

JUDICIARY COMMITTEE
57th NEVADA ASSEMBLY SESSION

MINUTES

APRIL 3, 1973

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

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

MEMBERS ABSENT: NONE

GUESTS PRESENT: SEE ATTACHED.

Assemblyman Ullom addressed the Committee on A.B. 701 informing them that the intent of this bill is to expedite the judicial process. He said the courts are so overcrowded that justice is denied. This is an attempt to rectify that situation setting a time limit for court hearings. If the time limit is not met the presiding judge can try to affix some responsibility as to the cause and relay that information to the legislature for additional possible action. It also provides that when a particular attorney finds it convenient to postpone certain cases this action can be held for Grand Jury investigation. Mr. Ullom stated that he is not really saying that this is the way to do it, but it is presented as a vehicle and could certainly be amended. Mr. Hayes said what would concern him is the problem that a congested court calendar could be reasonable basis for delay of cases.

Sheriff Dave Mc Creary of Douglas County spoke on A.B. 666 and said that fire alarm business should be included in the bill. Also he noted that one of the problems with the bill would be that it appeared that every employee would have to be licensed. He stated that there is a need for control, but it is not the feeling that every employee of a service needs to be licensed. Mr. Fry asked what seemed to be the problem with burglar alarm installers. Mr. McCreary said that presently since there is no control some of these employees have a questionable background and during the process of installation have in effect the opportunity to case certain homes etc.

Mr. Robert Groves from the Attorney General's office saying that he is authorized to state the Attorney General's office is in support of the bill in principal and what it seeks to accomplish subject to a few comments. There is a need to legislate and regulate this business from two points of view. 1. With the respect of the integrity of the persons who attempt to sell burglar alarm systems so that a consumer is not sold an unworkable product or otherwise taken advantage of, and this is primarily a marketing and consumer problem and the private investigator's licensing board is not equipped to deal with it. 2. To insure the competence and fidelity of the installer and this would be a concern of the private investigator's board. Mr. Groves said that the bill contained a few shortcomings which if cleared would render it more palatable. First of all there is no definition in the NRS of a burglar alarm installer or salesman. In Section 2, sub-section 1, L, the bill has no standards as to what would constitute inadequate qualifications for an installer.

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There are also no guidelines for aspects of the business in sub-section 3. If the bill had some more standards and guidelines with respect to licensing qualifications, definitions etc. it would be a more workable bill. The only other concern is for funding, since there are no provisions to take care of this in the bill.

Mrs. Eleanor Aveiro, secretary for the Private Investigators Licensing Board, testified that presently they are funded to spend \$9,100 and there is only \$6,900 in the treasury. The Board is dependant totally on receipts. There would have to be an appropriation to handle the additional work.

Mr. Torvinen pointed out that Chapter 477 of NRS concerning the fire marshall covers the fire alarm business.

Mr. Robert Brannen also spoke on A.B. 666. Mr. Brannen told the Committee that he has been engaged in the burglar and fire alarm business for more than twenty years. He said that he is not against some form of control in licensing but that this bill seems not to be a workable answer. The first section is poorly worded as it now reads each and every man in this employment would require a license. Also there is no representative on the board. At the present time there is only one agency offering acceptable standards for the alarm business and that is the underwriters laboratories. Mr. Brannen felt that rather than pass something that the industry could not function under there should be a study made and legislation re-submitted at a later date.

Mr. Doug Erickson, Carson City bailbondsman, testified on A.B. 697 saying that this bill eliminates the professional bondsman. He informed the Committee that Illinois has a cash bail system adopted in 1964 and the results of their experience have been poor. It does nothing for the lower income groups, bails have gone up and the number of OR releases has been drastically reduced. This type of system encourages the "skip" there were 25,000 bond forfeitures in Cook County in one year. Defendant know that law enforcement agencies are too understaffed to chase bail jumpers. The bondsmen pursue their own "skips". He said that the cash bail system encourages the infiltration of the professional crime syndicates into areas that use this method.

Las Vegas Justice of Peace Robert Legakes told the Committee that he had had opportunity to read A.B. 697 and feels that it is necessary to understand the purpose of bail, which is a constitutional guarantee given to those people accused of committing crimes to insure appearance. He said that if this bill is enacted the intent would not be a by product of the legislation. At present bail for a DUI without an accident is \$500 and \$1,000 with an accident under the cash bail system if the defendant posted 10% or \$50, that would be substantially less than the fine if he were found guilty and therefore encourage a "no show". A bench warrant would be issued, the police would have to track the person down, bring him back to court, and the whole judicial system started all over again. There would be an increase of cost to the tax payer and the court would have to increase their personnel, the police force would need an increase as well as the DA's office. "I think this gives the person accused of crime an alternative method to "beat the system'."

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Mr. Torvinen commented that Justice Legakes had just cited a problem which is that at present \$1,000 is charged in some DUI cases and this is twice the jurisdiction of the court. Some people feel that this is unreasonable he questioned whether this is legal. Justice Legakes said that he thought it was.

Mrs. Carson said that she would concur with Justice Legakes statements and felt that this bill would make bondsmen out of the clerks, and there is barely time to accomplish present demands.

