

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA ASSEMBLY SESSION

MINUTES

March 10, 1975

Chairman Robert R. Barengo called to order this meeting of the Assembly Judiciary Committee at the hour of 8:40 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 Mr. William Heppe; Mr. William G. Parsons; Mr. Orville A. Wahrenbrock, Department of Human Resources; Ms. Janice Ayres, Nevada Association for Retarded Citizens; Mr. Jack Middleton, Division of Mental Retardation; and Mr. Dave Edwards, Division of Mental Retardation. Attached to these Minutes is a Guest Register.

Regarding A.B.191, Janice Ayres and Dave Edwards testified that they are against this bill. Mr. Edwards said that they feel that it provides nothing to the mentally retarded that is not now covered by the law. In fact, it takes away from the mentally retarded by denying due process of law and declaring them incompetent and unable to handle their affairs. An incompetent is an adjudicated decision based upon medical evaluations and given by a judge.

Mrs. Ayres said that many mentally retarded people function well in society and only a small percentage are served by their agency. They collect salaries, have bank accounts and pay their bills. The whole thrust of their program is not dependency, but independency.

Mr. Orville Wahrenbrock said this bill A.B.191 is one of many agency bills which were drafted and introduced; however, this particular one was swept up with all the others, and this bill is not really what the agency wants.

Mr. Barengo moved to indefinitely postpone A.B.191. Mrs. Hayes seconded. A unanimous vote was taken. Form attached.
MOTION CARRIED INDEFINITELY POSTPONE A.B.191.

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Next to testify was William Heppe, a man who is the owner of a guide dog, who testified regarding A.B.190. He spoke in favor of the bill, saying that he understood that this bill will add a section which covers guide dog owners. He related some experiences of blind people who were accompanied by a guide dog being refused various services. Mr. Barengo quoted part of the present statute to this Committee. This bill will add a civil remedy for refusal of services.

Testifying regarding A.B.30 was Orville Wahrenbrock, who is Chief Assistant to the Director of the Department of Human Resources. At the present time when a boy or girl is committed to an institution, the judge assigns an amount of money to be paid by the parent of the child to cover support of that child while he is institutionalized. The superintendent of the institution (either in Elko or Caliente) then has the responsibility to collect these monies. The main objective in introducing this bill is that they wish someone other than that superintendent to be responsible for the collection of the monies, as when the child is in the institution a program begins to reinforce the family situation and eliminate some of the problems experienced by the family in the past so that when the child is released to his family, they can all function in a better relationship. If the superintendent has the job of a "bill collector", then this impedes progress in functioning with the family while the child is in the institution. So, they wish the parole people or the courts to supervise this collection. The Department feels that the County Probation Officers know the families' situations, and are better prepared to "push" for payment of the sums due.

Mr. Wahrenbrock stated that he knew that Judge Mendoza, Las Vegas Juvenile Court, was in opposition to the bill. Apparently, he feels that it will require them to add more staff to their department. Mr. Wahrenbrock stated that he feels from the agency point of view that A.B.30 has merit. They basically want to put the child who is institutionalized and his family in more of a treatment relationship, rather than having the family view the institution as a bill collector.

Testifying regarding S.B.70 was Mr. William Parsons, Nevada Department of Fish and Game. Their Department asked for introduction of this bill. In some counties problems have arisen when an arrest is made and they have to take the party before the magistrate of that county when, in fact, they are many, many miles away from that magistrate but much closer to another magistrate in an adjoining county. Mr. Parsons gave examples of situations of this type. With this bill, bail could be set by the magistrate of

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the county where the offense took place or by the magistrate of an adjoining county. This situation would affect bail setting only--not trial jurisdiction.

Mr. Hickey asked whether the Fish and Game Department has the support of the Nevada Judges Association. Mr. Parsons said that they had not solicited the judges. He stated that when an arrest is made, the main purpose of bringing the person before a magistrate is for establishment of bail.

Col. Lambert, Chief of the Nevada Highway Patrol, commented regarding jurisdiction in this type of situation, and stated that the Senate Judiciary Committee wanted to be sure that no situation arose in which a person was being forced to a court in a county where he might not receive fair handling, etc.

Chairman Barengo announced to this Committee that everything which has been referred to this Committee for consideration has been scheduled to be heard. He stated, however, that he would like to schedule a meeting during the evening to consider and vote on some of the measures already heard by this Committee.

