

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA ASSEMBLY SESSION

MINUTES

February 27, 1975

This meeting of the Assembly Judiciary Committee was called to order by Chairman Barengo on Thursday, February 27, 1975 at the hour of 10:05 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 Inspector Stephen Hampton, Las Vegas Fire Department, Dan J. Quinan, State Fire Marshal, William Brewer, Deputy State Fire Marshal, Senator Gary Sheerin, A. A. (Bud) Campos, State Parole and Probation Department, and Carl Hocker, State of Nevada Parole Board. Attached to these Minutes is a copy of the Guest Register from this meeting.

For the Committee's general information, Mr. Heaney read a letter addressed to Mr. Howard Barrett in regard to A.B.284 which was originally considered by this Committee on February 26.

First to testify was Senator Gary Sheerin. He testified in regards to S.B.17, which he stated was another method of trying to help the victim of a property crime. Under this bill, the person convicted of the crime would be allowed parole only if he makes complete restitution to the victim of the crime. He said there may not be a lot of people this bill will help, but it will be a start toward other legislation which would assist the victim. Recently there has been a great deal of legislation to assist the defendant (or, the person who commits a crime) and very little to assist the victim of any crime.

This Committee questioned Senator Sheerin at length, and Mr. Heaney asked whether this bill was limited just to property crimes. Senator Sheerin stated that it was broad enough to possibly include personal injuries.

Regarding S.B.17, Mr. Lowman moved DO PASS AS AMENDED. Mrs. Hayes seconded. Legislation Form attached. A unanimous vote in favor of passage as amended was taken.

MOTION CARRIED DO PASS S.B.17 AS AMENDED.

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Regarding A.B.296, Mr. Barengo advised that he was in receipt of correspondence from the Sparks Fire Department dated February 24, 1975. He then read the letter to this Committee. The Sparks Fire Department was not in favor of this bill. A copy of this bill is attached.

Mr. Barengo also told the Committee that he received a proposed amendment from Dan J. Quinan, Nevada State Fire Marshal, which was dated February 24, 1975. A copy of this is attached to these Minutes.

Mr. A. A. (Bud) Campos, Department of Parole and Probation, entered the meeting and began to testify about S.B.17. Chairman Barengo advised Mr. Campos that the Committee just passed the bill as amended.

Mr. Campos proceeded to testify regarding A.B.193. The intent of this bill is to provide some avenue by which they can discharge someone from his parole prior to the expiration of his sentence. After a man or woman has been on parole for a length of time and has proved himself, it is unnecessary to keep him on parole, and expense and parole officer's time is consumed unnecessarily. The Department of Parole and Probation wants the discretion to end a man's parole to remain with the court so that they may discharge him when and if they see fit.

Carl Hocker, representing the Parole Board, said that the Board echoes what Mr. Campos stated about A.B.193. The Board feels that passage of this bill will give them a tool to use to deal with this sort of situation.

Next, Mr. Campos testified about A.B.195, which has to do with the confidential section of the Department. Many times daily there is a need for disclosure of confidential records. When people are referred to other departments and when they have conferences with people in other agencies are two daily occasions when confidential matters are disclosed. At the present time they are in violation of law by disclosing the information, and they wish to have this bill passed so they will not be in conflict. He said that a client is entitled to anything that they write, but not entitled to anything they get from another agency.

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Dan J. Quinan, Nevada State Fire Marshal, testified next regarding A.B.296. He spoke briefly about the history of the crime of arson. He stated that there is a problem with the language of the law as it is now. He introduced to this Committee Inspector Stephen Hampton, Las Vegas Fire Department, who was here to testify and answer questions of this Committee.

Mr. Quinan went on to say that the main thrust of A.B.296 was to make the language clear and simple so that there will be no misinterpretation--mainly with the term "dwelling structure". He then passed out a further amendment to this bill, which bears the date February 27, 1975. Attached to these Minutes is a copy of that further amendment. Mr. Quinan stated that quite a few good cases have been lost in court due to the interpretation of the law as it reads today. Mr. Quinan and Inspector Hampton feel that if a person sets fire to a structure which in the normal course of its use is occupied by people, that the arsonist should be subject to the strongest possible punishment. Discussion followed by this Committee as to which structures would normally would be inhabited by people.

It was moved and seconded that this meeting be adjourned, and Chairman Barengo did adjourn the meeting at 11:30 a.m.

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA SESSION

LEGISLATION ACTION

DATE Feb. 27, 1975

BILL NO. S.B. 17

MOTION: _____

Do Pass Amend _____ Indefinitely Postpone _____ Reconsider _____

Moved By as amended. Mr. Lowman Seconded By Mrs. Hayes

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 _____
as amended

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes Feb. 27, 1975
Date

City of



142

FIRE DEPARTMENT
222 12th STREET
SPARKS, NEVADA 89431

February 24, 1975

Dan Quinan
Nevada State Fire Marshal
108 West 2nd Street
Carson City, Nevada 89507

Dear Dan,

Members of the Fire Prevention/Fire Investigators Association of Northern Nevada have reviewed Assembly Bill No. 296 and are not pleased with the proposed changes.

