

## SENATE JUDICIARY COMMITTEE

## MINUTES OF MEETING

MARCH 5, 1975

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

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

## ABSENT:

SB 47      Clarifies and expands provisions of the Nevada Gaming Control Act.

Phil Hannafin, Gaming Control Board and Shannon Bybbe, Gaming Control Board appeared before the Committee and presented the amendments as discussed in the meeting of February 25, 1975.

After a brief discussion, Senator Bryan moved to "amend and rerefer back to Committee,"  
 Seconded by Senator Wilson,  
 Motion carried unanimously. Senator Sheerin was absent from the vote.

BDR 16-878 Revises chapter on payments to victims of crime and provides for rehabilitative services to such victims.

Del Frost, Department of Human Resources, Maynard Yasmer, Department of Human Resources and Blaine Sullivan Rose, Department of Human Resources appeared on behalf of this bill.  
 Discussion was resumed from the previous hearing held on February 26, 1975.

In his opening remarks, Mr. Frost stated that Sections 19 through 31 are the sections dealing with the rehabilitation program. The bill combines all the major points of SB 50 (amends definition of victim), SB 75 (expands definition of victim) and SB 136 (clarifies definition of victim). The rehabilitation program proposed in the bill was taken from the one presently in existence in British Columbia as there are no other models in the United States that would be applicable to their needs. The financial request has been estimated from the size of the program in British Columbia as it compares to Nevada's population and the incidence and types of crimes here.

Mr. Frost discussed the bill with the Committee, section by section beginning with Section 19.

Section 19, 20 and 21 - Refers to their attempt to develop a program that parallels the state-federal rehabilitation programs. He informed the Committee that the state-federal program requires that you have a physical or mental disability which limits or precludes productive employment and that there must be a service that can be provided to restore you. This would preclude, as an example,

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children under the age of 15, persons over the age of 60, and the housewife. The intent of this bill is to provide services for those who are ineligible for the state-federal program.

Section 22 - In order that this act will not conflict with the state-federal program, Mr. Frost proposed the following amendment: "Rehabilitation services provided pursuant to Sections 19 through 31, inclusive of this act, shall not be provided to any person who; 1) violated a penal law of this state which caused or contributed to his injury or physical or mental disability; 2) who is not a resident of the state of Nevada at the time the injury occurred." Senator Hilbrecht stated that he felt this language was too broad in that you do not want to provide services for an injury which arose directly or indirectly out of a violation of the law and he suggested that amendatory language be included so that it is clear that you are talking about an injury or disability with respect to which a claim is filed.

Section 23 - Senator Close asked whether or not they should withhold services pending the findings of the Board of Examiners (as set forth in Section 1 through 18) in that if they determine that the person is ineligible for compensation they would therefore be ineligible for rehabilitation services. Mr. Frost replied that this was not necessarily so. The Board may deny the claim for damages but the Rehabilitation Division may be in a position to say that this person can be returned to productive employment and should do so.

Section 24 - Mr. Frost stated that they changed from "shall" to "may" so that it would not conflict with any legislation on sexual battery and at the same time, give them the authority to go into the social history if necessary.

Section 25 - In response to a question by Senator Close, Mr. Frost stated that there was no limit as to the amount of rehabilitative services an individual could receive. The reason for this being that it would be impossible to determine in advance the amount of services required.

Senator Hilbrecht stated that aid should be limited to emergency services and services rendered from the time of application for assistance and not retroactive for services rendered prior to application.

Senator Close suggested that there should be a statute of limitations included (from the time the injury was incurred). Mr. Frost replied that they do not want to exclude victims, as in a case of rape, who are reluctant to apply.

Section 26 - Mr. Frost requested that this section be amended by including "pursuant to Sections 19 through 31, inclusive of this act." to avoid any conflict with the state-federal rehabilitation program.

Section 27 - Senator Wilson stated that the program is a mandate and suggested that they need strong statutory predicate for doing that. The act requires that services and medical expenses be paid

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after application by a victim. You then, by regulation, say that you may suspend payment if funds are not available. This varies with the general mandate of the act and he suggested that they will need a statutory predicate on which to make those regulations or they will have a court case and the regulations will be held invalid.

Ms. Rose suggested that amendatory language could be included in Sections 25 and 27 for denial for any reason "other than budget" limitations.

Section 28 - No discussion.

Section 29 - No discussion.

Section 30 - No discussion.

Section 31 - No discussion.

Senator Bryan suggested that the bill be divided into two new bills; Sections 1 through 18 comprising a bill dealing with victim compensation, and Sections 19 through 31 comprising a bill dealing with victim rehabilitation.

