

JUDICIARY COMMITTEE  
57th NEVADA ASSEMBLY SESSION

MINUTES

MARCH 8, 1973

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

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

MEMBERS ABSENT: NONE

GUESTS PRESENT: Mr. C.S. Gaw from the Washoe County School District;  
Mr. A.A. Campos from the department of Parole and  
Probation; Mr. G. Coglin of the Nevada State Prison;  
Judge Bemmer from Reno; Judge James Santini from Las  
Vegas; Justice of the Peace Rex Bell from Las Vegas;  
Robert Broadbent, Las Vegas County Commissioner.  
Press.

Mr. Gaw appeared before the Committee to testify in favor of A.B. 355. He told the members he would explain the background of this bill. At present the high schools are virtually a sanctuary for students in that the police in accordance with the NRS are only able to enforce reckless driving and driving under the influence since these are both defined as "driving anywhere in the state". Other traffic violations are contained to highways, roads, and streets. School campuses are not included. Passage of this bill would allow establishment of uniform traffic laws throughout the school district which could be enforced by local law enforcement and school security officers.

Mr. Lowman questioned the attorneys' on the Committee if we couldn't extend the jurisdiction of the police departments to cover this area.

Mr. Torvinen asked the witness if it is not true that the school campuses have now some security officers.

Mr. Gaw replied that there are two deputies assigned to each high school paid by the school district, however they cannot enforce the law as written since it applies only to highways, roads, and streets. The district has proposed to make uniform traffic regulations standard on all campuses.

Mr. Huff asked if the basic intent is to empower the school security to take care of these matters and in the event of a violation police in the area could be called on to write citations etc.

Mr. Gaw said that the deputies could issue traffic citations since they are deputized.

Mr. Torvinen pointed out that unless this bill states that they could create misdemeanors then they are not actually misdemeanors, they are merely violations of rules and a citation to any court could not be issued.

Judge Bemer from Reno addressed the Committee regarding A.B. 459. Judge Bemer informed the Committee that he is presently serving in the capacity of president of the Nevada Judges Association. He told members that Judge Kelly from North Las Vegas had stated that although population wise he may qualify for a second justice there is no need for one at this time. The Judge presented figures from the Reno Justice Court. In 1972 the civil fees collected were \$22,540. Total fines \$102,185.00. From the area of citations \$128,569. Forfeitures \$63,089. This is not a small operation when the total monies collected amounted to \$446,735. He cited February 26, 1973 as a typical day. In the space of one hour 328 traffic matters were set. Between 10 and 40% of these people make an appearance. As a result we are unable to give all the time which should be given on many of these matters. Judge Bemer said that this bill called for 1974 as a starting date and this is too late. This should have been yesterday. It is very necessary.

Mr. Hayes asked Judge Bemer if the income from a second justice of the peace would pay for the salary of same and administrative expenses. Mr. Hayes said that he was asking this to try and determine what the attitude of the commissioners would be. Judge Bemer said that they are all for this measure. The physical facilities are not too good. We may have to use the Commissioners chambers. Passage and approval of this should be scheduled for July of this year.

Judge Santini told the Committee that in order to get away from the turn style administration of justice an additional justice of the peace is necessary and vital in the Las Vegas area. He explained to the Committee the increasing case load calling it "nightmarish" "If the word ever leaked in terms of the average misdemeanor traffic offender as to the horrendous case load we are confronted with, and heaven forbid, everyone pleaded not guilty the court would cave in." I realize that there are some obvious economic considerations in expanding any area of the judicial system, but I think perhaps that expansion of the justice court of Las Vegas township involves a minimum comparatively speaking expenditure. We don't need one dime in capital expenditure. We have the physical facilities. We are talking about the addition of people. A JP, \$20,000, a bailiff, \$10,000. A clerk, \$7,000. In January there was an average of 81 arraignments per day. If anyone will stop and consider the magnitude of trying to wrestle with a case load like this it is impossible. We are in desperate need of an additional justice, and I urge you to pass this legislation.

Judge Babcock spoke next, and added his feeling that the case load is almost unbearable and that justice is not being served due to the lack of time.