This bill should be circulated to district attorneys, Crime Commission, police and fire officers for more in-depth study and recommendations given by them.

We, also, feel with the proposed changes that this bill will be very weak if it is passed; therefore, we would like to recommend that it gets "DO NOT PASS" on it.

If you have any questions or comments, please write or call me.

Sincerely,

Bill

W. G. Tapia
President, Fire Prevention/Fire Investigators

WGT:im

cc: File



STATE OF NEVADA

STATE FIRE MARSHAL DIVISION

HEROES MEMORIAL BUILDING, (ANNEX)
108 WEST SECOND STREET, 2ND FLOOR
CARSON CITY, NEVADA 89701

MICHAEL L. MELNER, DIRECTOR
DEPARTMENT OF COMMERCE
DAN J. QUINAN, FIRE MARSHAL
STATE FIRE MARSHAL DIVISION
(702) 885-4290
MOBILE HOME AND MANUFACTURED
BUILDING SECTION
(702) 885-4298
FIRE PROTECTION SECTION
(702) 885-4290

MIKE O'CALLAGHAN
GOVERNOR

February 24, 1975

The Honorable Robert R. Barengo, Assemblyman
Chairman of the Assembly Judiciary Committee
Legislative Building
401 South Carson Street
Carson City, Nevada 89701

RE: RECOMMENDED AMENDMENTS - A.B. 296

Dear Mr. Barengo:

SECTION 1. NRS 205.010 is hereby amended to read
as follows:

205.010 1. Any person who willfully and maliciously
sets fire to or burns or causes to be burned, or who aids,
counsels or procures the burning of any dwelling house,
whether occupied, unoccupied or vacant, or any (kitchen,
shop, barn, stable or other outhouse that is) part or
parcel thereof, or belonging to or adjoining thereto,
whether the property of himself or another or (commits)
any building used by the public and occupied at the time,
is guilty of arson in the first degree and, upon conviction
thereof, shall be sentenced to imprisonment for not less than
1 year nor more than 15 years.

2. For the purpose of this section;

(a) "Dwelling house" means:

(1) Any structure, including a mobile home, used
in whole or part for residing or lodging therein.

Respectfully submitted,

DAN J. QUINAN
Nevada State Fire Marshal

DJQ:kr

February 27, 1975

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2. For the purpose of this section:

"Dwelling house" means:

(a) Any structure, including a mobile home, used in whole or part for residing or lodging therein; or

(b) Any structure used for permanent or temporary institutional residence, including jails, hospitals, nursing homes and dormitories.

JUDGMENT AND EXECUTION

176.265

(c) Whose whereabouts are unknown but who is not known to have committed any violation of law during his term of probation, shall be given a general discharge.

2. Such general discharge releases the probationer from any further obligation, except a civil liability arising on the date of discharge for any unpaid restitution, but does not entitle the probationer to any privilege conferred by NRS 176.225.

3. In any case where a convicted person has received a general discharge from probation and has not been convicted of any offense greater than a traffic violation within 10 years of such discharge, such person may apply to the department of parole and probation requesting that the general discharge be changed to an honorable discharge. If, after investigation, the department determines that the applicant meets the requirements of the subsection, it shall petition the sentencing court to change the general discharge to an honorable discharge. If the department refuses to submit such petition, the applicant may, after notice to the department, petition the sentencing court directly for an honorable discharge pursuant to the provisions of NRS 176.225.

(Added to NRS by 1967, 1436; A 1973, 1843)

176.245 Dishonorable discharge from probation.

1. Every defendant:

(a) Whose probation has been revoked pursuant to NRS 176.215; or

(b) Whose term of probation has expired, whose whereabouts are unknown, and for whose arrest a warrant has been issued, shall be given a dishonorable discharge.

2. Such dishonorable discharge does not release the defendant from any obligation. Under the circumstances stated in paragraph (b) of subsection 1, it shall be issued if the defendant is not arrested within 1 year after the expiration of his term of probation.

(Added to NRS by 1967, 1437)

176.255 Information obtained by parole and probation officers and employees privileged; nondisclosure. All information obtained in the discharge of official duty by a parole and probation officer or employee of the board shall be privileged and shall not be disclosed directly or indirectly to anyone other than the board or the judge, unless otherwise ordered by the board or judge or unless necessary to perform the duties of the department of parole and probation.

(Added to NRS by 1967, 1437; A 1973, 177)

THE EXECUTION

176.265 Fines to be paid into state treasury. The full amount of all fines imposed and collected under and for violation of any penal law of this state shall be paid into the state treasury.

(Added to NRS by 1967, 1437)

February 27, 1975

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 BUT NOT limited to .

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*Hotel, Apartment
 Condominium*

But not limited to