ASSEMBLY JUDICIARY COMMITTEE 58th NEVADA ASSEMBLY SESSION

MINUTES

May 6, 1975

This meeting of the Assembly Judiciary Committee was called to order by Chairman Barengo on Tuesday, May 6, 1975 at the hour of 8:30 a.m. for the purpose of considering previously heard bills.

At all times during the voting, there was a quorum present.

As to A.B.392, Mr. Lowman moved to INDEFINITELY POSTPONE, and Mr. Polish seconded. The vote indicated 5 in favor of the motion. 4 were absent--Wagner, Heaney, Banner and Hickey. Form attached. MOTION CARRIED INDEFINITELY POSTPONE A.B.392.

As to A.B.484, Mrs. Hayes moved INDEFINITELY POSTPONE, and Mr. Lowman seconded. 5 "aye" votes and 1 dissenting (Hickey) -- 3 absent (Wagner, Heaney and Banner). Form attached.

MOTION CARRIED INDEFINITELY POSTPONE A.B.484.

Mr. Polish moved to INDEFINITELY POSTPONE A.B.485, and Mr. Lowman seconded. 5 "aye" votes--1 no vote (Hickey)--3 absent (Wagner, Heaney and Banner). Form attached.

MOTION CARRIED INDEFINITELY POSTPONE A.B.485.

Mr. Polish moved to INDEFINITELY POSTPONE A.B.487. Mrs. Hayes seconded. The vote was 5 in favor of the motion and 1 against (Hickey). 3 absent--Wagner, Heaney and Banner. Form attached. MOTION CARRIED INDEFINITELY POSTPONE A.B.487.

As to A.B.488, Mr. Sena moved DO PASS and Mr. Banner seconded. The vote was 6 in favor of the motion with 3 absent (Lowman, Wagner and Heaney). Form attached.

MOTION CARRIED DO PASS A.B.488.

Mrs. Hayes moved DO PASS A.B.489, and Mr. Banner seconded. 6 "aye" votes with 3 absent--Lowman, Wagner and Heaney. Form attached. MOTION CARRIED DO PASS A.B.489.

A.B.512 was discussed next, and Mrs. Hayes moved DO PASS. Mrs. Wagner seconded. Discussion was had. Mr. Barengo suggested a possible amendment. 3 voted for the Do Pass motion, 3 were absent, 2 dissented, and 1 abstained. This motion did not carry.

A.B.517 was discussed. Amendment was discussed. Action will be taken at another time.

Mr. Sena moved to INDEFINITELY POSTPONE A.B.518, and Mrs. Hayes seconded. 5 "aye" votes with 4 absent (Lowman, Heaney, Banner & Hickey). Form attached.

MOTION CARRIED INDEFINITELY POSTPONE A.B.518.



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May 6, 1975

Mrs. Wagner moved DO PASS A.B.667, and Mr. Sena seconded. 5 "aye" votes with 4 absent--Lowman, Heaney, Banner & Hickey. Form attached. MOTION CARRIED DO PASS A.B.667.

Mrs. Wagner moved to INDEFINITELY POSTPONE A.J.R.16, and Mr. Polish seconded. 4 "aye" votes--3 dissented (Barengo, Hayes & Sena)-- Hickey and Banner absent. This motion did not carry.

Mr. Sena moved to INDEFINITELY POSTPONE A.B.8, and Mr. Barengo seconded. Discussion was had. 4 voted in favor of this motion. 3 dissented (Lowman, Heaney and Polish), and 2 were absent (Hickey and Banner). This motion did not carry.

Mr. Lowman moved DO PASS A.B.97, and Mr. Heaney seconded. 8 voted in favor of this motion. Mr.Banner was absent. Form attached. MOTION CARRIED DO PASS A.B.97.

At this time, Chairman Barengo announced that Mr. Hickey would like this Committee to look at the amendment on A.B.151, which is out of the general file. The bill is about drunk driving. The amendment would be to take out the mandatory 10 days proposed in the bill. The justices of the peace want to leave it to the discretion of the court. The bill originally came from the Nevada Judges Association. Mr. Heaney moved that this Committee make this amendment to A.B.151. Mrs. Hayes seconded the motion. 7 voted in favor of the motion, and Mr. Lowman dissented. Mr. Banner was absent for the vote. MOTION CARRIED--ADD AMENDMENT TO A.B.151 OUT OF THE GENERAL FILE.

Chairman Barengo said that Mr. Hickey requested a Committee introduction for a new bill regarding child stealing. 8 Committee members voted in favor of introduction of this bill. He passed out copies of the proposed bill to this Committee.

At this point, Frank Daykin, came into the meeting to further discuss the obscenity bills. As to A.B.722, Mr. Daykin said that he looked in the Iowa and Indiana statutes on the matter. He told the Committee about the various states' statutes. It is possible to legislate in the area of minors. Indiana's law is exactly what Nevada now has with the exception of minors. Mr. Daykin explained the constitutional problem in Section 14 of A.B.722. As to the proposed amendments by Carl Lovell, all that would have to be incorporated if the amendment were used would be the concept of an advisory jury. Lengthy discussion followed. Chairman Barengo moved to amend A.B.722 in accordance with the amendment proposed by the Las Vegas City Attorney, Carl Lovell, and to use an advisory jury concept. Also, he proposed amending it to allow for seizure but not destruction of materials until a verdict is handed down, as well as to take out the portion of the bill referring to transferring or giving away this material. Mr. Lowman seconded this motion. After a unanimous vote, Chairman Barengo and the Committee requested Mr. Daykin to incorporate all of these amendments into the bill and then present it to this Committee for approval.

ASSEMBLY JUDICIARY COMMITTEE 58th NEVADA SESSION

DATE <u>5/6/75</u> BILL NO. A.B. 392			
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MOTION:			
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Moved By Mr. Lowen	Seconded By	mr. La	lish
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ASSEMBLY JUDICIARY COMMITTEE 58th NEVADA SESSION

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ASSEMBLY JUDICIARY COMMITTEE 58th NEVADA SESSION

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