

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA ASSEMBLY SESSION

MINUTES

March 14, 1975

This meeting of the Assembly Judiciary Committee was called to order by Chairman Barengo on Friday, March 14, 1975 at the hour of 8:30 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 Neil D. Humphrey, Chancellor of the University of Nevada System; Howard Barrett, State of Nevada Budget Director; Judge Keith C. Hayes; and Dr. Brock Dixon, representing the University of Nevada, Las Vegas. Guest Register is attached to these Minutes.

In regards to A.B.45, Assemblyman Darrell Dreyer testified. Mr. Dreyer introduced this bill, and he said he requests an amendment on Line 10. In addition to notifying the District Attorney, Mr. Dreyer requests that the Sheriff and Chief of Police be inserted. He said he has word from the Sheriffs' group that they support this bill. He also requests that on Page 2, the FBI and CII be eliminated. Chairman Barengo stated that it was his understanding that a request can be made of these agencies, but they do not have to honor the request for records.

Next to testify in regards to A.B.305 was Neil Humphrey, representing the University of Nevada. This bill was introduced to accomplish a result desired by the administration and the Board of Regents. They have a code of conduct at the University, which is adopted by the Regents. Under that code of conduct, a student or employee may be suspended and ordered off the campus. They have found in this situation, which does not occur with much frequency, they have a legal difficulty. Each time the person in question comes back onto the campus he must be served anew before he can be arrested. This bill, if passed, would allow one service in the beginning, and if he came back onto the campus again, the campus police could arrest him immediately. There

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has been no evidence of this situation occurring at UNR, and apparently there have been three instances at UNLV where a suspended student came back onto the campus and engaged in fights. The present procedure is not sufficient, and the Sheriff's office must be involved.

Dr. Brock Dixon, representing the University of Nevada, Las Vegas, testified next regarding A.B.305, and paralleled Chancellor Humphrey's testimony. However, the Committee questioned Dr. Dixon about the University's policies regarding hearing procedures. He told this Committee that the hearing procedures are administrative in nature and not judicial.

Mr. Lowman suggested that Bart Jacka, Clark County Sheriff's Office, be contacted in regards to procedures which are followed involving the UNLV. Chairman Barengo requested that the Secretary to this Committee write Bart Jacka a letter in regards to this matter.

Dr. Dixon said he has a letter from the Clark County Sheriff's Office saying if the person goes peacefully, there is nothing that they can do. Dr. Dixon was questioned as to whether they have contacted the District Attorney. Their University counsel rejected that and believes that the legislation is the answer.

Considering A.B.104, the only change affected by this bill is that there is no subsection 4 in the statute, and this bill corrects that situation. Mr. Hickey moved DO PASS A.B.104. Mrs. Hayes seconded. A unanimous vote was had in favor of passage of A.B.104. Legislation Action Form is attached to these Minutes.

MOTION CARRIED DO PASS A.B.104.

Next, Mr. Howard Barrett testified regarding A.B.284. He was requested by this Committee to be present to be questioned regarding the Board of Examiners. He was asked what the differentiation between the Garske and the Gundlach claims were. He explained this situation, and further explained that when this original bill was passed it was almost a model bill, but the definition of "victim" narrowed it down considerably. Now, Mr. Barrett feels that it is a "good samaritan" law, and he told the Committee that this was the Attorney General's opinion, the Secretary of State's and the Governor's. Mr. Barrett said that in order to be

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compensated under the law, you have to be attempting to prevent the commission of a crime and not defending yourself--or assisting a police officer in the prevention of a crime. The case of Mr. Garske was the first and last case handled by a previous Board of Examiners during the previous administration. The present Board feels this is not a true "victims of crime" bill. They would request that this Legislature "clean up" the law so that it can be interpreted as the Legislature means it. Further detailed questioning of Mr. Barrett continued by this Committee.

Mr. Hickey moved DO PASS as to A.B.284, and Mr. Lowman seconded. Discussion continued, and it was suggested that Section 7 be taken out of the bill and that it include all crimes rather than certain crimes. Mr. Barengo then appointed Mr. Heaney to work out more appropriate language for this bill.

Considering A.B.45, Mrs. Wagner moved indefinite postponement. Mr. Hickey seconded. Legislation Form is attached hereto. A vote was taken and 7 members of this Committee voted in favor of indefinite postponement. Mr. Lowman and Mr. Sena dissented.

MOTION CARRIED INDEFINITELY POSTPONE A.B.45.

Next, A.B.319 was discussed. Chairman Barengo made general comments in regard to this bill. There were some suggested amendments to this bill, and Mr. Banner moved DO PASS AS AMENDED. Mrs. Wagner seconded. A unanimous vote in favor of passage as amended followed. Form attached.

MOTION CARRIED DO PASS A.B.319 AS AMENDED.

Chairman Barengo announced to this Committee that Amendment No. 4557 to A.B.124 was received by this Committee. Mr. Barengo then briefly went over the amendment to this bill for the benefit of the Committee. It was moved and seconded that this Committee concur with Amendment No. 4557 to A.B.124. The Committee then voted unanimously to concur with this amendment.

After a motion and a second, and there being no further business for this Committee to consider at this meeting, Chairman Barengo adjourned the meeting at 10:07 a.m.

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA SESSION

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LEGISLATION ACTION

DATE Mar. 14, 1975

BILL NO. A. B. 104

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. 14, 1975
Date

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA SESSION

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LEGISLATION ACTION

DATE Mar. 14, 1975

BILL NO. A.B. 45

MOTION: _____

Do Pass Amend Indefinitely Postpone Reconsider

Moved By Mrs. Wagner 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	✓	—	—	—	—	—
Banner	✓	—	—	—	—	—
Hayes	✓	—	—	—	—	—
Heaney	✓	—	—	—	—	—
Hickey	✓	—	—	—	—	—
Lowman	—	✓	—	—	—	—
Polish	✓	—	—	—	—	—
Sena	—	✓	—	—	—	—
Wagner	✓	—	—	—	—	—

TALLY:

ORIGINAL MOTION: Passed Defeated Withdrawn

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes Mar. 14, 1975
Date

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA SESSION

291

LEGISLATION ACTION

DATE Mar. 14, 1975
BILL NO. A. B. 319

MOTION: _____

Do Pass Amend _____ Indefinitely Postpone _____ Reconsider _____

Moved By as amended
Mr. Banner 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 _____
as amended
Amended & Passed _____ Amended & Defeated _____
Amended & Passed _____ Amended & Defeated _____

Attach to Minutes Mar. 14, 1975
Date