

SENATE JUDICIARY COMMITTEE

MINUTES OF MEETING HELD

115

20th DAY OF FEBRUARY, 1973

The meeting was called to order at 9:45 a.m. Senator Close in the Chair.

PRESENT: Senator Foley
Senator Bryan
Senator Dodge
Senator Wilson
Mr. A.A. Campos, Parole & Probation Department
Mr. Robert Burns, Senior Officer, Parole and Probation Department
Mr. Bill Adams, Assistant Manager, City of Las Vegas

EXCUSED: Senator Hecht
Senator Swobe

S.J.R. 10 - Proposes to amend Section 14 of Article 5 of the Nevada Constitution to permit the Legislature to enact laws enabling the justices' and municipal courts to suspend sentences and grant probation.

Chairman Close asked Mr. Campos to comment on the effect this bill would have on the Parole & Probation Department regarding the justice courts' authority to grant probation for misdemeanors.

Mr. Campos replied that he did not have any figures on how many misdemeanor convictions there were in the state so he didn't know what it would represent in numbers. In other states where they have allowed probation for misdemeanors, just about half the workload for the probation departments was devoted to misdemeanors. If it became a state function, it would be necessary to double the present staff of the department.

Mr. Campos suggested that rather than having the probation handled by the counties or state, a volunteer program could be developed to handle misdemeanor probations. This would require a few additional supervisors to achieve a desirable ratio of 40 volunteers to 1 professional. He asked Mr. Burns, who is head of the Volunteer Program in Northern Nevada, to explain the concept of the volunteer program.

Mr. Burns testified that the volunteer program now implemented in Washoe County is a pilot program which is to be evaluated in two years to see if it would work state-wide. The volunteers are given formal training which amounts to familiarization of a basic manual which has been prepared using the experience of other states. This training consists of about 2 hours each week for three weeks. At the end of that time, the trainees are given a test. Each trainee is then assigned to a probation officer and works with him in the field.

Senator Bryan pointed out that in view of the supreme court decision which held that counsel must be appointed in misdemeanor cases where there is a likelihood of a term of imprisonment, it would be advantageous to have probation services available to the courts. Mr. Campos agreed and pointed out further that this would also be an alternative for the courts in view of another supreme court decision holding that a man should not be confined because he can not pay his fine.

Senator Wilson pointed out that this amendment is actually enabling legislation, and if passed by ratification in 5 years, it would be necessary to legislate guidelines to establish and administer a volunteer program of probation.

S.B. 205 - Permits cities to sue in municipal court in collection cases.

Mr. Adams testified that in the last session, the legislature passed a major city charter change to be effective July, 1973, which also changed the operation of municipal courts to the extent that they must conform to Chapter 266. In the present city charter there is one action that is performed under the municipal court system; that is, the collection of money for damages to city property. This is handled through municipal court for damages not in excess of \$300 and allows them to use their own police and license departments to prosecute. The new city charter does not provide for this collection. This bill is needed to fill that void left by the new city charter.

Senator Dodge asked Mr. Adams if it would also allow them to collect on delinquent payments, such as sewer charges. Mr. Adams replied that it would be used for that purpose, but they are few compared to the damage fines collected.

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

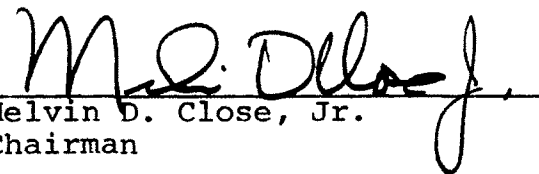
The meeting was adjourned at 10:30 a.m.

Respectfully submitted,



Eileen Wynkoop
Secretary

APPROVED:


Melvin D. Close, Jr.
Chairman