

SENATE JUDICIARY COMMITTEE

MINUTES OF MEETING

MARCH 18, 1975

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

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

ABSENT:

AJR 15 of the 57th Session - Proposes to amend Nevada Constitution by authorizing Legislature to fix jurisdiction of justices of the peace.

Frank Daykin discussed with the Committee the problem of concurrent jurisdiction between the justice of the peace courts and the municipal courts. He stated that the problem is in the area of appeals in that it would deprive the Supreme Court of jurisdiction over a certain number of cases. As a consequence, the district courts would have final jurisdiction over these cases. Senator Close recommended that the Resolution be recalled from the Secretary of State and informed the Committee that he will talk with Assemblyman Barengo about it.

No action was taken at this time.

SB 52 Makes changes in law relating to sexual crimes against persons.

Senator Hilbrecht stated that at the present time "infamous crimes against nature" are not adequately defined and that it is his preference that they be repealed from the statute. In reviewing the bill, it was the general consensus of the Committee to remove "extreme mental anguish or trauma" from the definition of substantial bodily harm. In regard to the reciprocity of the bill, Senator Bryan suggested that it may create uncertainty in the law if carnal knowledge is not defined as it relates to males. He stated that under common law, the elements of rape are force and penetration and he questioned whether or not penetration would still be considered as an element in the case of rape against a male. The Committee requested Senator Bryan look into this matter and report back.

There was no action taken at this time.

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

Senator Bryan informed the committee that his instructions to the bill drafters were to prohibit evidence of prior sexual conduct on the issue of general credibility.

Senator Close read to the Committee the proposed amendments.

Following a brief discussion, Senator Wilson moved to "amend and do pass" and rerefer for final Committee review; seconded by Senator Hilbrecht and carried unanimously. Senator Dodge was absent from the vote.

SB 253 Revises provisions relating to alimony.

It was the decision of the Committee to give the proposed amendments to Mr. Frank Daykin for review.

No action was taken at this time.

SB 319 Requires and provides for interpreters for certain handicapped persons in civil and criminal proceedings.

The Committee discussed with Mr. Daykin an amendment providing the handicapped person with some means of communication while detained in custody, and requested that he draft the appropriate language.

Senator Close read to the Committee the remaining amendments.

Senator Dodge moved to "amend and rerefer"; seconded by Senator Hilbrecht and carried unanimously. Senator Wilson was absent from the vote.

SB 215 Clarifies provision exempting automobile from execution.

Senator Bryan moved to rescind the action taken on February 24, 1975; seconded by Senator Hilbrecht and carried unanimously. Senator Wilson was absent from the vote.

Senator Hilbrecht suggested amending the bill so that if it appears to the satisfaction of the judge that the vehicle may be sold for an amount in excess of the exemption allowed by this chapter, he may order the vehicle sold. Out of the proceeds shall go the costs of the execution sale, payment of the purchase costs, etc., but in any event, \$1,000 shall go to the defendant. He also suggested amending it so that no bid shall be received by the officer making the sale which would not fully discharge the obligations set forth.

After further discussion, it was the decision of the Committee to amend the bill to reflect the changes made in AB 48 (removes the \$10,000 limit on statutory homestead and from dwelling exemption and limits quantity

of land in homestead).

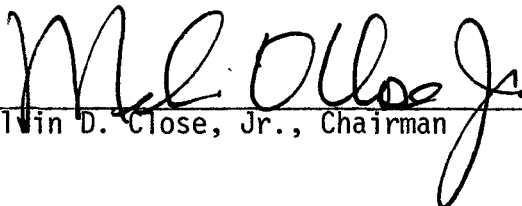
Senator Bryan moved to "amend and do pass"; seconded by Senator Hilbrecht, and carried unanimously. Senator Wilson was absent from the vote.

There being no further business, the meeting was adjourned.

Respectfully submitted,


Cheri Kinsley, Secretary

APPROVED:


Melvin D. Close, Jr., Chairman