Regarding A.B.38 (probate), Mr. Hickey said that he thinks we should have further study into this area, particularly as regards the concerns of the senior citizens groups. He then moved that this Committee send a resolution to the Assembly Legislative Functions Committee with a recommendation that there be a further study on this bill. Mr. Lowman seconded. A vote was unanimous to send this resolution to Legislative Functions.

A.B.30 was next to be considered. Mr. Hickey moved to indefinitely postpone this bill. Mrs. Hayes seconded. A unanimous vote for indefinite postponement followed. Legislation Action Form attached to these Minutes.
MOTION CARRIED INDEFINITELY POSTPONE A.B.30.

Next, in regards to A.B.190, Mr. Lowman moved to indefinitely postpone, and Mr. Hickey seconded. Discussion was had. A vote was taken--result: 8 in favor of indefinite postponement, and 1 (Mrs. Wagner) opposed to indefinite postponement. Legislation Action form attached.
MOTION CARRIED INDEFINITELY POSTPONE A.B.190.

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General discussion was had in regards to S.B.70, and Chairman Barengo appointed Mr. Hickey as a committee of one to contact the Nevada Judges Association to get their feelings on this bill.

Regarding A.B.271, Mr. Heaney was previously appointed by the Chairman to look into the questions the Committee had on this bill. A suggested amendment to Line 7 was considered, i.e. "any regulations promulgated thereunder". Mr. Heaney moved DO PASS with amendment, and Mr. Lowman seconded. The vote was unanimous in favor of this. Form attached.

MOTION CARRIED DO PASS A.B.271 AS AMENDED.

As to A.B.296, Mr. Heaney proposed amendments to this bill, which included changing the wording "outhouse" to "out-building", and changing the wording "commit" to "shall be guilty of". Mr. Lowman moved DO PASS with amendments. Mr. Hickey seconded, and a unanimous vote was had. Form attached.

MOTION CARRIED DO PASS A.B.296 AS AMENDED.

In regards to A.B.284, Mr. Heaney handed out copies of letters which he obtained, one of which was the Attorney General's opinion dated October 22, 1970, and one of which was a chart of all the claims submitted to the Board of Examiners. This information is attached to these Minutes. It was suggested that Mr. Howard Barrett of the Board of Examiners and Mr. Dolan from the Attorney General's Office be requested to appear and testify before this Committee. Chairman Barengo requested the Secretary of this Committee to send a letter to each requesting their presence. (This was done March 11, 1975.)

Next to be considered was A.B.328, which was originally considered by this Committee on March 6, 1975. Mrs. Wagner suggested that this Committee hold off taking action on this bill, because she understood that there were some possible amendments coming. Mr. Hickey said he thought we should wait and take action after we had the Senate Bill referred to us, which bill relates to the same subject matter.

Regarding A.J.R.16 and A.J.R.18 (both from the 57th Session), Mr. Hicky asked that we continue to hold these until receipt of the Supreme Court's "judicial package".

It was moved and seconded that this meeting be adjourned, and seeing no further business, Mr. Barengo adjourned the meeting at 10:00 a.m.

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA SESSION

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LEGISLATION ACTION

DATE Mar. 10, 1975

BILL NO. A. B. 191

MOTION: _____

Do Pass _____ Amend _____ Indefinitely Postpone Reconsider _____

Moved By Mr. Barengo 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 _____

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes Mar. 10, 1975
Date

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA SESSION

LEGISLATION ACTION

DATE Mar. 10, 1975

BILL NO. A.B. 30

MOTION: _____

Do Pass _____ Amend _____ Indefinitely Postpone Reconsider _____

Moved By Mr. Hickey 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 _____

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes Mar. 10, 1975
Date

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA SESSION

LEGISLATION ACTION

DATE Mar. 10, 1975

BILL NO. A.B. 190

MOTION: _____

Do Pass _____ Amend _____ Indefinitely Postpone Reconsider _____

Moved By Mr. Lowman Seconded By Mr. Hickey

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 Mar. 10, 1975
Date

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA SESSION

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LEGISLATION ACTION

DATE Mar. 10, 1975

BILL NO. A.B. 271

MOTION:

Do Pass Amend Indefinitely Postpone _____ Reconsider _____

Moved By as amended Mr. Heaney Seconded By Mr. Lowman

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 as amended Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes Mar. 10, 1975
Date