Mr. Hayes read a letter from Loretta Bowman in opposition to this bill. (see attached)

Mr. Elbert Lyles, bail bondsman from Las Vegas, said he could speak on A.B. 697 from a slightly different point of view. "This bill seems to be discriminatory in that it does not take the indigent people into consideration." The language in the bill seems to make an immediate cash demand for bail and in many instances in the low income group, or poverty areas this is not possible. The fine may be only \$50, but there are many instances where this would cause considerable hardship. He concluded by saying that "I do not feel that any state agency can provide the quality and kinds of service that we can".

Sheriff McCreary spoke in favor of A.B. 665 stating that there was no objections whatever. He told the Committee that they do honor permits from another County at present.

Mr. Jacka also concurred in the above statement as long as there was an amendment that the permit was issued in the County of residency. Assemblyman Jacobsen said that this amendment is in his possession.

Sheriff McCreary said that with regard to A.B. 881, there is a problem of having prisoners refused admission at the state hospital and this bill would solve that problem. Mr. Hickey asked if the hospital had facilities to take care of drunks, etc. and Sheriff Mc Creary said they do.

Sheriff Mc Creary testified that A.B. 667 is a much needed bill because at present the law demands a written application to the governor to move a prisoner from one county to another and many times this is not feasible. Usually this is an immediate problem with one or more prisoners instigating riot, or other actions which would involve the physical safety and maintenance problems of the entire jail population, there is no time to write the governor an application. In this regard Line 4 should be deleted. The bill should state upon approval of the receiving sheriff.

Sheriff George Allen from Yerington told the Committee he had a unique method of handling the problem with the state hospital's denying admissions. He simply "dumps" the prisoner in the hospital removed the handcuffs and straight jacket and walks out. He added that he isn't in particular favor at the hospital.

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Mr. Jacka told the Committee that even though there is not a state hospital in Clark County, there is a sub-facility and law enforcement suffers from the same problems mentioned in prior testimony with refusal of admissions etc.

On A.B. 750 Mr. Jacka said there is currently a conflict in the law NRS 41.0335 relieves the sheriff of the responsibility for the acts or omissions of his deputies and NRS 248.040 presently holds him responsible for the acts. A.B. 750 is needed to resolve that conflict. This bill also removes the fact that a deputy may be removed at the pleasure of the sheriff. In Clark County that is a necessity since the merit system controls the action of the employees in the department. However this is not true in all counties and the Committee may wish to modify that.

Mr. Jacka informed the Committee that he would be speaking for Mr. Hannifin also on A.B. 779. The request on this bill is that it be adopted the same as S.B. 385. L. 20 should be changed to "knowingly" possessed, and on Line 23 and 24 remove sub-section c. Line 25 on Page 1 and Lines 1 and 2 on Page 2 should be deleted in lieu of "concealed or refused to disclose any material fact in any investigation by the board into the gaming employee's qualification or suitability to be involved in a gaming operation."

Mr. Torvinen requested that since time is of the essence the Committee send AJR 14, 15, 16, 17 and 18 to the Senate rescinding previous action to wait for the amendments. Mr. Torvinen said that he had talked with Senator Close and would relay the amendments. These amendments are to include in those bills the criminal court of appeals requested in A.J.R. 31 of the 56th session and this bill is running into trouble because of the monetary considerations.

Sheriff Mc Creary returned to tell the Committee that he and sheriff Allen would be opposed to A.B. 750 as amended if it would take away their authority to remove a deputy from office since they do not have the merit system and this is the only method of removal.

Mr. Jacka appeared once again to testify on A.B. 671. He said that in this bill you have to meet three standards, two of those would pose no problem but #1 would since the person making the arrest may not feel that issuance of a citation is sufficient and this would make an unworkable situation. Mr. Jacka said that he feels that the ends of justice are served by whatever means you take to handle the problem and the units should be kept as much as possible in their primary capacity of fighting crime and preserving the peace. Issuance of a citation takes approximately 20 minutes whereas an arrest involves longer than an hour. Mr. Torvinen said that he felt that if a private citizen subjects himself to suit or whatever by making an arrest he ought to be able to determine what he wants done.

Mr. Hayes announced that since he had told Mr. Barenco no action would be taken in his absence the Committee would vote on today's agenda after the regular meeting tomorrow.

AGENDA FOR COMMITTEE ON JUDICIARYDate APRIL 3, 73 Time 2:00 PM Room 240

<u>Bills or Resolutions to be considered</u>	<u>Subject</u>	<u>Counsel requested*</u>
A.B. 635	SUMMARY-Provides definition of and punishment for professional criminal.	
A.B. 665	SUMMARY-Makes sheriff's permit to carry concealed weapons valid statewide.	
A.B. 666	SUMMARY-Requires licensing and bonding of persons engaged in installing, selling, or servicing of burglar alarms.	
A.B. 667	SUMMARY-Makes movement of county jail prisoner from one county to another discretionary with sheriffs of counties.	
A.B. 671	SUMMARY-Broadens authority to issue misdemeanor citations.	
A.B. 697	SUMMARY-Provides alternative methods of securing bail bonds.	
A.B. 701	SUMMARY-Imposes a time limit on bringing criminal matters to trial.	
A.B. 735	SUMMARY-Permits the state of a county or city, as defendant in an action, to require security from plaintiff for costs and attorney's fees.	
S.B. 427	SUMMARY-Authorizes courts to permit installment payment of fines.	
A.B. 750	SUMMARY-Removes sheriff's responsibility for deputies' acts and power to remove them.	