MINUTES

April 22, 1975

Chairman Barengo called to order the meeting of the Assembly Judiciary Committee on Tuesday, April 22, 1975 at 8:20 a.m.

MEMBERS PRESENT: BARENGO, BANNER, LOWMAN, POLISH, SENA, HAYES and WAGNER.

MEMBERS EXCUSED: HEANEY and HICKEY.

Frank Daykin, Counsel Bureau bill drafter, discussed <u>S.B.52</u>, <u>He discussed</u> sexual battery and gave definitions of various acts in this bill. The Committee discussed at length the various possible amendments to the bill with Mr. Daykin.

Mr. Daykin commented on A.J.R.16. He said the two sentences contradict one another as they are written in the bill. General discussion between the Committee and Mr. Daykin followed as to possible amending language to be used in this Resolution. Certain language was agreed upon, and Chairman Barengo directed Mr. Daykin to prepare the amendment.

After Mr. Daykin left the meeting, this Committee began to receive testimony from witnesses on the various bills which were scheduled to be heard this date.

A Guest List is attached to these Minutes.

From the Clark County Juvenile Court came testimony from Judge John Mendoza and Mr. Carmany as to S.B.229. Mr. Carmany previously testified on this bill. He will try to help clarify some things in the bill. First, the bill applies to disqualification of a judge from hearing a particular case. The first way to do this is the implied or actual bias affidavit. Affidavit disqualification was explained to this Committee. In adult court, one cannot file the \$25- and disqualify a judge. The Juvenile Court is asking that the statute relating to this be conformed to the adult statute.

Judge Mendoza discussed how the juvenile referees in the 2 large counties, Washoe and Clark, feel on this subject. The second provision that they requested in the bill is on consent, and they do not feel that there is a problem on that. The third situation is the detention hearing.

Chairman Barengo commented that Charles Springer, Reno Juvenile Master, is in favor of this change because he cannot get to these hearings this frequently. Judge Mendoza said that this is an attempt to meet constitutional challenge. This is an adequate substitute to bail. In every county in Nevada there is a referee who can hear these cases

Chairman Barengo discussed possible amending language.

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April 22, 1975

Judge Mendoza commented on A.B.30. They are here to oppose passage of this bill because it imposes a great burden on them.

As to A.B.285, Judge Mendoza gave a brief history on this particular bill. The bill, he feels, clearly states what is intended as to this particular offense. He feels it should be stated that in juvenile court they cannot fine children. Only in traffic areas can they assess a fine. He gave his observations on some of the particular cases he has seen. The school district at the judge's request looked into the Oregon situation as to the school-age children. In Oregon sales between school-age children increased since Oregon liberalized its laws as to possession of marijuana. He elaborated on the A judge in the Portland area said that there seemed to be Oregon problem. an increase in the use of heroin. They do not know whether it was because of the decriminalization of the marijuana laws. It could be because this is a port city. In Las Vegas, if one student is on campus and is caught in possession, they are generally required to go to a drug abuse meeting with parents. The best approach they came up with, as well as the schools, is to counsel with the parents. Judge Mendoza said he asked the schools how they felt about A.B.285, and they said they would oppose passage of the bill. Judge Mendoza feels that we need more study in this area, because if we go to the Oregon situation, those consequences would be undesirable.

Chairman Barengo explained to the Judge what the Committee had proposed to do as far as lowering the marijuana penalties. Judge Mendoza said if it was a misdemeanor, it would not make too much difference in their handling of the drug cases.

As to A.B.609, Judge Mendoza said that this bill was one they wanted to have considered by the Committee. 4 years ago this bill in the exact same l anguage was considered and passed, but it was vetoed by the Governor. He has since talked to the Governor, and he said he now has no objection to it. Mr. Carmany passed out copies of Comparison of Clark Co. Juvenile Hearings to the Committee. A copy is attached to these Minutes. Judge Mendoza requested that this bill only apply to Clark County. He pointed out the changes and what possibly may occur which would not be covered in this bill. They did not think that they should have to handle minor offenses. This should go through regular court procedure, because when an applicant is issued a license, he is to perform as the adult when the motor vehicle problems occur. Judge Mendoza said a good many states are removing the motor vehicle offenses from the juvenile court. But, the more serious offenses they do want to handle in the juvenile court. In jail, a juvenile must be kept separate from the adult if the situation occurs where an arrest is made. If the municipal court judge or justice of the peace feels that the child should be incarcerated for 6 months, then this case would go through the juvenile court. Before the case is referred to the juvenile court for disposition, the bill requires that the juvenile judge agree to this. This bill malso provides that the juvenile must appear with his parents, even in front of the municipal judge or justice of the peace. They think it is a good bill and that it is going in the right direction as far as juvenile traffic offenses are concerned.

