

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA ASSEMBLY SESSION

MINUTES

February 24, 1975

This meeting of the Assembly Judiciary Committee was called to order by Chairman Barengo on Monday, February 24, 1975 at the hour of 8:20 a.m.

MEMBERS PRESENT: Messrs. BARENGO, BANNER, HEANEY, HICKEY, LOWMAN, POLISH, SENA, Mrs. HAYES and Mrs. WAGNER.

MEMBERS ABSENT: NONE.

Guests present at this meeting were Ray Howard, L. L. Beeman, David V. Edwards, State Senator Richard Bryan and Nevada State Assemblyman Robert Craddock. Attached to these Minutes is the Guest Register from the meeting.

Assemblyman Craddock was first to testify regarding A.B.293. This bill was introduced two years ago and passed by the Judiciary Committee and apparently opposed by one person on the floor of the Assembly.

Mrs. Hayes entered the meeting.

The main thrust of this bill is whether or not people should be held responsible for problems they may cause in a law suit when they do not tell the truth. Questioning of Mr. Craddock by this Committee followed his testimony.

Mr. Lowman explained A.B.19. He stated that it is simple in its intent and is a matter of philosophy. The present limit for which a parent or guardian is responsible for willful misconduct of a child is \$2,000.00. Mr. Lowman feels that the limit should be raised to \$5,000.00. Mr. Lowman explained to the Committee that all this bill does is change the limit to \$5,000.00 from \$2,000.00. Mr. Lowman pointed out that this lost on the floor last session, as one assemblyman made a plea against the increase. Discussion by this Committee followed.

The sponsors of A.B.295 are Mr. Lowman, Mr. Hickey and Mrs. Wagner. Mr. Lowman briefly explained the bill, which requires revocation of drivers' licenses on conviction of certain offenses within a specified time period. Mr. Lowman wants to provide this Committee with copies of research on this matter. Mr. Lowman went on to explain that the intent

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of this bill is to reach the person who represents only 1% of the drivers but commits at least 50% of the accidents. In motor vehicle terminology he is referred to as the "habitual offender". The Committee discussed this bill at length. Mrs. Wagner, as one of the sponsors of this bill, commented that now she could see that the five year period of suspension of a drivers license was a little "tough".

The next item for discussion was S.B.54, which proceeded to define the exact hours for service of search warrants. The question in the past with the service of these warrants, which have to be served in daytime hours, was exactly what hours are daytime hours.

State Senator Bryan testified regarding S.B.54. He said that this bill was submitted by the Narcotics Division. And, according to him, the problem was determining which hours to serve these search warrants. Apparently, there have been several cases thrown out of court for the technicality of the "daylight" hours during which the search warrant was served.

Senator Bryan continued to testify, and next he covered S.B.71. This bill was submitted the State Public Defenders Office. This bill really does not change the law. He said in Clark County they could always interview an indigent prior to the exact designation of their office as counsel for the person; however, the problem becomes apparent in the smaller rural counties where a judge or magistrate will not be available except for a couple days a week, and in that event, the person arrested is without counsel when it might have been possible for the Public Defender to have seen him prior to the exact designation of his representation of the indigent.

Mr. Hickey entered the meeting at this point.

Senator Bryan continued to state that the County Public Defenders are not covered this this statute--just the State Public Defenders.

Regarding S.B.62, Senator Bryan said this bill was requested by the Department of Motor Vehicles. He said that Mr. Hill could probably tell more about this particular bill. This bill removes the provision that a discharge in bankruptcy does not relieve judgment debtor from certain requirements of the Motor Vehicle Safety Responsibility Act. It was further explained that when a debtor goes through bankruptcy

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and is discharged of his obligations, he is not liable to pay any outstanding obligations, but his driver's license is still under suspension because he still has an unsatisfied debt--yet legally this debt does not exist.

Regarding A.B.48, which is the homestead bill, Mr. Barengo told the Committee that they could set the amount if they wished to do so.

Regarding S.B.54, S.B.62 and S.B.71, Mr. Heaney moved DO PASS. Mrs. Wagner seconded. Legislation Form is attached.
MOTION CARRIED DO PASS S.B.54, S.B.62 and S.B.71.

Next, A.B.295 was considered. Mr. Polish moved that there be an amendment to this bill that the names of persons with suspended licenses be published after certain lengths of time. There was no second to this motion. After discussion by this Committee, Mr. Banner moved that there be an indefinite postponement to this bill. Mrs. Hayes seconded. Further discussion was had. The vote was 5 to 4 in favor of an indefinite postponement. Those dissenting were Mr. Heaney, Mr. Hickey, Mr. Lowman and Mrs. Wagner. Form attached.
MOTION CARRIED INDEFINITELY POSTPONE ACTION ON A.B.295.