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA SESSION

LEGISLATION ACTION

DATE Mar. 10, 1975

BILL NO. A.B. 296

MOTION: _____

Do Pass Amend _____ Indefinitely Postpone _____ Reconsider _____

Moved By as amended Mr. Lowman Seconded By Mr. Hickey

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 Mar. 10, 1975
Date



Nevada Legislature

FIFTY-EIGHTH SESSION

March 6, 1975

Patrick D. Dolan
Deputy Attorney General
Blasdel Bldg
209 E. Musser St
Carson City, NV 89701

Re: A.B. 284 - Compensation for Victims of Criminal Acts

Dear Pat:

Thank you very much for your prompt attention in giving to me a copy of the opinion letter dated October 22, 1970, from the office of the Nevada Attorney General to Howard Barrett, Clerk of the State Board of Examiners, concerning the claim of Harry Garske, which discusses the intent of Chapter 217.

I have prepared copies of the letter as well as copies of the summary of claims filed with the State Board of Examiners for the period of December 1970 through December 1974 as indicated in the attached memorandum.

In discussing this with Bob Barengo, Chairman of the Assembly Judiciary Committee, we agreed it would be a good idea to have you come before the Assembly Judiciary Committee at a mutually convenient time to offer your testimony. Would you please advise either Bob or myself which morning - Monday, Wednesday, Thursday, or Friday, from the hours of 8am to 10am, would be most convenient for your attendance?

Thank you again, Pat, for your assistance in this matter.

Sincerely yours,

Robert E. Heaney
Assemblyman

Enc (1)
cc: Bob Barengo, Chairman
Assembly Judiciary Committee

cl



Nevada Legislature

FIFTY-EIGHTH SESSION

To: Members, Senate and Assembly Judiciary Committees
From: Robert E. Heaney, Assemblyman
Date: March 5, 1975
Re: A.B. 284 - Compensation for Victims of Criminal Acts

Dear Committee Members:

Attached please find a copy of the following:

(1) A summary of the twenty-eight (28) claims filed with the State Board of Examiners by victims of criminal acts for the period December 1970 through December 1974, showing a total amount paid of \$22,086.24;

(2) A copy of an opinion letter dated October 22, 1970, from the Office of the Nevada Attorney General to Howard E. Barrett, Clerk of the State Board of Examiners, concerning the claim of Harry Garske (the first claimant shown on the summary) which letter discusses the intent of NRS Chapter 217;

(3) A copy of a letter dated November 27, 1974, from Howard E. Barrett, Clerk of the State Board of Examiners, to James Van Winkle, attorney for Carol Gundlach, denying Ms. Gundlach's claim.

This information is submitted to aid you in understanding the need for clarifying and expanding the definition of "victim" under NRS Chapter 217 as provided in A.B. 284. I am certain your review of the claims which have been submitted, and actually paid by the Board of Examiners, will convince you, as it did me, that serious inequities exist in the interpretation and administration of the present law. For example, it appears totally illogical and inconsistent to me that a person might be compensated if he is attempting to aid or prevent a criminal assault against someone other than himself, but is precluded from recovery if he is attempting to prevent the same assault from occurring to himself, i.e. acting in self-defense.

Philosophically, and as a matter of public policy, I urge the committee members to consider the millions of dollars that

March 5, 1975

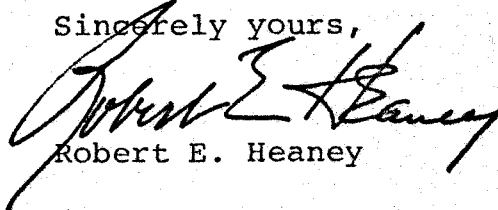
Members, Senate and Assembly Judiciary Committees

we as a State spend in institutionalization and attempted rehabilitation of criminals as compared to the minimal attention we pay to the innocent victims of crime. It seems time to me that we begin to reassess our priorities in terms of where State financial assistance is going to do the most immediate and obvious good. At the same time, I would hasten to point out, lest the committee members or other members of the Legislature fear we are opening up the financial floodgate, there are a number of internal checks within NRS Chapter 217 which I believe will prevent any drain on the State coffers, e.g. the requirement to take into consideration collateral resources as provided in NRS 217.180 and the right of the State to subrogation against the offender as provided in NRS 217.240. I would further submit that the general public, including the attorneys who have represented claimants before the Board of Examiners, have generally been under the impression that the present law covers all victims as appears in the statement of policy and intent set forth in NRS 217.010. Hence, I believe the claims submitted thus far, as reflected in the summary, are fairly representative of the number of claims that may be expected in the future, assuming A.B. 284 becomes law.

