

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA ASSEMBLY SESSION

MINUTES

March 24, 1975

Chairman Robert R. Barengo called to order this meeting of the Assembly Judiciary Committee on Monday, March 24, 1975 at the hour of 8:00 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: Lynn Tracy, Lyon County Sheriff's Office; Jim Carmany, Director, Las Vegas Juvenile Court; Roger Hillman, UNLV; Senator Norman Hilbrecht; Richard Siegel, American Civil Liberties Union; and Barton Jacka, Assistant Sheriff, Metro Police Department, Las Vegas. Guest Register from this meeting is attached to these Minutes.

This Committee first considered A.B.378. Mr. Heaney was the introducer of this bill, which makes certain acts by licensed contractors a public nuisance and provides penalties. The main intent of this bill, according to Mr. Heaney, is to take care of this problem, which may not be a major one, but nevertheless, is an annoying one around construction projects. The problem arises when a contractor or builder comes into an area to construct a structure and leaves behind a clutter of miscellaneous building materials. Mr. Heaney then gave an instance where a 4 x 8 sheet of plywood came through a neighbor's window during a strong wind storm. Mr. Heaney stated that the contractors should take precautions to tie down items which may blow and cause damage to other people's property, and they should clean up completely the area of the building site after the project is completed.

In effect, this bill, A.B.378, is doing two things:

- (1.) Making the above situation a nuisance; and
- (2.) Empowering the governing board of contractors to take action against the license of any contractor who fails to meet the law.

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The Committee then questioned Mr. Heaney in detail. Mr. Heaney further explained that the idea of this bill is to permit a remedy for someone who is, more or less, victimized by a contractor who does not take precautions. He then quoted from the statutes. Mr. Barengo then directed Mr. Heaney to check into the rules and regulations of the contractors' board, talk to some builders to see what their feelings are on this bill, and to find out exactly what the precautions are that they themselves take.

Next to testify regarding S.B.229 was Mr. Jim Carmany, Director of the Juvenile Court in Clark County. He told this Committee that Judge Mendoza was unable to be present to testify before them, but he would be available to give testimony at a future date. Among the changes being requested in this bill was a change regarding disqualification of a judge in a delinquency matter. Now, after filing an amount of \$25-, the judge in these delinquency matters is automatically disqualified. (Mr. Barengo brought out later that this could only happen once in a particular matter.) They request for disqualification that cause and prejudice be shown. General discussion followed.

The next change that was requested by Mr. Carmany was relative to Page 3, Line 8 of S.B.229. Clark County began a particular program 8 months ago, which was patterned after one functioning in Flint, Michigan. It is called a "diversion" program. He fully explained this type of program. This is where the child is put into a program for 3 months, and is being tried so the child will have a better chance of not returning to the court. Before this program was instituted, 50% of the children were returning to the court. After only 8 months with this program, only approximately 12% of them were returning. He requests that the law be changed to cover this type of program. This Committee then questioned Mr. Carmany. Chairman Barengo suggested that on Page 3, Line 14 the word "may" should be changed to "shall be dismissed". Mr. Carmany agreed with this.

The last change which this bill incorporates is in relation to the time period a child is held in detention. These children should have a hearing within 24 hours, unless it is a weekend or holiday. They should not be held indefinitely. He explained that there is no bail process at this time in juvenile court.

Chairman Barengo then requested that Mr. Carmany explain the complete juvenile system which is employed in this state. After Mr. Carmany did so, the Committee questioned him at length.

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Senator Norman Hilbrecht said that the purpose of S.B.286 was to repeal what is known as the Sole Trader Act. This was one of a number of measures which the Senate Judiciary Committee came up with to do away with the real or imagined inequality of the sexes. This Act was one of the "married women's" statutes. These laws are no longer desirable. The privileges in these laws are different for women than for men. Now, by and large, women, whether married or unmarried, can engage in and do business under any circumstances. This, rather than liberating married women, tends to place a limitation on their activities. Senator Hilbrecht then gave some examples of how this would limit.

Senator Hilbrecht speculated that after this session, we would have a situation like Washington where, absent commercial necessity, both partners in a marriage will be viewed equally in the business situation. Chairman Barengo commented that he and some of the Senators were going over the statutes which relate to community property in order for revision and updating.

Testifying regarding A.B.285 was Bart Jacka, Assistant Sheriff, Las Vegas Metro Police Department. He is definitely opposed to A.B.285. He read from a statement. He read and referred to some excerpts from Police Chief Magazine. He gave statistics of marijuana useage of junior high school students and high school students. He said that there has not been sufficient research over a significant period of time to arrive at the harmfulness of the drug cannabis. For the young, this drug is easier to obtain than alcohol. He stated that reduction of penalties now will ultimately result in total decriminalization. Mr. Jacka said that the day after he last spoke informally before this Committee, an article appeared in the Las Vegas Review Journal to the effect that they unalterably were opposed to revision of these laws. Mr. Jacka said that if the law got into the measurement of the THC content, this would place a lot of restrictions on the officer in the field. Mr. Jacka also commented that there is no known test to determine whether an individual in "under the influence" of marijuana.

