

ASSEMBLY JUDICIARY COMMITTEE
58TH NEVADA ASSEMBLY SESSION

1025

May 9, 1975

MINUTES

This meeting of the Assembly Judiciary Committee was called to order by Chairman Barengo on Friday, May 9, 1975, at 8:15 A.M.

MEMBERS PRESENT: Messrs. BARENGO, BANNER, HEANEY, HICKEY, LOWMAN, POLISH, SENA, Mrs. HAYES and Mrs. WAGNER.

MEMBERS ABSENT: NONE

A Guest Register from this meeting is attached to these Minutes.

S.B. 375 - S.B. 417

William D. Swackhamer, Secretary of State, and Russel W. Button and Abner W. Sewell of his office, appeared to testify. Mr. Swackhamer said the present law does not allow for early detection of a fraudulent scheme. This legislation provides for pre-registration of broker-dealers, agents, investment advisors and transfer agents, and more equitable administration of the security laws. In response to Mrs. Wagner's question as to whether or not this type of legislation exists in other states, Mr. Swackhamer replied the genesis of this bill is the Illinois Security Act which has been in effect for twenty years, has worked well and has been legally tested. Mr. Sewell noted this would put bullion dealers under the same legislation as a broker-dealer which would require a certified financial statement on a yearly basis.

Following discussion with the Committee on the details of the two bills, it was determined that they should be combined into one bill.

A.B. 447

Mr. Swackhamer said this legislation concerning notaries public was badly needed in that it would require record keeping by notaries of each transaction, as well as the signature of each person whose signature is acknowledged in that same record. Also, the notary bond would be raised slightly which would give additional protection to the public.

S.B. 429 - S.B. 428 - S.B. 520 - A.B. 774

Mr. Barton Jacka, Las Vegas Metropolitan Police Department, said this Committee recommended passage of S.B. 429 a week ago and he had not yet seen it on the floor.

S.B. 428 deals with fraudulent documents, particularly checks, and allows that notification to the party who has given a check with insufficient funds to be by certified mail, as well as registered mail as is now provided. Also, on Page 2, Line 11, the insufficient funds is bracketed since many banks mark such checks "refer to maker."

S.B. 520 concerns the use of recording equipment in communication centers of law enforcement and fire fighting agencies which have been operating for several years under a district attorney's opinion which

simply allows recording of incoming conversations. This bill also allows for recording of call-backs which are necessary in about 35% of the cases. The bill was amended in the Senate to require notification to the party that the call is being recorded when it was necessary to call back, and it was felt this would possibly cause some problem because of the number of calls necessary. There is presently a beeper on the incoming calls and it is felt this is sufficient notification that the call is being recorded.

Mr. Jacka said A.B. 774 was requested by his agency and involved child stealing. At the present time when one parent has custody of a child through a divorce action, and the other parent takes the child away it is necessary to charge that person with kidnapping, a felony crime, and this bill changes the charge for such child stealing to a misdemeanor.

Mr. Heaney said the remedy of contempt is available in such cases also.

Mr. Jacka said his original request had been the wording in the California statute (copy attached).

S.B. 561

Mr. George Stout, Department of Motor Vehicles, said this bill extends the period of time the Department of Motor Vehicles has to schedule a hearing for its hearing officer from 20 days to 60 days because of the increase in requests for implied consent hearings. Secondly, it changes the method of judicial review of a decision of a hearing officer, which is not clear in the present law.

Mr. Barengo pointed out that it depends on how the petition is drafted. If you ask for a review, they give you that. If you ask for a trial de novo, they give you that.

S.B. 440

Mr. Dean Patterson, Official Reporter, Department 1, Eighth Judicial District, spoke in favor of the bill and requested an amendment to add the following words at the beginning of Section 5: "For reporting the testimony and proceedings in an uncontested divorce action the reporter shall receive \$8 to be taxed as costs pursuant to subsection 3."

S.B. 199

Mr. Lowman moved to reconsider S.B. 199. Mrs. Wagner seconded the motion. Mr. Lowman, Mr. Heaney and Mrs. Wagner voted in favor of the motion; the balance of the committee abstained. Motion not carried.

S.B. 375 and S.B. 417

Mr. Lowman moved to amend S.B. 375 and S.B. 417 together and "Do Pass." Mrs. Wagner seconded the motion. Motion carried unanimously.

S.B. 520

Mr. Banner moved "Do Pass" on S.B. 520. Mr. Sena seconded the motion. Motion carried unanimously.

