

## SENATE JUDICIARY COMMITTEE

## MINUTES OF MEETING

FEBRUARY 24, 1975

The meeting was called to order at 9:15 a.m. Senator Clsoe was in the Chair.

PRESENT:                Senator Close  
                           Senator Wilson  
                           Senator Dodge  
                           Senator Sheerin  
                           Senator Bryan  
                           Senator Hilbrecht  
                           Senator Foote

## ABSENT:

SB 213      Increases penalty for furnishing a dangerous drug without a prescription and requires pharmacist to sign his name or initials on record for each refill of dangerous drug prescription.

Testimony was presented before the Committee by the following:

Mr. George Bennett, Board of Pharmacy - Mr. Bennett informed the Committee that at the present time, furnishing a dangerous drug carries a lesser penalty than possession of a dangerous drug (454.316). He also indicated that the reason for requiring a signature or initials is that many pharmacists use rubber stamps which could easily be misused.

In response to a question by Senator Hilbrecht, Mr. Bennett defined dangerous drug as anything that requires a prescription (454.201).

Senator Hilbrecht questioned the use of "furnishing" as opposed to "selling." Mr. Bennett replied that "furnishing" was an all-encompassing term which could be applied to both. Senator Close recommended amending the bill to read "any person who sells or any druggist who furnishes a dangerous drug, unless the dangerous drug has been obtained in the first instance by a legal physician." The Committee concurred with this recommendation.

Mr. George Mandell, State Division of Narcotics - Stated that he was in favor of the bill and the proposed amendment.

Senator Hilbrecht moved a "Do pass as amended",  
 Seconded by Senator Wilson,  
 Motion carried unanimously. Senator Foote was absent from the vote.

SB 214      Restricts conditions under which defendant may appeal from judgment in criminal action tried before justice of peace.

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SB 214 Senator Hilbrecht stated that he concurred with everything in the bill with the exception of Line 7 "or made a submission upon the record,".

Senator Bryan suggested that the problem was a practical one, in that if your argument was a legal one rather than factual, it would be a waste of the court's time and your time to hear it in the lower court. He stated that by submitting it on the record you can get it into District Court and invoke any legal arguments you feel you have.

Senator Close stated that if you are going to submit it on the record, you should state the reason for raising any issues. He felt that it would not be advisable to have these cases heard in the District Courts in that cases are already jammed up as it is. Senator Sheerin suggested repealing NRS 189.120 by attaching it as an amendment to this bill.

There was no action taken on the bill at this time. It will be placed on the agenda for Friday, February 28, 1975. Carl Lovell will testify on it at that time.

SB 215 Clarifies provision exempting automobile from execution.

Senator Bryan stated that the problem was two-fold in that:  
 1) you do not want to deprive an individual declaring bankruptcy of a means of transportation to and from work and;  
 2) you must determine to what extent you are going to deprive his creditors of an asset that they should be able to use to satisfy his obligations.

Senator Close stated that the intent of bill was to permit creditors to reach an asset unless it was considered a necessity.

Senator Dodge suggested that the \$1,000 figure was unrealistic and recommended amending it to \$2,000. The Committee concurred with this figure.

Senator Bryan moved a "do pass" as amended,  
 Seconded by Senator Wilson,  
 Motion carried unanimously.

SB 222 Provides protection for rape victims in prosecutions against rape offenders.

The Committee discussed Section 4, Subsection 2, Subparagraph (a). It was the general consensus that the following be inserted in line 40: "unless the court has permitted such evidence to be admitted under (the appropriate sections) following an offer of proof."

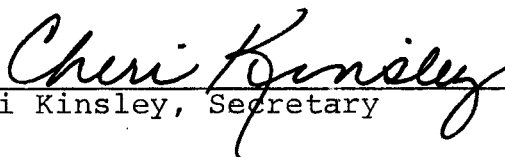
Senator Bryan informed the Committee that he will talk to the bill drafters office in regard to the California provisions dealing with this.

There was no action taken on the bill at this time.

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There being no further business, the meeting was adjourned.

Respectfully submitted,

  
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Cheri Kinsley, Secretary

APPROVED:

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Senator Close, Chairman