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April 22, 1975

Mr. Carmany spoke on S.B.345. Currently there is no provision in the statute to deal with the emancipation of a minor. There are references to an emancipated minor, but no procedures are set out as to how a minor becomes emancipated. He feels there should be some provisions. There are, infrequently, children who at age 17 are capable of living alone. Mr. Carmany said some provision should be made in the law whereby a particular person at this age could legally live alone and be allowed to furnish himself with certain necessities. He feels the people who wrote this bill put in many safeguards. He gave an example of one of these type of children. They are talking about approximately 25 cases a year. He does not see the bill as adressing itself so much to the young people travelling through the state with parental permission. But, it does adress itself to emancipating the young person who can take care of himself. He feels that this is a good bill.

Judge Mendoza discussed S.B.345 and related the procedures and safeguards which would be followed and involved before the court can emancipate a young person. He is in favor of passage of the bill.

The Committee questioned Mr. Carmany and Judge Mendoza on <u>8, B, 345</u> at length.

As to S.B.404, Bob Broadbent, Nevada Association of County Commissioners, spoke. The Association takes a position in opposition to this bill. They feel if additional money is raised, it should go into the general fund and be appropriated for other county expenses. Most counties do not have enough money to take care of necessary functions. If the money were put into the general fund the county could decide what they felt should be done with it.

Mr. Lowman moved DO PASS A.B.462 AS AMENDED. Discussion was had as to the amending language, and Mr. Polish seconded. A vote showed 6 members of the Committe in favor of the motion. Absent for the vote were Mr. Heaney, Mr. Hickey and Mr. Banner. Legislation Action Form is attached hereto. MOTION CARRIED DO PASS A.B.462 AS AMENDED.

A.B.10 was discussed, and Mr. Lowman moved INDEFINITE POSTPONEMENT. Mrs. Hayes seconded. The vote was 6 in favor of the motion. 3 absent (Messrs. Banner, Heaney and Hickey). Form attached. <u>MOTION CARRIED INDEFINITELY POSTPONE A.B.10.</u>

Mr. Lowman moved DO PASS AS AMENDED S.B.229. General discussion followed. Mr. Polish seconded the motion. The vote was 6 in favor of this motion. 3 absent--Banner, Heaney & Hickey. Form attached. Mr. Barengo will get the amendment. MOTION CARRIED DO PASS S.B.229 AS AMENDED.

MOTION CARRIED DU FASS 5.B.229 AS AMENDED.

As to A.B.30, Mr. Lowman moved INDEFINITE POSTPONEMENT, and Mr. Sena seconded. The vote showed 6 in favor of this motion with 3 absent-Heaney, Hickey & Banner. Form attached. MOTION CARRIED INDEFINITELY POSTPONE A.B.30. Assembly Committee on Judiciary

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Chairman Barengo announced that nothing would be set for hearing after April 30th.

Discussion began on A.B.506, and it was decided an amendment was needed to take out privately owned power companies and limit to rural cooperatives. Mr. Polish moved DO PASS AS AMENDED, and Mr. Sena seconded. A vote showed 5 in favor of the motion. 1 abstained (Mr. Lowman). 3 were absent (Messrs. Banner, Heaney & Hickey). Form attached. MOTION CARRIED DO PASS A.B.506 AS AMENDED.

After brief discussion, Mrs. Wagner moved DO PASS A.B.516 AS AMENDED, and Mr. Sena seconded. The vote was 6 in favor. 3 absent--Banner, Heaney & Hickey. Form attached. MOTION CARRIED DO PASS A.B.516 AS AMENDED.

