

SENATE JUDICIARY COMMITTEE

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MINUTES OF MEETING HELD

19th 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
 Senator Wilson

S.B. 29 - Permits operation of ambulance under certain conditions by drivers and attendants not licensed by health division.

This bill was taken from the general file and placed on the Secretary's Desk on January 29, 1973 for further consideration. Chairman Close received a letter objecting to the exemption of ambulance drivers in cities and towns having less than 1,000 population from misdemeanor prosecution under emergency situations stating that the requirements for licensure are very minimal and should be extended to smaller towns as well.

The committee discussed this objection and again stated that the standards should be flexible in the case of lower population areas or these areas might not be able to get qualified ambulance drivers at all.

Senator Wilson felt that it is up to the State and District Boards of Health to set up standards for qualified emergency medical treatment which could vary depending on the population.

Further testimony will be requested from the State Board of Health to determine if there are any standards in recruiting fully trained volunteers.

S.B. 147 - Enlarges class of persons who may be sentenced to concurrent terms of imprisonment.

Senator Foley asked the committee to again review the amendments to this bill. He felt that the amendment should have deleted the discretionary language contained on line 12, "unless the court provides otherwise." The intent of the original amendment was to make consecutive sentencing mandatory when a person who is under sentencing for a felony, commits another crime constituting a felony, and is sentenced for such felony.

The committee agreed to correct the amendment on the floor by deleting the wording in line 12.

S.B. 133 - Removes conflicts in various provisions relating to homesteads declared during life and set apart after death.

This bill was drafted by Mr. Wooster at the request of the committee to replace S.B. 24.

The bill would allow the homestead, if declared separate property of one spouse under NRS 115.020, to vest with the surviving spouse during his or her lifetime, or during the minority of the children of the decedent. After that time, it may be devised by will or intestate succession.

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

S.B. 198 - Removes technical inconsistency between bigamy statute and statute governing civilly void marriages.

This bill would provide that an invalid marriage under NRS 125.290 may be used as a previous marriage when prosecuting under the crime of bigamy.

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

S.B. 221 - Encourages persons accused of possessing controlled substances to assist in conviction of suppliers.

This bill would provide for a lesser punishment than provided in NRS for a person who pleads guilty or is found guilty of possession under the Controlled Substances Act if he provides testimony or evidence leading to the arrest and conviction of a supplier.

Senator Bryan felt that there are two problems with the bill: 1) whether the bill contemplates a reduction in sentencing, and 2) how the mechanical application would work, since the supplier would have to be arrested and convicted before the judge could lessen the punishment. The judge would have to have the power to resentence or hold the sentencing on the possessor until the supplier was convicted.

Another problem would arise since the bill provides a lesser penalty only if the possessor who gives information or evidence which would lead to arrest and conviction of a supplier, does so before he enters a plea of guilty or is found guilty. To provide this evidence before he is found guilty would be incriminating himself.

Senator Monroe and representatives from the District Attorney's offices will be asked to testify at a later date.

S.B. 244 - Provides for random selection of grand jurors by county clerk or jury commissioners.

Senator Wilson reported that he had attended a judicial conference where they discussed a concept of two kinds of grand juries. (A bill similar to this concept has been introduced in the Assembly). The first would receive evidence from a district attorney and indict the accused. These grand jurors would be picked at random selection from the community. The second would be a selected blue-ribbon committee which would have broad investigating powers needed to develop a case and the technical abilities to delve into many areas of investigation to get an indictment.

Senator Wilson agreed with the concept of the investigating committee as an arm of the court, but was concerned about the need to keep the confidentiality of the information discovered during the investigation but not involved in the on-going trial.

Senator Bryan asked what kind of an investigation can be developed when the organ of government doing the investigation is selected by those who hold the power.

Senator Dodge remarked that a more fundamental question is whether or not there is any justification for the retention of a grand jury which makes an investigation, offers a lot of criticism, refers to wrong-doings, and never brings an indictment. The person or persons accused have no right to cross examination or to defend themselves. He felt grand juries ought to be restricted to investigations which result in indictments.


Senator Foley asked if the grand jury isn't needed for processing routine cases when the justice courts get bottled up. Senator Bryan remarked that it has always been a controversial issue whether or not the grand jury is used as a political vehicle in this instance because it is so much easier for the prosecutor to get an indictment. There is no defense counsel or judge involved. The grand jury completely relies upon the prosecutor, and just being there and providing evidence is tantamount to an indictment.

Senator Dodge suggested, and the committee agreed, to examine the grand jury and the selection system completely; to look at the aspects which might be antiquated and to narrowly restrict the action and reporting of the grand juries. District attorneys, supreme court and district court judges, county commissioners and possibly a federal judge will be asked to testify at a later date.

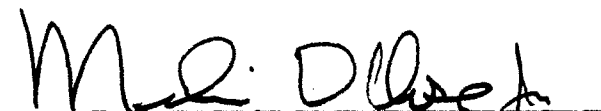
The minutes of the February 9th, 12th, 13th, 14th, and 16th meetings were approved.

The meeting was adjourned at 10:55 a.m.

Respectfully submitted,


Eileen Wynkoop
Secretary

APPROVED:


Melvin D. Close, Jr., Chairman

February 1, 1973

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Senator Mel Close
Legislative Building
Carson City, Nevada

Dear Senator Close,

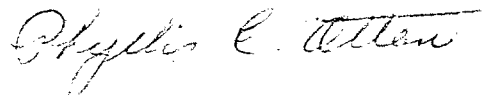
This letter is in protest to subsection 2b of SB 29 relating to the operation of ambulances by unlicensed persons.

I object to the exemption on ambulances operated in cities and towns having less than 1,000 population for the following reasons:

- 1) The requirements for licensure at the present time are extremely minimal. There is no reason why ambulance drivers and/or attendants in a town of this size should not meet them as easily as someone in a bigger city. The fee for paid drivers and attendants is small and there is none for volunteers.
- 2) I know of several instances of poor ambulance care by licensed ambulance drivers and/or attendants; what can be expected from those who do not have at least the minimum, and really inadequate, present requirements?
- 3) If ambulance driver and attendant qualifications are raised, and the Emergency Medical Services program is effected, then perhaps consideration should be given to such a bill as SB 29 which would put towns of less than 1,000 population into a different category, but still require minimum standards. Until that time, I think the citizens of smaller areas should be just as protected from unknowledgeable treatment as anyone else.

Therefore, I oppose their exemption from present provisions.

Sincerely,



Miss Phyllis E. Otten
701 W. Telegraph St. #21
Carson City, Nevada 89701

cc: Foley
Wilson
Bryan
Swobe
Dodge
Hecht

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