Judge Rex Bell also wished to be recorded as in favor of this bill stating that we owe it to them to give them the additional justice and that in his mind it is a necessity.

Mr. Robert Broadbent, County Commissioner from Las Vegas, informed the Committee that a resolution had been adopted unanimously by the Board of County Commissioners to petition the legislature not to give Las Vegas a third justice of the peace. The reasoning is that Jim Kelly would assist in these matters and D. Potter of Henderson has also agreed to sit.

MARCH 8, 1973

We realize the problems of an over abundant case load, but when we increased the number of Judges everybody said that we would not have to build more courtrooms, etc. but as soon as the Judges got appointed everything changed. Every Judge wanted a courtroom etc. the impact on the county has been well over 1,000,000 per year. I don't care what anybody says, if we get a JP and he doesn't have a courtroom to sit in and the other two do we will have to build another courtroom. It is a fact of life nobody wants to be second class to another. The Board of County Commissioners is on record unanimously opposed to the addition of a third jp. The County has estimated the cost of the addition somewhere \$120,000 and \$140,000 per year..

Mr. Campos said that he wished to speak to one impact area of which he is aware, that being that in the past two years the conviction rate is rising at a rapid rate. So far this year there is a 28% increase over last year. "I don't know how the courts are keeping up with the load." The courts do need help. It doesn't do much good to increase the number of police officers if we can't take care of the case at the court level, if we lose cases thru delays, etc.

Mrs. Thelma Zettler from Las Vegas addressed the Committee to support and reinforce the stand that has been taken on A.B. 295. We need legal machinery to protect the population from the social disease of drug addiction. She quoted from a statement by Patrick Grey, Acting Director of the FBI, taken from the National Observer. Rehabilitation is fine for those convicted felons who show signs that they are able to profit from such measures, but it is useless for those who resist every such effort or take advantage of such efforts to gain early release and do it all over again. The real purpose of incarceration is to protect society, and if rehabilitation is going to contribute to the protection of society in a given sense let's rehabilitate, if not let's incarcerate. The objective of the criminal justice system is the protection of society not just the protection of the rights of the accused. The fraternal organizations in Las Vegas are behind this legislation.

Mr. Campos spoke to the Committee with regard to the Senate Bills scheduled for today. He said that many are primarily housekeeping bills trying to legalize what is already being done.

S.B. 227 The law is not explicit in allowing the parole board the authority to administer oaths in revocation hearings, and this is where it is needed.

s.b. 229. At present we do not have the power to set explicit re-hearing dates for denial of parole. The safeguard is included in the bill that rehearing denial cannot exceed three years. Actually current policy is not to deny longer than two years. Three just gives more leeway.

S.B. 231. Mr. Campos told the Committee that NRS 176.255 is violated in a literal interpretation every day. We would like to add the phrase "unless necessary to perform the duties of the Department of Parole and Probation, and there is no real danger in that because if we are indiscrete we are subject to suit.

*Assembly Judiciary*  
PAGE FOUR

MARCH 8, 1973

S.B. 232. This is simply a wording change from "circumstances of violation to "charges against the probationer" to conform with the information that is currently being given.

S.B. 233. NRS 176.145 now requires presentence investigation reports to state if the punishment recommended is normal for like offenses in the United States, and reasons for the recommended punishment if it is either more or less than normal. It is impossible to compare what is normal in Nevada to other states. We in Nevada like to think that we are not too concerned with what other states are doing, we will settle our problems here.

S.B. 234 and S.B. 235. One has to do with probationers, the other with parolees. When this law was originally passed the method of testing a man for drug use was by hypodermic. Now we use a urinalysis.

S.B. 236. This bill is in conjunction with 227 and would allow the Board of Parole Commissioner to administer an oath at a parole revocation hearing. This is in effect for regular hearings, but not for revocation hearings.

S.B. 237. Mr. Campos told the Committee that at present they do not have the authority to parole persons who are not in actual physical custody. Paragraph 3 of this bill requires that courts be required to send judgement to prison.

S.B. 238. This simply takes out the word "revoke" and inserts "suspend" since this is what is included in the power of the chief parole and probation officer.