As to A.B.535, discussion ensued. Amending language whould include Churchill County, as well as Humboldt. Salary would be \$24,000- a year, and private practice would be eliminated for the District Attorneys at the beginning of the next elective term of office, or upon certification to the county commissioners by the D.A. that he has given up private practice. Mr. Polish was appointed to take care of getting the amendment. Mrs. Wagner seconded the motion made by Mr. Lowman to DO PASS <u>A.B.535</u> AS AMENDED. The vote showed 6 in favor. 3 absent, as above. Form attached. MOTION CARRIED DO PASS A.B.535 AS AMENDED.

Mrs. Wagner moved to INDEFINITELY POSTPONE S.B.329, and Mrs. Hayes seconded. 6 Committee members voted in favor of the motion. Form attached. MOTION CARRIED INDEFINITELY POSTPONE S.B.329.

Mr. Lowman moved INDEFINITELY POSTPONE A.B.533. Discussion was had and it was decided to wait until taking action to give Gene Milligan a chance to testify. Mr. Lowman withdrew his motion.

Discussion was had on A.B.517, and it was decided to withhold taking action on the bill until further information as to salary could be presented.

Discussion was had on A.B.518. Mr. Barengo will draw an amendment regarding this bill and present it to the Committee.

Mr. Barengo said he had a call yesterday from Mrs. Blaine Rose on A.B.488, an Equal Rights Commission bill. She said A.B.196 was going to be killed in the Senate, so not to amend A.B.488. Mr. Barengo also had a call from the Governor's Office, and they would like this bill passed. It was decided to hold up on action on all the Equal Rights Commission's bills until a later date.

A.B.444 was discussed, and the Committee decided not to take action today.

As to A.B.391, Mr. Polish moved INDEFINITE POSTPONEMENT, and Mrs. Hayes seconded. The vote indicated 6 in favor of the motion with 3 still absent. MOTION CARRIED INDEFINITELY POSTPONE A.B.391.

Discussion was had on A.B.382, and Mrs. Hayes moved to DO PASS AS AMENDED. Mr. Polish seconded. Mr. Barengo will get this amendment for the Committee Assembly Committee on Judiciary

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April 22, 1975

to look at. A vote indicated 5 in favor of the motion. 4 were absent--Mr. Lowman left the meeting just before the vote, and Messrs. Banner, Heaney & Hickey. Form attached. <u>MOTION CARRIED</u> DO PASS A.B.382 AS AMENDED.

After a motion and a second, Chairman Barengo adjourned this meeting at the hour of 10:17 a.m.

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ASSEMBLY JUDICIARY COMMITTEE

GUEST REGISTER

DATE: <u>April 22</u>, 1975

NAME	BILL NO.	SPEAK ING	REPRESENTING
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Hims I lemillent	520		Clark Co. Junenile Court NHP
GINS DEL CARLO	SB 47	NO	N.B.A.
J. Carmany		V	Clark Co. Juvenile Cour
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COMPARISON OF CLARK COUNTY JUVENILE HEARINGS

COMPAR	ISON OF	CLARK	COUNTY	JUVENILE	HEARINGS		781
		1077	- 1974				
		1913	1974				
PETITIONS			•		1	PERCENTAGE	
<u></u>		1973	1974			INCREASE:	318
			· · ·				
January		237	510				•
February		196	522				
March		210	.505				
April		373	422				
May		378	354		1	•	
June		334	486				
July		276	314		•.		
August		360	357	•	•		
September	•	393	260				
October		409	354		· · · · · · · · · · · · ·		-
November		484	295				
December		439	437				
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	TOTAL	3696	4826	•			
DETENTION HEARING	· · · · ·	3696	4826			PERCENTAGE	
DETENTION HEARING	· · · · ·	3696	4826			PERCENTAGE INCREASE:	203%
DETENTION HEARING	· · · · ·	3696	•				2038
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over

36%

- 70%

PERCENTAGE INCREASE:

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PERCENTAGE INCREASE:

PLEA HEARINGS

•	January		156	366
	February		147	183
	March		168	319
	April		236	382
	May		266	337
•	June		215	331
	July		208	307
·	August		237	290
	September	.	228	251
	October		251	312
	November		292	254
	December		264	348
		TOTAL .	2704	3680
CONTES	TED HEARING	S		
				•
	January		33	38
+	February	-	30	49
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February	•	30	49
March		21	73
April	•	28	83
May,		34	68
June		35	68
July		24	73
August		50	34
September		36	59
October		37	61
November		40	45
December .		37	35
	TOTAL	405	686

