

SENATE JUDICIARY COMMITTEE

MINUTES OF MEETING HELD

1st DAY OF FEBRUARY, 1973

The meeting was called to order at 9:35 a.m. Senator Close in the Chair.

PRESENT: Senator Foley
Senator Bryan
Senator Dodge
Senator Hecht
Senator Swobe
Mr. Vern Calhoun, State Narcotics Division
Mr. Bobby Gilmer, Sergeant, Sparks Police
Mr. Jack Hewitt, Detective, Sparks Police
Mr. Lloyd Whelan, Chief Chemist, Narcotics Div.

EXCUSED: Senator Wilson

Warden Hocker submitted several bills for committee introduction. The committee reviewed the bills and agreed to committee introduction on all but one. That bill would have provided that prisoners be given a copy of the Prison Rule Book when in prison. The statute now requires that a copy of these rules be given to guards and employees, but does not include the prisoners.

Several members of the committee felt that this procedure should be a part of the rules and regulations of the Prison and need not be done by statute, and questioned whether in fact the statute itself was necessary. Chairman Close will contact Warden Hocker to ascertain if he actually needs this authority and get further clarification.

A.J.R. 1 - Proposes to amend Nevada Constitution by eliminating the 6-month residency requirement for electors.

Chairman Close explained that this Resolution is in line with a Supreme Court decision stating that there should be no substantial period on a residency requirement. Senator Dodge remarked that so few people turn out at election time that legislation should encourage registration and voting and he would have no objection to the 30-day provision in this bill. Several other members agreed. Senator Hecht felt that the residency requirement should be as close to the maximum time allowed as possible.

Chairman Close suggested the committee hold further action on this bill until they could examine the Supreme Court opinion and have further testimony from Frank Daykin of the Legislative Counsel Bureau.

S.B. 81 - Prohibits the use of drugs, chemicals, poisons, or organic solvents as chemical stimulants of one's person unless used under the direction of a physician.

Vern Calhoun testified that this provision covering glue sniffing was deleted from the statutes when the Controlled Substances Act was passed. This will put that provision back into NRS. He stated that this is the same language as was previously used before being deleted in error last session. Senator Dodge suggested amending the bill further to provide that this provision be effective on passage and approval.

Senator Bryan read a comment he had received from the District Attorney's office in Las Vegas suggesting that the bill be amended further to simply make it unlawful to inhale or ingest the drugs specified since under the original drafting the prosecutor would have to prove the specific intent. After some discussion and testimony from Mr. Calhoun indicating that they did not request a change in the wording because this provision had been working effectively for approximately 10 years, the committee agreed to leave the bill as drafted.

Mr. Lloyd Whelan asked the committee to consider broadening the bill to specifically name the drugs involved, which he felt were not included under the Controlled Substances Act. Sgt. Gilmer testified that he felt these were all included in the Controlled Substances Act and stated that the Pharmacy Board does have the authority to include any other drugs, chemicals, etc. in the Controlled Substances Act if they are subject to abuse.

Senator Swobe moved to amend to be effective upon passage and approval and "DO PASS." Seconded by Senator Foley. Motion carried.

Chairman Close announced that the Assembly has requested a joint hearing on SJR 1 (Equal Rights Amendment) be held in Las Vegas. A definite time and date will be announced.

Minutes of the meetings held January 24th, January 30th, and January 31st were approved.

The meeting was adjourned at 10:15 a.m.

Respectfully submitted,

APPROVED:


Mel D. Close, Chairman


Eileen Wynkoop, Secretary