Additionally, I would point out, there is protection against sham or fraudulent claims by virtue of NRS 217.210 which provides that the personal injury or death of a claimant must be the result of an incident or offense which was reported to the police within five (5) days of its occurrence.

In closing, I believe the amendments contained in A.B. 284 provide a logical step in the right direction concerning the attitude of the State toward victims of crime who would not otherwise be compensated for their losses. Should any members of the respective committees have questions concerning any of the material submitted, please feel free to contact me at your convenience.

Sincerely yours,



Robert E. Heaney

cl

Attachments (3)

November 27, 1974

James Van Winkle, Esquire
Attorney at Law
P. O. Box 281
Incline Village, Nevada

Dear Mr. Van Winkle:

The Victims of Crime claim that you filed on behalf of your client, Carol Ann Gundlach, has, as you know, been heard by Deputy Attorney General Patrick Dolan. His report on that hearing was reviewed November 27th by the Board of Examiners and they moved to deny the claim. While there can, of course, be no question that your client was a victim of a crime, and certainly a most unfortunate crime, the Board had no choice under existing law except to deny the claim.

I would point out that this office plans to have legislation introduced that will allow reimbursement of medical expenses for pure victims of crimes, such as your client. Perhaps you would want to contact your legislator and support a change in the law or perhaps even a provision to make the law retro-active to cover the case of your client.

Sincerely,

Howard E. Barrett, Clerk
Board of Examiners

HEB/rs



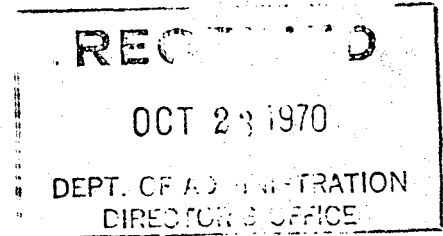
STATE OF NEVADA
DEPARTMENT OF ATTORNEY GENERAL
CARSON CITY, NEVADA 89701

HARVEY DICKERSON
ATTORNEY GENERAL

October 22, 1970

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Mr. Howard E. Barrett, Clerk
Board of Examiners
Carson City, Nevada 89701



re: Claim of Harry Garske

Dear Mr. Barrett:

You have asked for an opinion as to whether or not an individual attempting to prevent the commission of a crime against himself is a "victim" under the provisions of Chapter 217 of Nevada Revised Statutes. With your request for opinion, you have forwarded the claim of Harry Garske, who suffered personal injuries as a result of attempting to prevent a robbery of the Char-Ann Motel in Sparks, Nevada. At the time of the injury, Mr. Garske was the manager of the Char-Ann Motel.

NRS 217.070 defines "victim" for the purposes of the Compensation for Victims of Criminal Acts statute (Chapter 217 Nevada Revised Statutes) as follows:

" 'Victim' means a person who is physically injured or killed while attempting to prevent the commission of a crime or to arrest a suspected criminal or while aiding or attempting to aid a police officer to do so."

The Nevada statute was drafted and adapted from model legislation found in Vol. XXV of "Suggested State Legislation", developed by the Committee of State Officials on Suggested State Legislation for the Council of State Governments. The suggested state legislation was drafted to provide compensation to different types of victims. These two types were "good Samaritans" and innocent victims of certain severe types of criminal offenses. The suggested state legislation defined "victims" as "persons who are injured or killed either (1) in an attempt to prevent the commission of a crime or to apprehend a suspected criminal, or in aiding or attempting to aid a police officer in apprehending a suspected criminal, or (2) in the commission or attempt to commit the offenses of mayhem, malicious disfiguring, indecent act with child, kidnapping, murder, manslaughter, rape, assault with intent to kill, rob, rape, or poison, assault with intent to maim, assault with a dangerous weapon, or other serious offenses."

Chapter 217 of Nevada Revised Statutes was added to the statutes by Chapter 604 of the 1969 Statutes of Nevada. Its legislative history is marked by three amendments. When the bill was first proposed in the Assembly, "victim" was defined as follows:

" 'Victim' means a person who is physically injured or killed:

1. While attempting to prevent the commission of a crime or to arrest a suspected criminal or while aiding or attempting to aid a police officer to do so; or
2. By any act of any other person who is committing or attempting to commit an offense involving physical force or the immediate threat of such force."

