

SENATE JUDICIARY COMMITTEE

F 267

MINUTES OF MEETING HELD

16th DAY OF MARCH, 1973

The meeting was called to order at 8:40 a.m. Senator Close in the Chair.

PRESENT:

Senator Bryan
Senator Dodge
Senator Swobe
Senator Wilson
Senator Hecht

Mr. George Miller, Welfare Department
Mr. Frank Sullivan, Juvenile Probation Officer
Mr. John Meder, Carson City County Commissioners
Association
Mr. William LaBadie, Deputy Administrator, Welfare
Division
Mr. George Bennett, Inspector, State Board of
Pharmacy

EXCUSED:

Senator Foley

S.B. 253 - Provides extensive changes in juvenile court procedure and avoids unnecessary use of criminal labels for delinquent children.

George Miller stated his objections to the bill. He is against the philosophy of the bill because he felt it would lead Nevada down the same road California took. California is having a great deal of difficulty with their juvenile situation and can not control the children.

The category changes in Section 62.040 of "child in need of supervision" and "neglected child" would have a fiscal impact on the Welfare Division to the tune of \$117,000 a year unless it was amended to provide that no child could be turned over to the Welfare Department without the Department's consent. Presently, children who are neglected are turned over to the Welfare Department by law, children in need of supervision on a discretionary basis.

Mr. Frank Sullivan testified that the concept of a probation officer not being able to rehabilitate a child after acting as his prosecutor in court is untrue. He has youngsters working for him whom he had previously taken to court and prosecuted.

Mr. Sullivan also objected that the provision which would require a prosecuting attorney and defense attorney to handle delinquency cases would be quite costly in smaller counties. He felt the probation officers who now handle these cases have the expertise. Mr. Sullivan also objected to the power given to the district attorney under this bill. The district attorney would have the final decision of whether or not to file any disposition. He is opposed

to the provision for fingerprint records to be sent to the FBI upon conviction. He received a letter from the FBI which states that they would destroy those fingerprints at age 80. In Washoe County they do not send the fingerprints to the FBI now and he feels that it is not necessary to mark juveniles until they reach the age of 80.

Mr. John Meder testified that he felt this bill would require an additional load on the district attorney which might require an additional deputy, and additional personnel to handle the workload for local judges. The provision requiring special effort to keep the categories of "children in need of supervision" and "delinquent children" separate could be interpreted to mandate a requirement for separate facilities since the word "shall" is used. Mr. Meder urged the committee to consider the dollar and cents impact, and provide a means for the counties to handle that financial impact, before they pass this, or any other piece of legislation.

Senator Bryan remarked that the county commissioners should understand that this bill did not come about as some radical new concept, but was constitutionally mandated by the supreme court decisions over the past years. If these mandates are not complied with, the courts stand a chance of having all juvenile cases reversed.

Mr. Joe Brazier of the Inner Tribal Council asked the committee to delay final action on this bill until their Supervisor of Social Services and Probation Officer can submit a written presentation regarding this bill. Mr. Brazier personally favored the term "child in need of supervision" to "delinquent", since the new category would be to the advantage of the child and the people who must work with him.

The committee agreed to hold action until the Probation Officer of the Inner Tribal Council has an opportunity to prepare his presentation.

S.B. 350 - Deletes requirement that district judges approve bonds of certain public officers.

Chairman Close testified that this bill should be amended to provide that the district court judges no longer have to approve any civil bonds since the court clerks have the knowledge and pertinent information to handle this ministerial function. The Insurance Commissioner and county clerks have all agreed to work with this proposal.

Senator Dodge moved to Amend and "DO PASS." Motion seconded by Senator Swobe. Motion carried.

S.B. 441 - Requires court order to open sealed documents relating to adoption.

Senator Bryan contacted the Welfare Division and they are in support of this bill.

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

S.B. 343 - Increases jurisdiction of State Board of Pharmacy over controlled substances.

Mr. Bennett testified that A.B. 415 would deal with exempting physicians from registration under the Controlled Substances Act. He asked the committee to deal with this bill (SB 343) in regard to Sections 5 and 9 and examine the Assembly bill for further action when it reaches the Senate.

Section 9 is not tremendously important except to define and better explain the terms used. The board presently has the authority to register manufacturers and distributors and the authority to revoke and suspend registration of those who manufacture, distribute and dispense. This section would merely clarify the existing statutes.

However, Section 5 is of great concern to the Pharmacy Board.

Senator Dodge moved to amend the bill to remove Sections 5 and 9 and request a new bill which would incorporate these sections and would further amend Section 9 to include the language in Section 10 b) to provide revocation and suspension for not maintaining effective controls against diversion. Senator Bryan seconded the motion. Motion carried.

S.B. 440 - Substitutes certain terminology in provisions relating to probate of foreign wills.

Senator Bryan moved to amend by changing the word "exemplified" to "certified" and "DO PASS." Senator Dodge seconded. Motion carried.

S.B. 182 - Increases number of justices of peace in certain townships.

Senator Bryan moved to amend the bill to make the appointment of an additional justice of the peace permissive until January of 1975 in both Washoe and Clark Counties. The addition of one justice of the peace in Washoe and Clark Counties would be mandatory in the 1974 election unless provided previously. Senator Dodge seconded the motion. The vote on this bill was as follows:

Yeas - 5
Nays - Hecht (1)
Absent - Foley (1)

Motion carried.

S.B. 150 - Provides flexibility in forfeiture
of good behavior credits of pri-
soners in State Prison.

The Assembly proposed Amendment No. 394 which would provide that
future good time credits earned after the time of violation could
not be forfeited.

Senator Bryan moved to concur in the amendment. Motion seconded
by Senator Dodge. Motion carried.

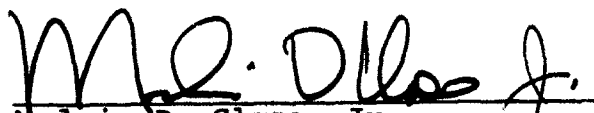
The minutes of the meetings of March 12th, 13th, 14th, and 15th
were approved.

The meeting was adjourned at 11:00 a.m.

Respectfully submitted,


Eileen Wynkoop
Secretary

APPROVED:


Melvin D. Close, Jr.
Chairman