

## MINUTES OF MEETING

FEBRUARY 4, 1975

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

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

## ABSENT:

SB 21 - Removes limit on parents' or guardian's liability for damages resulting from minor's willful misconduct and permits publication of juvenile offender's name in connection with juvenile proceedings.

Testimony was presented before the Committee by the following:

Mr. William LaBadie, State Welfare Department - Mr. LaBadie stated that his main concern was in Section 3 of 62.270. His question was whether or not the records of dependant and neglected children would also be opened to the public. Senator Monroe informed him that these children would not fall in the category of juvenile delinquents. Mr. LaBadie further stated that he felt it would be inadvisable to publish names in that it was considered a status symbol among juveniles, regardless of the reason for the publication.

Senator Monroe - Explained that the reason for the introduction of this bill was to attempt to control some of the juvenile delinquency occurring at present. He felt that by publishing the names of the delinquents, their parents might become more concerned and exert more control at home.

Mr. George L. Vargas, American Insurance Association - Stated that his primary concern was that Section 1 of the bill would remove all of the limitation on the imposed liability of parents for the willful misconduct of a minor. He informed the Committee of Assembly bill 19 which would raise this parental limit to \$5,000 from the current \$2,000. In talking to insurance companies and underwriters, he has found that this type of imposed liability would be covered under various types of comprehensive general liability and under home owner's policies, however, there is no factor that goes into the rate structure to rate this particular type of exposure. Additionally, Mr. Vargas expressed his concern that this statute may not be constitutional, inasmuch as it does not provide an opportunity for an independent hearing on behalf of the parent.

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SB 21 George L. Vargas - He felt that the parents should have some defense against the uncontrollable acts of a child.

In further discussion by the Committee, Senator Close suggested that some compromise be made between the parent that cannot control the child and the innocent victim that suffered an extreme loss.

There was no action taken on this bill at present. It will be placed on the agenda for February 6, 1975 at 9:00 a.m.

SB 33 Technical amendment correcting internal reference.

Senator Wilson moved a "Do pass",  
seconded by Senator Dodge,  
Motion carried unanimously.

SB 34 Technical amendment designating supreme court law library as agency where amendment or extension of town code is filed.

Senator Wilson moved a "Do pass",  
seconded by Senator Foote,  
Motion carried unanimously.

SB 35 Technical amendment deleting incorrect references to "department of personnel."

Senator Dodge moved a "Do pass",  
Seconded by Senator Wilson,  
Motion carried unanimously.

SB 53 Clarifies definition of marihuana.

Testimony was presented before the Committee by Mr. Vern Calhoun of the State Division of Investigation and Narcotics.

He stated that this bill was designed to prevent a problem rather than cure one. The question has been raised in the courts over the past year as to whether marihuana is a single species or a variety of species.

Senator Hilbrecht suggested that perhaps the statute should contain a generic term that would apply to all forms of marihuana. Senator Dodge agreed with this inasmuch as it would be impossible to enumerate all present species and those that may be developed in the future.

Senator Bryan suggested that the Committee hear testimony from the District Attorney's Office, the Attorney General's Office and a botanist or chemist before taking any action.

SB 53 - The bill will be placed on the agenda for February 6, 1975 for further discussion.

SB 54 Specifies certain hours for service of search warrants.

Testimony was presented before the Committee by Mr. Vern Calhoun of the State Division of Investigation and Narcotics.

Mr. Calhoun stated that it was the intent of the bill to establish uniform times for the serving of search warrants. He informed the Committee that the times of 6:00 a.m. to 10:00 p.m. were based on the premise that under the Constitution it says "reasonable time of day" and that in our society most people would be active during those times.

Senator Hilbrecht stated that it was his understanding of the law that you may go to a magistrate's office and obtain a search warrant to search any hour of the day if you can demonstrate the need for one and that he could see no reason for establishing particular times of the day for that purpose. Senator Sheerin suggested that it was actually double protection for everyone, in that if you are going to search at night time, you will need another reason. Senator Bryan recommended amending the hours of search to 7:00 a.m. until 7:00 p.m. in that he felt 6:00 a.m. to 10:00 p.m. were too broad. The Committee concurred with this recommendation.


Senator Sheerin moved a "Do pass as amended",  
Seconded by Senator Bryan,  
Motion carried unanimously.

SB 70 Extends jurisdiction of justices of the peace to arrests by game wardens in adjacent counties.

The Committee decided to delay discussion on SB 70 pending testimony from the Department of Motor Vehicles and the Department of Fish and Game.  
The Bill will be placed on the agenda for February 6, 1975 for further consideration.

There being no further business, the meeting was adjourned.

Respectfully submitted,

  
Cheri Kinsley, Secretary

APPROVED:

  
Senator Close, Chairman