The original bill would appear to include both the concepts of "good Samaritan" and innocent victim.

The second reprint, however, changed the definition of "victim" by dropping subsection 2, leaving only the "good Samaritan" concept of "victim".

The third reprint contained this more limited definition of "victim". This is the definition that was enacted into law as Chapter 604 of the 1969 Statutes, now found in NRS 271.070.

The Nevada Legislature has therefore rejected the "innocent victim" concept found in the suggested state legislation. There is no protection under the provisions of Chapter 217 of NRS for persons who are injured by another person who is committing or attempting to commit an offense involving physical force or the immediate threat of such force.

In rejecting the "innocent victim" concept, however, the Legislature kept the model legislation's declaration of intent, which includes:

"217.010 Policy of state; purpose of chapter.

1. It is the policy of this state to encourage the cooperation and assistance of the public in law enforcement and to promote the public welfare.
2. It is the purpose of this chapter to facilitate and permit the payment of compensation to victims injured and to dependents of victims killed as a result of certain serious crimes or in attempts to prevent the commission of crime or to arrest suspected criminals." (Emphasis added.)

Mr. Howard E. Barrett
October 22, 1970
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This would further confuse determination of legislative intent in the instant situation, since the statement of intent and the actual language of the statute seem to collide.

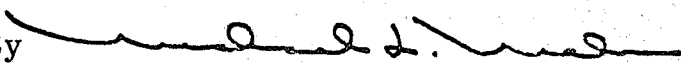
While Mr. Garske's claim would have more logically fit into the definition of "victim" that was not enacted by the Nevada State Legislature in 1969, because the Legislature apparently intended only to adopt the "good Samaritan" concept, it appears from the clear language of the statute that there is no need to look for this legislative intent. Mr. Garske's claim includes a statement that when a gun was pulled on him, he slapped at it and wrestled with the man who was attempting to rob him, and that he almost got the gun away. Mr. Garske was not attempting to defend another in the "good Samaritan" sense of "victim". He was attempting only to defend himself. He was, though, attempting to prevent the commission of a crime. We need not look to legislative intent when legislative language is clear.

It is therefore our opinion that Mr. Garske should be allowed a hearing to fully show that he was attempting to prevent the commission of a crime.

We would also note that NRS 217.110 provides that upon receipt of an application for compensation, the board shall fix a time and place for a hearing, and shall give notice thereof to the applicant. This, we believe, would be the appropriate action in the immediate situation.

Sincerely,

HARVEY DICKERSON
Attorney General

By 
Michael L. Melner
Deputy Attorney General

MLM:lp

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Claim No.	Claimant	Nature of Claim	Date of Board Action
1	Harry Garske <i>(PREVENTING CRIME)</i>	Harry Garske, a retired law enforcement officer, while acting as manager of the Charann Motel in Sparks on July 11, 1970, was the <u>victim of an attempted robbery</u> . Mr. Garske was seriously wounded when he was shot in the abdomen by the robber. Received 8/25/70	12/29/70
2	Emmett E. Sullivan <i>(GOOD SAMARITAN)</i>	After leaving his place of employment in Las Vegas on December 4, 1970, Emmett E. Sullivan observed an <u>armed robbery of an elderly man</u> in the parking lot. When Mr. Sullivan <u>attempted to aid the man</u> , the robber shot Mr. Sullivan in the left thigh. Received 2/1/71	6/28/71
3	E. C. Christian <i>(PREVENTING CRIME)</i>	E. C. Christian is the owner of Hamburger Heaven, a restaurant in Las Vegas. Upon his arrival at his place of business on the morning of February 6, 1970, he discovered <u>two hold-up men had forcibly gained entrance to the restaurant</u> . <u>During the ensuing struggle, Mr. Christian was shot</u> several times and seriously wounded. Received 2/4/71	6/28/71
4	Nancy Lee Nash <i>persecution?</i>	Anthony Lee Nash, age 15 years, and his brother Michael Patrick Nash, age 14 years, were playing in front of the family residence in Reno on January 28, 1971. Another juvenile approached the boys and called them obscene names and a fight commenced. <u>During the fight Anthony was stabbed near his heart with a switchblade</u> . The mother of this juvenile entered the fracas and approached the father of the Nash boys, and when Michael attempted to stop the injury of his father, he was stabbed during the scuffle. Received 4/20/71	6/28/71
5	Joseph Lazzaro <i>(GOOD SAMARITAN)</i>	Joseph Lazzaro was employed as a pharmacist in Las Vegas. While at his job on October 6, 1969, he heard a female employee of the drug store scream. <u>He attempted to help the employee and was struck on the head from behind by the robbers</u> . Mr. Lazzaro suffered grievous injuries. Received 6/1/71	12/9/71
6	William Paul Adams <i>(GOOD SAMARITAN)</i>	William Paul Adams was performing the duties of his employment as a pit boss on April 4, 1971. A customer of the casino became unruly and created a scene. The sheriff was called and while <u>Mr. Adams was assisting the deputy, he was attacked by the customer and injured</u> . Received 11/17/71	5/31/72 and 7/27/72 held i abeyance
7	John Glau <i>(INnocent BYSTANDER)</i>	On October 23, 1972, in Reno, Nevada, at the Greyhound Bus Terminal <u>John Glau was waiting for his luggage when police officers began firing their revolvers in his immediate vicinity</u> . Mr. Glau was struck by a police bullet in the abdomen and grazed on the forehead by another bullet. The incident happened because police officers had stopped and questioned a suspect of a robbery and shooting at a supermarket. Mr. Glau died as a result of his injuries. Received 11/13/72	Denied 5/25/73