Next, Mr. Carmany commented on A.B.285. They rejected revision of the law. And, as regards how their court would handle someone picked up for possession, reduction of penalties would not affect them at all. Mr. Carmany said that very few young people come into the court on hard drug charges--most in this area (approx. 90%) would be for marijuana. Crimes which have increased in the juvenile court are burglary, assault and drug-related charges. They are concerned about the kind of thing this

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is getting their young people into, because in order to obtain marijuana, somewhere along the line contact must be made with someone who is involved with other drugs. The court is involved in counselling young people who have developed psychological dependence on marijuana. Legally, this bill would not affect their court in the manner in which they handle juveniles. They see young people having trouble, but they don't see too many on hard drugs.

Next to testify on A.B.285 was Richard Siegal, American Civil Liberties Union, who is in favor of decriminalizing the possession of marijuana. Dr. Siegel presented the Committee with copies of the first study of the Oregon experience. He pointed out that Oregon had only a 6% increase in the use of marijuana since it decriminalized its use; however, many states with heavy penalties had a much higher rate of increase. He also told this Committee that the California Senate had just passed legislation similar to Oregon's regarding marijuana. The Senate was the only problem in the California legislative set-up to passing more liberalized laws, and they have now done this. Dr. Siegal pointed out that all states around Nevada have reduced penalties for possession, and if you come one step into Nevada, you can get up to six years in prison for this same offense. Dr. Siegel said he had second-hand information that presently 16 people were incarcerated in the Nevada State Prison for marijuana possession. Dr. Siegel stated that under a law, the fewer number of people who are prosecuted under it (or, in this case sent to prison), the more wrong that law is. As Dr. Siegel understands the information he received, most of these prison cases for marijuana possession came from the rural counties of the state. In closing, Dr. Siegel asked the Committee to give good consideration to this bill and make sure it is written the way that they feel it should be. The Committee questioned Dr. Siegel briefly.

Mr. Heaney presented to this Committee a bill which he would like them to introduce, which provides for joint liability for multiple defendants in tort actions. It was moved and seconded that this Committee introduce the bill. A unanimous vote was in favor of Committee introduction.

In regard to A.B.10, Mr. Lowman said that the agency feels that this bill is unamendable and does not meet their needs. Mr. Lowman has a new bill in this regard which he wishes the Committee to introduce. Mr. Barengo read the summary

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of the bill to the Committee. It was moved and seconded that this Committee introduce the bill. The vote was unanimous in favor of this.

Mr. Barengo said he requested a bill changing conspiracy to commit murder to a felony. Mr. Lowman moved to make this bill a Committee introduction, and Mrs. Hayes seconded. A unanimous vote was had in favor of a Committee introduction.

Mrs. Wagner questioned the status of A.J.R.16 and A.J.R.18, both from the 57th Session. Mr. Hickey explained that these were still being held pending completion of a new bill by the bill drafter, which deals with the same subject matter. Chairman Barengo commented that he has had a lot of questions on these bills. He requested Mr. Hickey to get a report on this particular new bill as to when it will be out. He requested the assistance of the Speaker of the House, Mr. Ashworth, who happened to be sitting in at the meeting at this point, to get the bill from the bill drafter as a priority bill. Mr. Ashworth agreed.

Mr. Heaney then requested a Committee introduction for a bill which was already drafted. This bill would allow a county clerk to refuse approval of surety bonds under certain circumstances. Mrs. Wagner moved for Committee introduction, and Mr. Sena seconded. A unanimous vote in favor of this followed.

Mr. Heaney then gave a report on A.B.284. He reviewed possible amendments, which language for these amendments he was requested to write. He told this Committee that a fiscal note was prepared but for some reason it was not on the bill. He requested an amendment to the fiscal note. Mr. Lowman requested copies of the amendments.

Assemblyman Daniel Demers requested a Committee introduction for a bill increasing the number of district judges in the Eighth Judicial District. It was moved and seconded that this be introduced by the Committee. A unanimous vote in favor of Committee introduction of this bill followed.

Mr. Ashworth was present at this portion of today's meeting, and Mr. Lowman asked him whether bills other than ones prepared by the Legislative Counsel Bureau could be introduced into the Assembly. Mr. Ashworth said he would hope not, because if this were done, it would tend to cause loss of control. He stated that he would not support such a measure, and doesn't think that the matter of getting bills out of the Legislative Counsel Bureau is as serious

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as many people feel.

Mrs. Wagner moved DO PASS S.B.286, and Mr. Sena seconded.
There was a unanimous vote in favor of passage. Legis-
lation Action Form attached.
MOTION CARRIED DO PASS S.B.286.

There being no further business, and after a motion and
a second, Mr. Barengo adjourned this meeting of the
Assembly Judiciary Committee at the hour of 10:05 a.m.

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA SESSION

LEGISLATION ACTION

DATE Mar. 24, 1975

BILL NO. S.B. 286

MOTION: _____

Do Pass Amend _____ Indefinitely Postpone _____ Reconsider _____

Moved By Mrs. Wagner Seconded By Mr. Sena

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. 24, 1975
Date