Regarding A.B.19, Mr. Heaney suggested a limit of \$2,500.00 be substituted for the proposed sum of \$5,000.00. Discussion was had, and it was decided to get more information regarding this bill and hold off making any decision at this time.

As to A.B.293, Mr. Heaney moved DO PASS, and Mr. Banner seconded. Legislation Action form attached.
MOTION CARRIED DO PASS A.B.293.

Regarding the homestead bill, A.B.48, Mr. Hickey moved that this bill be passed with an amendment setting the limit at \$20,000.00 and taking out the the language "not exceeding two and one-half acres". Mr. Lowman seconded this motion. Legislation Action form attached.
MOTION CARRIED DO PASS A.B.48 with an amendment limiting the sum to \$20,000.00 and taking out the language referring to the two and one-half acres.

There being no further business, Mr. Banner moved that this meeting be adjourned. Mrs. Hayes seconded that motion. Thereafter, Mr. Barengo adjourned the meeting.

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA SESSION

LEGISLATION ACTION

DATE Feb. 24, 1975

BILL NO. S.B. 54, S.B. 62 and S.B. 71

MOTION: _____

Do Pass Amend _____ Indefinitely Postpone _____ Reconsider _____

Moved By Mr. Heaney Seconded By Mrs. Wagner

AMENDMENT: _____

Moved By _____ Seconded By _____

AMENDMENT: _____

Moved By _____ Seconded By _____

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Barengo	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Banner	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Hayes	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Heaney	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Hickey	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Lowman	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Polish	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Sena	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Wagner	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____

TALLY:

ORIGINAL MOTION: Passed Defeated _____ Withdrawn _____

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes Feb. 24, 1975
Date

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA SESSION

LEGISLATION ACTION

DATE Feb. 24, 1975

BILL NO. A.B. 295

MOTION: _____

Do Pass _____ Amend _____ Indefinitely Postpone Reconsider _____

Moved By Mr. Banner Seconded By _____

AMENDMENT: _____

Moved By _____ Seconded By _____

AMENDMENT: _____

Moved By _____ Seconded By _____

<u>VOTE:</u>	<u>MOTION</u>		<u>AMEND</u>		<u>AMEND</u>	
	<u>YES</u>	<u>NO</u>	<u>YES</u>	<u>NO</u>	<u>YES</u>	<u>NO</u>
Barengo	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Banner	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Hayes	_____	<input checked="" type="checkbox"/>	_____	_____	_____	_____
Heaney	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Hickey	_____	<input checked="" type="checkbox"/>	_____	_____	_____	_____
Lowman	_____	<input checked="" type="checkbox"/>	_____	_____	_____	_____
Polish	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Sena	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Wagner	_____	<input checked="" type="checkbox"/>	_____	_____	_____	_____

TALLY:

ORIGINAL MOTION: Passed Defeated _____ Withdrawn _____

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes Feb. 24, 1975
Date

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA SESSION

LEGISLATION ACTION

DATE Feb. 24, 1975
BILL NO. A.B. 293

MOTION: _____

Do Pass Amend _____ Indefinitely Postpone _____ Reconsider _____

Moved By Mr. Heaney Seconded By Mr. Banner

AMENDMENT: _____

Moved By _____ Seconded By _____

AMENDMENT: _____

Moved By _____ Seconded By _____

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Barengo	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Banner	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Hayes	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Heaney	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Hickey	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Lowman	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Polish	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Sena	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Wagner	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____

TALLY:

ORIGINAL MOTION: Passed Defeated _____ Withdrawn _____

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes Feb. 24, 1975
Date

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA SESSION

LEGISLATION ACTION

DATE Feb. 24, 1975

BILL NO. A.B. 48

MOTION: _____

Do Pass as amended. Indefinitely Postpone _____ Reconsider _____

Moved By Mr. Hickey Seconded By Mr. Lowman

AMENDMENT: _____

Moved By _____ Seconded By _____

AMENDMENT: _____

Moved By _____ Seconded By _____

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Barengo	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Banner	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Hayes	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Heaney	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Hickey	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Lowman	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Polish	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Sena	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Wagner	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____

TALLY:

ORIGINAL MOTION: Passed Defeated _____ Withdrawn _____

Amended & Passed as amended. Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes Feb. 24, 1975
Date