

## SENATE JUDICIARY COMMITTEE

## MINUTES OF MEETING

February 21, 1975

The meeting was called to order at 9:10 a.m. Senator Close was in the Chair.

Present: Senator Close, Chairman  
 Senator Wilson  
 Senator Bryan  
 Senator Dodge  
 Senator Sheerin  
 Senator Foote  
 Senator Hilbrecht

AJR 8 Memorializes President of the United States and Congress to implement and enforce existing federal laws dealing with problem of illegal aliens and to adopt new ameliorative legislation.

Assemblymen Nash Sena and James Banner testified before the Committee. They stated that the number of illegal aliens in the United States constitutes a national crisis; that at the present time, there are between 7 and 12 million in the country and they anticipate an influx of nearly 2 million more in the next year. They felt that the only means of handling this situation was to obtain help from the federal government in an effort to dry up the source. Mr. Sena stated that the presence of these illegal aliens constitutes a serious employment problem and an increasing burden on the welfare roles.

Senator Foote moved a do pass,  
 Seconded by Senator Bryan,  
 Motion carried unanimously.

AJR 10 of the 57th Session Proposes to amend Nevada Constitution to permit Supreme Court to hear oral argument outside of Carson City.

Senator Bryan moved a do pass,  
 Seconded by Senator Hilbrecht,  
 Motion carried unanimously.

SB 198 Requires preliminary inquiry following arrest of a parolee for alleged parole violation to determine if reasonable ground for revocation of parole exists.

A. A. Campos, Chief and James Gerow, Deputy Chief of Parole and Probation testified on behalf of this measure. Mr. Campos stated that the intent of the bill is to make Nevada law comply with the Supreme Court decision of Morrissey v. Brewer. In reviewing the bill, Mr. Campos informed the Committee that Section 3 had not been drafted as he requested and that he would submit an amendment on it. In response to a question from the Committee, he stated that the only time you would need to arrest without a warrant is when you need to get to the parolee immediately. He cited as an example, a parolee telling his probation officer that he was leaving town. The officer would not have time to obtain a warrant and would want to be able to arrest the parolee right there.

Senator Bryan pointed out, that in that situation, they do not really want the parole board to be able to issue a warrant; what they want is the power to arrest without one. Senator Hilbrecht felt that it might be unconstitutional in that you cannot arrest a person for merely threatening to leave. Mr. Campos stated that that in itself constitutes a violation of parole.

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Senator Close commented that the bill does not have any guidelines as to what constitutes cause for arrest. He suggested adding a "probable cause" subsection to Section 3. In line with that, Senator Bryan offered the following language: "Any parole or probation officer or any peace officer may arrest a parolee without a warrant if there is probable cause or reasonable grounds to believe he had committed acts which are in violation of parole."

Mr. Campos read to the Committee the section of the Parole Board's Policy pertaining to the arrest of parolee and preliminary hearings. Senator Bryan suggested that the parole board's procedures, as outlined in their policy statement, be codified with the requirements of the statute so that it would not be necessary to return to the legislature for each change.

Senator Hilbrecht moved to amend and do pass,  
Seconded by Senator Bryan,  
Motion carried unanimously.

SB 199 Revises aid to dependent children relative responsibility requirements and repeals relative responsibility provisions for adult categories of public assistance.

Dale Landon, State Field Supervisor for Social Security informed the Committee that this bill is in regard to the responsible relative laws which they are intending to obsolete from the Supplemental Security Income program. The reason being, on January 1, 1974 the SSI program took over the aged, blind and disabled portions; the adult categories.

Earl Yamashita, State Welfare Division responded to a question from Senator Dodge as to why it was necessary to repeal this section of the law if it was not part of the federal regulation anymore. Because they supplement the SSI program, involving State money, they are bound by the statute to pursue those responsible for support. If it is not taken out, therefore, they will be spending State money to reimburse federal programs. Mr. Landon further commented that the federal government does not require the states to have a responsible relative law, however if they do, they are required to follow it.

Senator Wilson pointed out that some sections of the bill say "said relative" while other sections specify "responsible relative, spouse or parent." He stated that it should be consistent throughout and recommended adding a new subsection which would say "as used in this Chapter, responsible relative means ..." The Committee concurred with this suggestion.

Father Larry Dunphy testified in favor of the bill. He stated that those that require the assistance provided by this program are poor; and the relatives of the poor are generally poor themselves. He also commented that the responsible relative is already contributing to the support of the person through payment of taxes. Additionally, the demands of financial responsibility imposed by law places severe strains upon the affectional and emotional support of the relationship. Both professional literature and case work, in his experience, show that the financial responsibility requirement generates fear, resentment and discomfort among relatives. To avoid placing an undue burden upon the family, the relative tends to dissimilate the relationship. When the familiar bonds of affection with continued contact exist, the relatives normally contribute to the support of the relative without being so ordered by law. If these feelings do not exist, attempts to impose them by law only provoke the negative feelings referred to above.

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Senator Bryan moved to amend and do pass,  
Seconded by Senator Hilbrecht,  
Motion carried unanimously.

There being no further business, the meeting was adjourned.

Respectfully submitted,

  
Cheri Kinsley, Secretary

APPROVED:

SENATOR MELVIN D. CLOSE, JR., CHAIRMAN