

SENATE JUDICIARY COMMITTEE

217

MINUTES OF MEETING

APRIL 23, 1975

The meeting was called to order at 8:15 a.m. Senator Close was in the Chair.

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

SB 525 Provides conditions and procedures for suspension or expulsion of pupils from public schools.

John Mendoza, Juvenile Judge, testified that SB 525 is a reaction to the Goss vs. Lopez case which was decided by the Supreme Court in January, 1975. The Supreme Court held that any temporary suspension by a school district was a property and liberty interest and deserved the protection of due process laws. He stated that in order for this bill to conform to the Goss vs. Lopez decision, there will have to be a provision for oral notice. He felt there should be uniform procedures established for all the school districts in the State.

Richard Morgan, Nevada State Education Association, appearing on behalf of student interest in this bill, testified that students should have the right prior to deprivation of liberty and property to a hearing - before suspension or expulsion. He stated he favored requesting the Attorney General to develop a policy which would allow flexibility rather than a State law.

Robert Petroni, Clark County School District, testified one problem with this bill was in the definition of suspension and expulsion; should define the difference between short-term and long-term suspension or expulsion. Another problem is suggesting that all suspensions could be appealed; would need an appeal board of 25 to sit weekly to handle the appeals. Mr. Petroni recommended using a bill that is being drafted in the assembly which would be an admonition to boards of school trustees to develop due process procedures let the local boards implement them allowing flexibility.

Robert Cox, Counsel, Washoe County School District, testified that it should be left up to the particular school districts in the State to develop their own due process procedures. He stated he is in support of the

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SB 525 Assembly bill dealing with this subject as he felt there should be a general reference to due process requirements in the suspension and expulsion area but not go to great detailed delineation of what the procedure should be. The main thing is to preserve flexibility.

The Committee said they would review the assembly bill and make amendments to SB 525 to comply with due process requirements of the Constitution and the State of Nevada. They also requested Mr. Petroni and Washoe County school districts to provide the language for this and to define the terms "expulsion" and "suspension."

There was no action taken at this time.

SB 490 Expands class of law enforcement agencies allowed to seize controlled substances under certain circumstances without process issued by magistrate.

George Ogilvie, Counsel, Clark County, stated this was a bill to add the language "or other law enforcement agency" to paragraphs c and d of subsection 2 of existing law, which should have been included when the bill was originally drafted.

Senator Dodge moved a "do pass",  
Seconded by Senator Hilbrecht,  
Motion carried unanimously. Senator Wilson was absent from the vote.

SB 523 Expands provisions for forfeiture of conveyances connected with controlled substances.

George Ogilvie stated that under present law if you loan your car to someone and it is used in narcotic traffic and you have no knowledge it was going to be used for this, you have an exemption from forfeiture. He felt that anyone who loans a car should know what it is being used for and should not be exempt from the forfeiture.

Senator Dodge stated he felt this was stretching the concept of intent on the part of the owner, and the serious aspect of this was the guy who is trafficking in narcotics and not necessarily the conveyance.

Bud Campos, Parole Department, stated in reference to Senator Dodge's comments that this was intended as a further punitive type action - to hit the dealer in his pocketbook where it hurts him the most.

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SB 523 Senator Dodge moved a "do kill",  
Seconded by Senator Bryan,  
Motion carried unanimously. Senator Wilson was absent from  
the vote.

SB 550 Enacts Interstate Corrections Compact; provides furloughs  
and community based programs for certain prisoners.

Ed Pogue, Warden, Nevada State Prison, testified that with  
this bill they are trying to formalize into statutes some  
things already being done such as transporting prisoners  
out of the institution for medical treatment; establish  
a standard of medical, psychological, psychiatric and other  
forms of counseling; and to enact the interstate transfer  
of inmates; provide for acceptance of county jail inmates  
on a temporary basis at the Prison for psychiatric observa-  
tion; and provide furloughs for certain prisoners.

The Committee advised Mr. Pogue that some of the mandatory  
language contained in this bill could cause difficulties  
that may lead to potential litigation. They agreed with  
the basic proposition but said it is a matter of whether  
or not the Prison will have any latitude with judgment or  
be harrassed with lawsuits. The Committee asked Mr. Pogue  
to consult his counsel and redraft the bill.

There was no further action taken at this time.

SB 534 Requires court to disclose presentence investigation report  
to defendant.

Bud Campos, Parole and Probation Department, state the  
intent of this bill was to insure that all defendants  
sentenced for felonies or gross misdemeanors will have  
read their presentence report prior to sentencing.

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

SB 533 Shortens unlawful detainer and summary eviction proceedings  
against certain tenants renting on daily or weekly basis.

Senator Sheerin said he would like to check on Assembly  
Bill 130 before action was taken on this bill.

There was no action taken at this time.

SB 537 Broadens authority of law enforcement agencies to remove injured or abused child from person having custody.

Senator Foote stated that this is incorporated in another bill which has already been processed.

Senator Foote moved a "do kill",  
Seconded by Senator Hilbrecht,  
Motion carried unanimously.

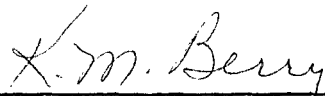
SB 425 Revises chapter providing compensation for victims of criminal acts.

The Committee agreed to kill this bill for the reason it is being incorporated in another bill being processed.

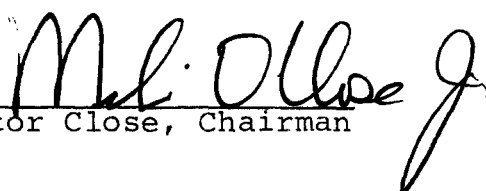
Senator Dodge moved a "do kill",  
Seconded by Senator Hilbrecht,  
Motion carried unanimously.

There being no further business, the meeting was adjourned.

Respectfully submitted,

  
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Katherine Berry, Secretary

APPROVED:

  
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Senator Close, Chairman