

SENATE JUDICIARY COMMITTEE

MINUTES OF MEETING HELD

106

16th DAY OF FEBRUARY, 1973

The meeting was called to order at 9:10 a.m. Senator Close in the Chair.

PRESENT: Senator Foley
Senator Bryan
Senator Dodge
Senator Hecht
Senator Wilson

Senator Warren Monroe
Mr. A. A. Campos, Parole & Probation Department

EXCUSED: Senator Swobe

S.B. 204 - Provides more explicit definition of offenses for which no probation is possible under Uniform Controlled Substances Act.

Senator Monroe testified that when the Controlled Substances Act became effective, there was a great deal of confusion whether or nor the sale of controlled substances was probatable. The district attorneys contend that it was an oversight on the part of the legislature not to specify probation, but since the statutes do not specify "without possibility of probation" it was their intention to allow probation.

In general the committee felt that the court should retain some discretion in permitting probation in certain cases, but felt the bill needed to be amended further. However, because this bill refers to several sections of NRS dealing with controlled substances in different situations, such as first, second and third offense for minors and those over 21, Mr. Campos asked if he could save the committee time by drafting some amendments in line with the objections of the committee and bring them back to the committee for review. The committee agreed.

S.B. 230 - Authorizes State Board of Parole Commissioners to prescribe term of parole.

Mr. Campos testified that this procedure is presently being used and has been endorsed by the Attorney General's office, but there is no specific authority in the statutes. Senator Wilson objected that this, in effect, would allow the parole board to reduce sentences.

Mr. Campos stated that they use this procedure now because when a prisoner no longer needs parole supervision, it is an expense to the state to keep him on parole. Senator Dodge felt that the board has enough flexibility to correct this situation by relaxing the parole supervision to the lowest level.

Senator Wilson moved that no action be taken on this bill. Motion seconded by Senator Bryan. Motion carried.

S.B. 231 - Enlarges provision for disclosure of information obtained by employees of Department of Parole and Probation.

Mr. Campos asked that the confidentiality in NRS 176.255 be relaxed since literally it means that without a court order they can not give information concerning parolees to anyone. There is never a day goes by where they are not in violation of this law because of the need to transmit certain information to other departments, such as the Welfare Department.

Senator Bryan moved "DO PASS." Motion seconded by Senator Foley. Motion carried.

S.B. 232 - Simplifies statement which parole and probation officers are required to make to detaining authorities concerning probation violator.

Mr. Campos stated that this statute provided that when they book a man into jail for violation of parole, they must give the jailer the circumstances of the violation. The jail has no use for this information. This bill would provide that they only have to give the charges against the probationer.

Senator Bryan moved "DO PASS." Senator Wilson seconded the motion. Motion carried.

S.B. 233 - Reduces required contents of presentence investigation reports.

Mr. Campos stated that presentence investigation reports now contain a statement as to what the normal punishment for the crime committed is throughout the nation. He felt that this provision precludes any discussion of how long the man should be on parole. Parole recommendation should be based on a trial program of rehabilitation not how long he serves in prison. Mr. Campos also stated that judges have not been using the information required in the report.

Senator Bryan moved "DO PASS." Seconded by Senator Dodge. Motion carried.

S.B. 234 - Repeals requirement that physician administer certain tests to determine controlled substance use.

Mr. Campos testified that 213.123 was passed at a time when the method of testing for use of narcotics was by needles and hypodermics required to be performed by a doctor. This type of testing is now done by uranalysis and the requirement for a doctor is no longer necessary.

Senator Dodge moved "DO PASS." Seconded by Senator Foley. Motion carried.

S.B. 235 - Repeals requirement that physician administer certain tests to determine controlled substances use.

This bill is the same as S.B. 234 but relates to the section on probation where S.B. 234 relates to the section on parole.

Senator Dodge moved "DO PASS." Seconded by Senator Wilson. Motion carried.

S.B. 236 - Confirms authority of members of State Board of Parole Commissioners to administer oaths in parole revocation hearings.

This bill includes parole revocation hearings under NRS 213.109.

Senator Wilson moved "DO PASS." Motion seconded by Senator Bryan. Motion carried.

S.B. 237 - Simplifies parole of prisoners confined in other jurisdictions.

Mr. Campos testified that this bill would allow the Board of Parole Commissioners to review a case in absentia of a man eligible for parole but serving a sentence in another jurisdiction. At the present time, they would have to bring the prisoner back to Nevada, parole him, and then he would have to pay his own way back. The Parole Board would only use this provision when a man is eligible for parole and the board intends to release him.

Senator Foley moved "DO PASS." Motion seconded by Senator Bryan. Motion carried.

S.B. 238 - Clarifies power of chief parole and probation officer upon retaking of paroled prisoner.

Mr. Campos testified that the authority given to the chief parole officer to revoke parole has never, and will never be used. The change in this bill would conform the law to the practice where the chief parole officer suspends, then the case is reviewed by the Board for revocation.

Senator Dodge moved "DO PASS." Motion seconded by Senator Foley. Motion carried.

S.B. 239 - Allows parole from current term of imprisonment to subsequent consecutive terms of imprisonment.

The supreme court had determined in Collins vs. Nevada State Prison that the Parole Board may parole from one term to another, and the Parole Board has been doing this. However, there is no specific authority in the statutes. This bill would provide that authority.

Senator Foley moved "DO PASS." Motion seconded by Senator Dodge. Motion carried.

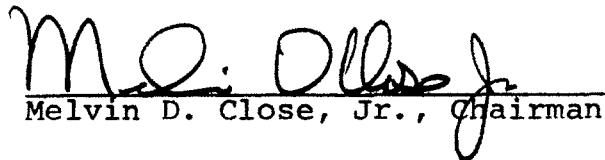
The meeting was adjourned at 10:30 a.m.

Respectfully submitted,



Eileen Wynkoop
Secretary

APPROVED:



Melvin D. Close, Jr., Chairman