEREBY ORDERED, ADJUDGED AND DECREED  
32 that:

Any and all releases of information from

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juvenile records to law enforcement agencies, which shall be disseminated over the air by broadcast or for telephonic field checks on juveniles while an officer is in the field shall be done pursuant to codification; said codification be held secret and confidential by each respective law enforcement agency having access to the code.

DATED this 28 day of November, 1972.

  
DISTRICT JUDGE

ASSEMBLY

AGENDA FOR COMMITTEE ON JUDICIARY

216

Date MARCH 27, 1973 Time 2:00 PM Room 240

Bills or Resolutions  
to be considered

Subject

Counsel  
requested\*

A.B. 156	SUMMARY-Prohibits issuance of original or renewal drivers' licenses to applicants who fail to appear in court for motor vehicle law violations.	
A.B. 165	SUMMARY-Requires revocation of drivers' license on conviction of certain offenses within specified time period.	
A.B. 605	SUMMARY-Provides that public records may be preserved on magnetic tape.	
A.B. 641	SUMMARY-Permits gaming licensees to question and detain certain suspected public offenders.	
S.B. 414	SUMMARY-Provides that irrevocable trust is irrevocable even though settlor and beneficiary is same person.	

\*Please do not ask for counsel unless necessary.