

## MINUTES OF MEETING HELD

12th DAY OF MARCH, 1973

The meeting was called to order at 7:15 p.m. Senator Close in the Chair.

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

Chuck Thompson, Assistant District Attorney,  
Clark County  
Bob List, Attorney General  
Vern Calhoun, State Narcotics Division

Chuck Thompson testified that this subject means a great deal to him. He is presently being sued for \$45,000 because of the present language in the law. The fact that there is a suit points up the difficulties in the present law and the reason for passage of S.B. 262. The District Attorney's Office is definitely in support of this bill.

Mr. Thompson mentioned that he is in favor of making illegal wire-taps a felony. Senator Wilson then asked him if he would be in favor of punitive civil remedies in addition to the criminal sanction. Mr. Thompson replied that this would be inviting law suits since there is a provision for notification of the person tapped after 90 days. Senator Hecht suggested adopting the same language used in S.B. 260 on Page 3 line 4; imprisonment for not less than one nor more than 6 years, a fine of \$5,000 or both.

In one area of the bill there is a lack of clarity. That is Section 24 of the bill. It provides that no person shall intercept a wire or radio communication unless authorized by both the sender and receiver. He questioned what the word "intercept" means in this instance. If the definition in this section means from point A to point B including the sending and receiving instrument, then a device placed in the instrument itself without going through the wires would be regulated by this bill. The committee felt that a tap placed on the instrument should be regulated as much as the tap placed on the wire between two instruments.

Senator Wilson objected again to the provision allowing for one party consent without a court order. Mr. Thompson relayed the story of a case where a law enforcement agency would have one party's permission to tap a call which will be made within 15 minutes. Senator Wilson suggested an amendment which would require the law

enforcement agencies to get a court order within 72 hours after the tap in cases of emergency.

Senator Close suggested that the provision for reporting the number of wiretaps placed within a certain period would be of benefit to the public. The public feels there are hundreds of taps performed.

Senator Dodge moved to amend and "DO PASS." Motion seconded by Senator Foley.

Yeas - 5  
Nays - Hecht (1)

Motion carried.

Senator Bryan made the statement that he is supporting the passage of this bill on the basis that S.B. 260 has no likelihood of being reported out because S.B. 262 does provide safeguards in the law that are not in there at present.

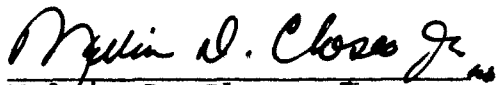
The meeting was adjourned at 10:00 p.m.

Respectfully submitted,



Eileen Wynkoop  
Secretary

APPROVED:



Melvin D. Close, Jr.  
Chairman