Sub-Total

* NOTATIONS BENEATH CLAIMANT'S NAMES, QUESTION MARKS, AND UNDERLINING MADE BY ASSEMBLYMAN HEANEY

VICTIMS OF CRIMINAL ACTS - Continued

Claim No.	Claimant	Nature of Claim	Date of Board Action
Sub-Total			
262 8	Richard Fisher (SELF-DEFENSE)	On October 17, 1971, at approximately 10:15 p.m., Mr. Fisher was walking to his job at the Fremont Hotel in Las Vegas when he was assaulted by three unidentified persons who beat him viciously with a club or pipe. <u>Mr. Fisher attempted to stop the assault but was beaten until he fell to the ground.</u> He sustained severe injuries including a broken and dislocated hip. Received 12/13/72	Denied 5/25/73
9	Vernon Allen (PURE VICTIM)	<u>Mr. Allen was killed on October 23, 1972, in an armed robbery in Reno, Nevada.</u> His widow, Mrs. Hazel L. Allen and her 14 year old daughter have filed a claim with the Board of Examiners requesting a hearing surrounding the death of her husband. Received 2/23/73	Denied 5/25/73
10	Frank W. Phelps (PURE VICTIM) <i>defence of family ?</i>	On July 10, 1972, Mr. Phelps and his family were crossing Virginia Street in Reno when they were almost hit by a car in which the assailant, Claude Gliniecki, was a passenger. Mr. Phelps told his family to watch out. The assailant shouted an obscenity and threatened to shoot Mr. Phelps' head off. The assailant then followed them and <u>attacked Mr. Phelps with a knife</u> and fled on foot followed by Loren Phelps, the son. Mr. Phelps was critically wounded and has been unable to work since the incident. Received 3/26/73	Denied 10/4/73
11	Roger W. Thompson ?	On May 21, 1973, Mr. Thompson, <u>in an attempt to stop a purse snatcher, was run over by a van.</u> Received 7/12/73	Inactive 3/12/74
12	Harold Davis ?	On December 23, 1972, while driving to Needles, <u>Mr. Davis picked up a hitchiker, Michael Keefer.</u> Not too long after passing Searchlight, Mr. Keefer grabbed the steering wheel, causing the truck to go out of control, off the highway and turn over causing severe physical injuries and destroying his pickup and trailer. Received 8/2/73	Denied 12/20/73
13	Alysia Babs Schwartz ?	On May 15, 1972, Mr. Schwartz went to the Bagdad Inn in Las Vegas to have a meeting with Mr. Fish. When he arrived, a gun was pulled and he was gagged, tied and robbed. Then he was given knock out drops and some time later in the evening driven to an isolated location and <u>shot to death.</u> Received 7/31/73	Denied 12/20/73
14	Winston Milton Schaubach ?	Mr. Schaubach filed for compensation as a result of <u>injuries suffered in an incident in Reno on September 4, 1971.</u> Received 8/31/73	Withdrawn 11/21/73
15	Charles Francis McHatton (PREVENTING CRIME)	On September 4, 1973, Mr. McHatton was <u>shot during an attempted robbery of a service station in Las Vegas, the attempt being foiled by Mr. McHatton.</u> Received 11/6/73	Paid 10/9/74
16	William Roberts (GOOD SAMARITAN)	On July 24, 1973, in the Royal Inn Casino in Las Vegas, <u>Mr. Roberts was shot in the stomach by Mr. Walter Vickers while Mr. Roberts was attempting to prevent Mr. Vickers from shooting Miss Terry James after an argument.</u> Received 11/29/73	Paid 4/12/74
Sub-Total			

