

JUDICIARY COMMITTEE  
57th NEVADA ASSEMBLY SESSION

314

MINUTES

APRIL 19, 1973

The meeting was called to order at 8:30 AM by Mr. Keith Hayes, Chairman.

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

MEMBERS ABSENT: MISS FOOTE

Senator Bryan testified on S.B. 544 telling the Committee that the intention of the amendments was to take into consideration under which circumstances a person may have his civil rights restored. The Senate tried to make the law conform to any of the situations under which application can be made.

S.B. 544 is similar in nature to A.B. 699 which has been passed to the senate, except that there is an addition to require the signature of both husband and wife to transfer all real property held as community property. This is a practical matter to get an insurable title.

Mr. Jim Thompson and Mr. Rick Ahlswede from the Attorney General's Office told the Committee that S.B. 545 should include a legislative finding of fact. Mr. Ahlswede explained that in the Furman vs Georgia decision each Supreme Court Justice had separate opinions as to why the death penalty was unconstitutional. The two things held in common were that the death penalty does not serve as a deterrent to crime, and that it is not equally applied. Mr. Ahlswede said that he felt it important that the legislature make findings prior to enacting a death penalty bill and these findings be incorporated in the bill to foreclose any attack by the judiciary. "If you are going to have a Capital Punishment bill, it should be able to pass constitutional muster." If you include a finding that Capital Punishment is a deterrent, and providing for equal application. If the legislature makes findings, the supreme court should not go behind the legislative intent. In a study made by Attorneys General's throughout the United States it was concluded that findings are necessary. Amendment # 5153 would accomplish this for the bill. There was limited about the correct word which should be used to replace alleviate. "Prevent" was agreed upon as a non-legal word satisfying the intent.

Mr. Barengo explained that he had another amendment #5563 having to do with the bail sections. Bail shall be had for all but Capital offenses, and define capital offenses to be 1) capital murder, 2) murder in the first degree, 3) murder in the second degree. This would allow the judge to hold a person without bail after finding "if the proof is evident and the presumption great" that this person is the probable murderer

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Mr. Glover moved to AMEND AND DO PASS, Mr. Lowman seconded.  
 Mr. Lowman questioned whether this also included the amendment to bring into S.B. 545, A.B. 265.  
 Mr. Barengo moved to amend the motion to include amendments 5501, 5153, and 5563, Mr. Lowman seconded.  
MOTION CARRIED

VOTE ON THE MOTION TO AMEND AND DO PASS S.B. 545

Miss Foote absent for the vote.  
MOTION CARRIED UNANIMOUSLY AMEND AND DO PASS S.B. 545

Mr. Huff pointed out that A.B. 567 having to do with penalties etc. for selling controlled substances was killed in the Senate because it was too strict. He talked with Senator Close regarding A.B. 804 who said that this bill would be okay if it was amended to five years mandatory minimum sentence for a second offense. This bill had been INDEFINITELY POSTPONED when A.B. 567 was sent out.

Mr. Lowman moved to reconsider A.B. 804, Mr. Glover seconded.  
MOTION CARRIED

Mr. Hickey moved to AMEND AND RECOMMEND DO PASS ON A.B. 804, Mr. Lowman seconded.  
MOTION CARRIED AMEND AND DO PASS A.B. 804

Mr. Huff agreed to get the amendments.

Mr. Hayes presented some Senate amendments for concurrence. On the amendments to A.B. 521 Mr. Lowman moved DO CONCUR, Mr. Barengo seconded.  
MOTION CARRIED DO CONCUR WITH SENATE AMENDMENTS TO A.B. 521

On Senate amendments to A.B. 475 eliminating the third judicial district. Mr. Barengo moved DO CONCUR, Mr. Torvinen seconded.  
VOTING AGAINST THE MOTION GLOVER, HICKEY, LOWMAN AND HUFF  
 Miss Foote absent for the vote.  
MOTION FAILED

Mr. LOWMAN moved DO NOT CONCUR, Mr. Huff seconded.  
VOTING AGAINST THE MOTION: HAYES, BARENGO, FRY AND TORVINEN  
 Miss Foote absent for the vote.  
MOTION FAILED

The Committee agreed to have Mr. Hayes ask Miss Foote her position on this bill and report to the Speaker.

Mr. Lowman moved to AMEND AND RECOMMEND DO PASS, ON A.B. 879, Mr. Huff seconded.  
MOTION CARRIED AMEND AND DO PASS A.B. 879

Mr. Barengo commented that if this bill returns to Committee once more it should be killed.

S.B. No. 341 SUMMARY-Regulates dangerous drugs.

Mr. Barengo moved to recommend DO PASS, Mr. Torvinen seconded.  
MOTION CARRIED UNANIMOUSLY      DO PASS S.B. 341

S.B. No. 493 SUMMARY-Prohibits loss of job seniority or discharge from employment for legislators while serving in legislature.

Mr. Glover moved to recommend DO PASS, Mr. Torvinen seconded.  
MOTION CARRIED      DO PASS S.B. 493

S.B. No. 532 SUMMARY-Creates a civil action for treble damages against receiver of stolen goods and in criminal action, provides a presumption, under certain circumstances, that defendant knew goods were stolen.

Mr. Barengo moved to recommend DO PASS, Mr. Huff seconded.  
Mr. Torvinen and Mr. Fry voted against the motion.  
MOTION CARRIED      DO PASS S.B. 532

S.B. No. 625 SUMMARY-Regulates certain landlord-tenant relations.

After some discussion as to whether the bill should be amended and Mr. Torvinen's explanation that if it was the amendment would have to state that it was applicable to this bill only, Mr. Barengo moved to recommend DO PASS, Mr. Huff seconded.

Mr. Lowman voted against the motion.  
MOTION CARRIED      DO PASS S.B. 625

S.B. No. 422 SUMMARY-Removes disabilities resulting from conviction under certain circumstances.

Mr. Glover moved to AMEND AND RECOMMEND DO PASS, the amendment to increase the time from five to ten years.

At this point Mr. Speaker entered and informed Committee members that he was waiting for them in general assembly and that this meeting could be completed at another time. Mr. Hayes requested that Judiciary be allowed to meet at, or before 3:00 PM today.

MEETING ADJOURNED.