S.B. 428

Mr. Banner moved "Do Pass" on S.B. 428. Mr. Lowman seconded the motion. Motion carried unanimously.

A.B. 774

Mr. Banner moved "Do Pass" on A.B. 774. Mr. Hickey seconded the motion. Motion carried by majority, with Mr. Barengo and Mrs. Hayes opposing.

S.B. 555

Mr. Hickey moved "Do Pass" on S.B. 555. Mr. Sena seconded the motion. Motion carried unanimously.

A.J.R. 46

Mr. Barengo said a change was suggested by Chief Justice Gunderson, in that the merit selection plan for judges was passed out, to include that the first court be appointed pursuant to the American selection plan and, if not, by the Governor.

Mr. Lowman moved "Do Pass" as amended on A.J.R. 46. Mrs. Wagner seconded the motion. Motion carried by unanimous vote of those present, Mrs. Hayes not present at the time of voting.

A.B. 751

Mr. Banner moved "Do Pass" on A.B. 751. Mr. Hickey seconded the motion. Motion carried by unanimous vote of those present, Mrs. Hayes not present at the time of voting.

S.B. 433

Mrs. Wagner moved "Do Pass" as amended on S.B. 433, taking out Line 19 on Page 2. Mrs. Wagner then withdrew her motion pending the return of Mrs. Hayes.

Mr. Lowman moved "Do Pass" as amended on S.B. 433, taking out Line 19 on Page 2. Mrs. Wagner seconded the motion. Mr. Lowman included in his motion that language is to be placed in the bill to the effect that the signature of one parent who represents that the other parent is in agreement shall be sufficient. Mrs. Wagner withdrew her second. Mr. Hickey then seconded the motion. Following discussion, the committee agreed the amending language on Line 22, Page 1, is to be worked out by the bill drafters. Motion carried unanimously.

S.B. 561

Mr. Hickey moved to accept and "Do Pass" that portion of S.B. 561 which

extends the period of time for scheduling a hearing from 20 days to 60 days and to amend out the balance of the bill. Mr. Banner seconded the motion. Motion carried unanimously.

A.J.R. 16

Mr. Sena moved "Do Pass" as amended on A.J.R. 16 deleting lines 5 through 7 "right on the basis of race, color, creed, sex or national origin, but the legislature may provide by law for the protection of women in those respects where the natural differences between the sexes make such protection appropriate." Mr. Banner seconded the motion. Motion carried by majority, with Mr. Hickey, Mr. Barengo, Mrs. Wagner and Mr. Lowman opposing.

A.B. 614

Mr. Banner moved "Do Pass" on A.B. 614. Mr. Hickey seconded the motion. Motion carried unanimously by those present, Mr. Barengo not present at the time of voting.

Meeting adjourned at 10:00 A.M.

Respectfully submitted,



Mildred Cave, Secretary

ENTICING MINOR FROM HOME

Every person who maliciously, forcibly, or fraudulently takes or entices away any minor child with intent to detain and conceal such child from its parent, guardian, or other person having the lawful charge of such child, is punishable by imprisonment in the state prison not exceeding twenty years.

CONCEALMENT OR DETENTION OF CHILD IN VIOLATION OF CUSTODY ORDER

(a) Every person who has actual physical control of a child for a limited period of time in the exercise of the right to visit with, or to be visited by, such child, or the right to limited custody of such child, pursuant to an order, judgment or decree of any court, which order, judgment or decree grants custody of such child to another, and who, without good cause and with intent to detain or conceal such child, keeps said child in this state after the expiration of such period without the consent of the person or persons entitled to custody of such child, violates this section.

(b) Every person who has custody of a child pursuant to an order, judgment or decree of any court, which order, judgment or decree grants another person limited rights to custody of such child or the right to visit with, or to be visited by, such child, and who conceals such child in this state without good cause and with intent to deprive such other person of such right of limited custody or visitation, violates this section.

(c) In any case in which a parent of a child has, pursuant to an ¹⁰³¹ order, judgment or decree of any court, a right of custody to the child equal to that of the other parent or, pursuant to an order, judgment or decree of any court, has no right of custody to the child, and removes the child without the consent of the other parent, from the place where the child is then residing or staying and conceals the child in this state from such other parent without good cause and with intent to prevent the other parent from exercising rights of custody to the child, he violates this section.

(d) Every person who violates this section is guilty of a misdemeanor and is punishable as prescribed by ~~Section 10 of the Penal Code.~~