Senator Hilbrecht moved that the bill be so divided,  
 Seconded by Senator Bryan,  
 Motion carried unanimously.

Pat Doran discussed Sections 1 through 18 with the Committee. On the question of increasing the deductible from \$100 to \$250 on page 6, Mr. Doran stated that the majority of states that he researched had \$100 or one weeks lost wages as deductible.

Senator Dodge made a motion to "indefinitely postpone" Sections 19 through 31, dealing with victim rehabilitation,  
 Seconded by Senator Foote, motion carried.

Voting:	AYE - Senator Close	NAY - Senator Wilson
	Senator Dodge	Senator Bryan
	Senator Foote	Senator Hilbrecht
	Senator Sheerin	

SB 50 Amends definition of "victim" for purposes of compensation for victims of crimes.

SB 75 Expands definition of "victim" and provides compensation for and investigation of claims presented by victims of crimes.

SB 136 Clarifies definition of "victim" and provides for investigation of claims presented by victims of crimes.

Senator Dodge moved that these bills be "indefinitely postponed" in view of BDR 16-878 which incorporates each of these,

Seconded by Senator Bryan,  
 Motion carried unanimously.

It was noted that Senator Bryan "fought like a tiger" in defense of these bills.

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SB 200 Defines "age of majority" to include certain persons 16 or 17 years of age who have been declared emancipated by the court.

Bart Jacka, Las Vegas Metropolitan Police Dept. presented to the Committee a letter from the Clark County Sheriff's Department (see attached Exhibit A) which corrects erroneous information given during a prior hearing on this bill. In addition, Mr. Jacka discussed Section 15 with the Committee. He suggested that it be amended to read "any person over the age of 16". He does not feel that persons under the age of 16 should be allowed to travel around the country even with parental permission.

Don Wilson, Clark County Probation Department stated that he was neither supporting nor opposing the bill. He concurred with Mr. Jacka's comments regarding Section 15.

In discussing the bill, Senator Bryan stated that he did not believe that persons between the ages of 16 and 18 should be able to contract for anything other than necessities. Senator Hilbrecht stated that he did not want to create a "second-class citizenship" for persons between the ages of 16 and 18 with respect to the fact that the parents are absolved of supervisory and attendant responsibilities and yet the minor has not assumed them.

Senator Wilson suggested that the court be directed to continue some jurisdiction over the person until that person reaches the "age of majority."

Senator Sheerin stated that he is opposed to the bill in its entirety in that parents should not be able to be absolved of their responsibilities to their children.

Senator Bryan moved an "amend and do pass,"  
 Seconded by Senator Hilbrecht,  
 Motion carried. Senator Sheerin voted NO.

There being no further business, the meeting was adjourned.

Respectfully submitted,

  
 Cheri Kinsley, Secretary

APPROVED:

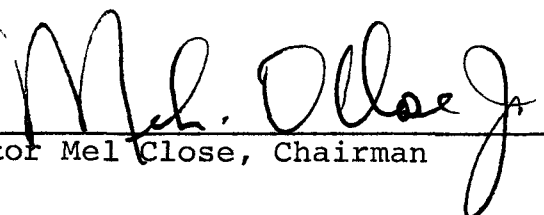
  
 Senator Mel Close, Chairman

EXHIBIT A

REFERENCE: R.J.O.J. (Runaway Juvenile-Other Jurisdiction)

During the year 1974, the Las Vegas Metropolitan Police Department referred 451 O.J.'s to the Juvenile Court; or an average of 38 per month. Said figures are taken from this Department's Youth Affairs Section records. In checking with the Juvenile Home, records there indicate 890 O.J.'s were booked during this same period for the entire County of Clark. Of these, 439 other charges were also included, however, not necessarily on an individual basis. In some instances, 3 or 4 charges were placed against one person. This leaves a total of about 60% who had only one charge of O.J. placed against them. This is part of the group referred to by Mr. Bill Gang as having cost the State of Nevada, \$100,000.00.

It is felt that these figures are not accurate, in that most police officers realize the Juvenile Court System is incapable of handling O.J.'s within our system. They hesitate to place extra charges, such as hitchhiking, curfew violation, etc., against the minors, as generally said charges are dropped and the juvenile is returned to his home at the cost of his parents. The figures quoted by Mr. Gang do not directly reflect those juveniles not involved in delinquent acts, since delinquency is generally what brings the juvenile to the officer's attention.

It is felt the officers are justified in their attitude, due to the fact the Juvenile Court System could not prosecute on such minor offenses of children from out of state. To do so would entail returning the children to their State at the cost of the State, or maintaining custody of the children until adjudication.