S.B. 239. Mr. Campos told Committee members that this measure allows the board to parole from one sentence to another in the prison. In February of last year the Supreme Court in Collins vs the Warden indicated that the parole board did have this authority. The only way to make others aware of this authority is to make legislation. Unless something like this is allowed all incentive is taken away.

Mr. G. Coglin from the prison informed the Committee that he and Lt. Peebles were here to convey the complete concurrence of the Warden on all of these bills particularly 237 and 239.

ACTION:

A.B. No. 305 SUMMARY-Provides for construction of a medium security prison in Clark County.

Mr. Lowman moved to recommend DO PASS, Mr. Hickey seconded. Voting Against this motion Ms. Foote, Mr. Glover and Mr. Torvinen.

MOTION CARRIED DO PASS A.B. 305

A.B. No. 355 SUMMARY-Provides for regulation of motor vehicles on school property.

Mr. Lowman said that he really doesn't like this bill. He questioned why the statutes that apply to highways, streets, and roads be broadened to include school property.

Mr. Torvinen said that this would open the door to many problems.

Mr. Glover moved to recommend DO PASS, Mr. Barengo seconded. Voting against this motion were Mr. Huff and Mr. Torvinen.

Mr. Hickey abstained from voting.

MOTION CARRIED DO PASS A.B. 355

Mr. Hayes announced that he would entertain a motion to include all of the Senate Bills on today's agenda unless someone would wish to pull any out.

Ms. Foote moved to recommend DO PASS ON THESE BILLS, Mr. Barengo seconded. Mr. Huff voted against this motion.

MOTION CARRIED

The Committee reviewed three bills presented for consideration of sponsorship in introduction.

Mr. Barengo moved to sponsor in introduction a bill\* expanding the powers of the Attorney General, Mr. Hickey seconded.

MOTION CARRIED

Mr. Glover moved to adjourn. CARRIED

\*A.B. 551 (BDR 14-1194)

ASSEMBLY

AGENDA FOR COMMITTEE ON JUDICIARY

Date MARCH 8, 1973 Time 1:00 PM Room 240

<u>Bills or Resolutions to be considered</u>	<u>Subject</u>	<u>Counsel requested*</u>
A.B. 355	SUMMARY—Provides for regulation of motor vehicles on school property. Fiscal Note: No. (BDR 34-1045)	<i>Do Pa</i>
S.B. 227	SUMMARY—Applies perjury sanctions to parole revocation hearings and provides a penalty. Fiscal Note: No. (BDR 16-220)	
S.B. 229	SUMMARY—Requires scheduling of rehearing if parole is denied. Fiscal Note: No. (BDR 16-228)	
S.B. 231	SUMMARY—Enlarges provision for disclosure of information obtained by employees of department of parole and probation. Fiscal Note: No. (BDR 14-227)	
S.B. 232	SUMMARY—Simplifies statement which parole and probation officers are required to make to detaining authorities concerning probation violator. Fiscal Note: No. (BDR 14-226)	
S.B. 233	SUMMARY—Reduces required contents of presentence investigation reports. Fiscal Note: No. (BDR 14-225)	
S.B. 234	SUMMARY—Repeals requirement that physician administer certain tests to determine controlled substance use. Fiscal Note: No. (BDR 16-224)	
S.B. 235	SUMMARY—Repeals requirement that physician administer certain tests to determine controlled substance use. Fiscal Note: No. (BDR 14-223)	
S.B. 236	SUMMARY—Confirms authority of members of state board of parole commissioners to administer oaths in parole revocation hearings. Fiscal Note: No. (BDR 16-222)	
S.B. 237	SUMMARY—Simplifies parole of prisoners confined in other jurisdictions. Fiscal Note: No. (BDR 14-221)	
S.B. 238	SUMMARY—Clarifies power of chief parole and probation officer upon retaking of paroled prisoners. Fiscal Note: No. (BDR 16-219)	
S.B. 239	SUMMARY—Allows parole from current term of imprisonment to subsequent consecutive term of imprisonment. Fiscal Note: No. (BDR 14-218)	
A.B. 459	SUMMARY—Increases number of justices of peace in certain townships.	

*305 Do Pa*

\*Please do not ask for counsel unless necessary.