-1- :

PERCENTAGE INCREASE:

82%

PAGE 2 Comparison of Clark County Juvenile Hearings 1973 - 1974

DISPOSITIONAL HEARINGS

	• •	· .	<u>1973</u>	1974	
	January		121	220	
	February		144	372	
	March		165	269	
1. 	April		135	313	
-	May	Ξ.	130	236	
	June		160	209	
tan. Ang sa	July		. 97	251	
	August		148	174	
	September		102	185	
· · · · · · · · · · · · · · · · · · ·	October		119	159	
	November		142	206	
•	December		98	241	
		TOTAL	1561	2835	
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· · ·	January		528	732	
	February		465	884	
	March		452	918	

PERCENTAGE				Ż
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- 	528	732
	465	884
	452	918
	465	718
	496	921
	458	848
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	625	898
	432	598
	631	620
	540	761
	423	601
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TOTAL	5972	9470
	TOTAL	465 452 465 496 458 457 625 432 631 540 423

LEGISLATION ACTION

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Attach to Minutes April 22, 1974 Date

LEGISLATION ACTION

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Attach to Minutes April 22, 1975

785

LEGISLATION ACTION

DATE April 20	2,1975				
DATE April 20 BILL NO. S.B.	229				
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Moved By		Seconded	Ву		
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April 93, 1975 Date Attach to Minutes

LEGISLATION ACTION

DATE April 23,19	75
DATE April 93,19 BILL NO. A.B.30	
MOTION:	
Do Pass Amend	Indefinitely Postpone 🖌 Reconsider
Moved By Mr. La	seconded By Mr. Jena
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VOTE: YES P	AMENDAMENDNOYESNOYESNO
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Attach to Minutes April 22, 1975 Date

LEGISLATION ACTION

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Moved By _		Seconded By	
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VOTE:	YES NO	YES NO	YES NO
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Attach to Minutes April 23, 1975 Date

LEGISLATION ACTION

DATE April 22, 1975		
DATE April 22, 1975 BILL NO. A.B. 516		
MOTION:		
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Moved By	Seconded By	
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MOTION	AMEND	AMEND
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Attach to Minutes April 23, 1975 Date

LEGISLATION ACTION

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DATE Apri BILL NO. A.	B.535	-			
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Attach to Minutes April 22, 1975 Date

LEGISLATION ACTION

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MOTION:				
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Attach to Minutes April 22,1975 Date

LEGISLATION ACTION

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Attach to Minutes April 22, 1975 Date 792

79.

R	ASSEMBLY JUDICIA 58th NEVADA			
	LEGISLATION	ACTION		
DATE April 22	, 1975			
DATE <u>April 22</u> BILL NO. <u>A.B. 3</u>	82			
MOTION:			n an	
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VOTE:YESBarengoBannerHayesHeaney	<u>NO</u> <u>YE</u>	<u>NO</u>	<u>YES</u> <u>NO</u>	
VOTE:YESBarengoBannerHayesHeaneyHickey		<u>S NO</u>	<u>YES</u> <u>NO</u>	
VOTE:YESBarengoBannerHayesHeaneyHickeyLowmanPolish	<u>NO</u> <u>YE</u>	<u>S NO</u>	<u>YES</u> <u>NO</u>	
VOTE:YESBarengoBannerHayesHeaneyHickeyLowman	<u>NO</u> <u>YE</u>	<u>S NO</u>	<u>YES</u> <u>NO</u>	
VOTE:YESBarengoBannerHayesHeaneyHickeyLowmanPolishSenaWagner			<u>YES</u> <u>NO</u>	
VOTE:YESBarengoImage: Second secon		<u>SNO</u>	<u>YES</u> <u>NO</u>	
VOTE: YES Barengo Banner Hayes Heaney Hickey Lowman Polish Sena Wagner Banner, Heaney TALLY: alisett for	NO YE		<u>YES</u> <u>NO</u>	
VOTE: YES Barengo Banner Hayes Heaney Hickey Lowman Polish Sena Wagner Banner, Heaney TALLY: alisett for	NO YE		ithdrawn	

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