

SENATE JUDICIARY COMMITTEE

480

MINUTES OF MEETING HELD

24th DAY OF APRIL, 1973

The meeting was called to order at 9:15. Senator Close in the Chair.

PRESENT:

Senator Foley
Senator Bryan
Senator Dodge
Senator Hecht
Senator Swobe
Senator Wilson

Assemblyman Huff
Howard Hill, Director, Dept. of Motor Vehicles
Col. Lambert, Nevada Highway Patrol
Richard Bortolin, Deputy Attorney General,
Dept. of Motor Vehicles
Bill Adams, Assistant Manager, City of Las Vegas

A.B. 588 - Provides access to records of
juvenile offenders for law
enforcement agencies.

Assemblyman Huff testified that this would allow law enforcement people to get necessary information on juveniles who have been arrested previously. The information they are seeking is the juvenile's age, correct home address, and past record. This information would be confidential and released only to those officers with a legitimate interest.

Senator Dodge asked Mr. Huff if the law enforcement agencies don't have enough rapport with the Juvenile Departments to get the information they need at the present time. Mr. Huff replied that they presently have no problems obtaining this information, but the present situation could change with any change in judges working in Juvenile Hall. Senator Dodge commented further that he could not conceive of a judge who would deny a legitimate inquiry by a law enforcement officer on a juvenile who is in custody.

The committee agreed that if the procedure was working at the present time, they would not want to jeopardize any confidentiality by changing the law prematurely. They felt that if and when the judges refuse to cooperate, a bill like this might then be necessary.

Senator Swobe moved to indefinitely postpone action on this bill. Motion seconded by Senator Foley. Motion carried.

A.B. 804 - Increases penalties for and denies probation upon conviction of selling controlled substances.

This bill would provide that no probation be granted for persons convicted of selling controlled substances on the second and subsequent convictions. It is similar to S.B. 204, except that S.B. 204 conformed penalties for persons over and under 21, and with the help of the Parole and Probation Department and the District Attorneys, conformed the language to make the penalties fairly consistent. A.B. 804 is not properly drafted since it provides that persons convicted of selling controlled substances listed in Schedules III and IV are punished more severely than those selling controlled substances listed in Schedules I and II. Senator Close suggested that rather than amending A.B. 804 at this late date, the Assembly pass out S.B. 204.

Mr. Huff argued that A.B. 804 should have also increased the term of imprisonment for a first conviction under Schedule I and II from not less than one year nor more than 10 to not less than 5 years nor more than 10.

Senator Close argued that there is no such sentencing provision as 5 to 10 because it does not provide the Probation Department with any latitude. He suggested the sentencing be changed further to 5 to 20. The committee agreed to pass out Mr. Huff's bill with the amendments discussed incorporated, with instructions to the bill drafter to conform A.B. 804 and S.B. 204, and the Assembly would pass S.B. 204.

Senator Bryan moved to amend and "DO PASS." Motion seconded by Senator Hecht. Motion carried.

A.B. 949 - Requires that juvenile traffic violations be reported to Department of Motor Vehicles for inclusion in computation of demerit points and driver's license revocations and suspensions.

Howard Hill testified that in NRS 434.450 and 434.470 there are no provisions for Juvenile Court to send in conviction of traffic offenses to the Department of Motor Vehicles. Without convictions, there is no authority to assess points against a record to suspend or revoke drivers' licenses. Mr. Hill stated that the bill is supported by the Juvenile Court in Las Vegas.

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

A.B. 609 - Expands the implied consent law to include chemical tests for the purpose of detecting controlled substances.

Col. Lambert stated that this bill does basically the same as A.B. 595 except that one section is different. Senator Close asked Col. Lambert if the Department felt sufficiently satisfied with A.B. 595 so that this bill would not need to be processed. Col. Lambert answered that they were.

Senator Bryan moved to indefinitely postpone action on this bill. Motion seconded by Senator Dodge. Motion carried.

A.B. 925 - Provides hearing prior to suspending license of registration of person under provisions of Safety Responsibility Act.

Senator Dodge had a question relative to the effect mandatory coverage under the no-fault bill would have on this bill.

Mr. Bortolin answered Senator Dodge by stating that there is no way the Department could eliminate hearings because of possibilities of errors. There also might be individuals who do not comply with the insurance requirements under no-fault and the Department would be stuck since there is a supreme court case which mandates the hearings.

The bill had been pulled off General File and placed on the Secretary's Desk. The bill will be returned to the General File for processing.

A.B. 879 - Allows certain contracts with political subdivisions for tow car services to remain valid until July 1, 1975.

Mr. Bill Adams testified that during the 1969 and 1971 sessions there was a move to put towing service contracts under the Public Service Commission. In the process the City of Las Vegas had a contract with a firm with an additional agreement to carry it on past the term specified in the statute. The towing services should have consolidated so that they could bring towed vehicles into one area of operation. However, they did not and it was not felt that they would consolidate by the first of July when the present statute runs out. The Public Service Commission and the city attorneys got together and found they could accomplish the consolidation by the 1st of January. The bill would change the date to 1974. Everyone involved is in agreement with that date.

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

A.B. 430 - Regulates business of debt
adjusting.

This bill would bring financial counselors, who are not within the scope of credit bureaus or any other state regulated agency, into regulation by limiting the amount of money they can charge the debtor.

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

A.B. 567 - Removes possibility of probation
following conviction of certain
offenses under Uniform Controlled
Substances Act.

Senator Bryan moved to amend and "DO PASS" with the amendments discussed on April 19th. Motion seconded by Senator Foley.
Motion carried.

S.B. 545 - Defines offense of capital murder
and provides mandatory death penalty
therefor.

The Assembly amended this bill to delete the inclusion of willful and premeditated murder and expand the bill to include persons who murder judges, firemen, the governor and others.

The committee agreed after much discussion to not concur in the Assembly amendment and go to conference. The conference committee will be instructed to retreat from the "willful, deliberate and premeditated" language and go with the bill in its original form. The conference committee will ask Dave Guinan, who drafted S.B. 545, to confer with them and explain the implications of each section.

The minutes of the meetings of February 6th, April 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 23rd, and 24th were approved.

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

Respectfully submitted,

APPROVED:


Melvin D. Close, Jr., Chairman

Eileen Wynkoop, Secretary