OF CRIMINAL ACTS - Continued

<u>Claimant</u>	<u>Nature of Claim</u>	<u>Date of Board Action</u>	<u>Amount of Award</u>
al			\$ 22,086.24
Jonathon Carone See also #18	Sandra Wood, guardian of Jonathon Carone, is <u>filing for compensation for the murder of the youth's mother</u> in Las Vegas hotel. Received 12/10/73	Denied 3/12/74	
Jonathon Carone See also #17	Sandra Wood, guardian of Jonathon Carone, is <u>filing for compensation for the murder of the youth's father</u> in Las Vegas hotel. Received 12/10/73	Denied 3/12/74	
Norma Stevens	On July 15, 1973, Mrs. Stevens received <u>extensive burns as a result of a fire deliberately set</u> on the premises where she was working. Received 12/11/73	Withdrawn 3/7/74	
Joseph Treadwell	As acting manager of Kemp Trailer Court, Mr. Treadwell observed a burglar attempting to gain entry to the park office on the evening of August 30, 1973. The burglar, when surprised by Mr. Treadwell, fled through the park over a fence and was pursued by Mr. Treadwell. <u>Treadwell failed to negotiate the fence and was severely injured.</u> Received 1/17/74	Denied 5/21/74	
Donald L. Kimmins (PURE VICTIM)	While on duty at a car lot, Mr. Kimmins was held up by an an armed robber. <u>The robber took his wallet and shot him in the arm, seriously wounding Mr. Kimmins.</u> Mr. Kimmins pursued the robbers and the police captured them within two blocks of the scene. Received 3/29/74	Withdrawn 5/14/74	
Lawrence Sage (PURE VICTIM)	Claimant indicates he was shot and robbed on June 20, 1974. He was out in a field feeding his mules when a man approached him and demanded his wallet. <u>He resisted and the man shot one of his mules in the shoulder and Mr. Sage in the arm and took his wallet.</u> Received 3/29/74.	Pending	
Evelyn L. Christie (PURE VICTIM)	While visiting Reno area, claimant and claimant's mother and aunt were attacked by a man who <u>pushed Ms. Christie to the ground and snatched her aunt's purse.</u> Received 8/5/74.	Withdrawn 8/9/74	
Carol Ann Gundlach (SELF-DEFENSE)	On June 29, 1974, as victim pulled up in front of her apartment on returning home from work, she was <u>attacked and beaten around the head and face by an unidentified man.</u> Received 8/8/74.	Denied 11/27/74	
Gail Kobielsky and Michael L. Kobielsky (PURE VICTIM)	On February 11, 1974, while working at Frederick's Gift Shop in Las Vegas, Dorothy N. Kobielsky was <u>brutally beaten, shot and killed during the commission of a robbery.</u> Received 8/8/74.	Denied 11/27/74	
Gregory Cannon Larson (GOOD SAMARITAN)	On October 1, 1974 at approximately 6:30 A.M., Mr. Larson heard his neighbor cry for help and when he checked saw the neighbor being robbed by two masked gunman. <u>Mr. Larson pursued the robbers for several blocks until one of them turned around and shot him in the stomach.</u> Received October 7, 1974.	Pending	

VICTIMS OF CRIMINAL ACTS - Continued

<u>Claim No.</u>	<u>Claimant</u>	<u>Nature of Claim</u>	<u>Date of Board Action</u>
Sub-Total			\$
264 27	Warren E. Farrell (GOOD SPARKITAN)	On November 28, 1973, Mr. Farrell was in Larry's Villa having a drink when he observed a man standing over another man and stabbing him in the throat. <u>Claimant intervened and was stabbed in the arm and throat.</u> Received November 19, 1974	Pending
28	William G. Degnon (PURE VICTIM)	Claimant is requesting assistance as the result of a " <u>mugging</u> " which took place in downtown Las Vegas in November, 1973. Received November 21, 1974	Pending
Sub-Total			\$

500
400
10