

SENATE JUDICIARY COMMITTEE

MINUTES OF MEETING

April 7, 1975

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

Present: Senator Close, Chairman
Senator Wilson
Senator Bryan
Senator Sheerin
Senator Dodge
Senator Foote
Senator Hilbrecht

SB 391 Prohibits certain acts respecting birth certificates.

Vern Calhoun, Chief of State Narcotics Division appeared before the Committee in support of this measure. He brought with him one of his state agents to give some background on the matter and a member of the Federal Drug Enforcement Administration who is familiar with the situation.

Lee Barns, agent, State Narcotics Division informed the Committee that during July, 1974 they came across an investigation that involved two decedents. In the possession of one of the decedents were 10 false identifications that were very inclusive: birth certificates, passports, driver's license, social security cards, etc. They were able to determine that these individuals had researched County records in certain areas and had obtained a certain amount of persons who had been born in a period of time and who had died shortly thereafter. By requesting these person's birth certificates, they were able to obtain all the other documentation. Since that time, they have discovered numerous people who have obtained false identification and have used it in forgery, fraud, smuggling and in aiding fugitives from apprehension. He stated that they need something to prosecute these people with and something to act as a deterrent for people considering using this type of identification.

Senator Dodge pointed out that the penalty prescribed for such use was the same as for the crime which they seek to commit by use of the false ID. Senator Wilson stated that this would raise a constitutional question of double jeopardy. Mr. Barns replied that the bill as originally proposed would have its own separate penalty. He read the following language: "It shall be unlawful for any person to use the birth certificate of another person, whether living or dead, in order to obtain identification in that person's name. Possession, sale, use or attempt to possess or to possess or attempted use of the identification obtained by this means shall be unlawful and 1) when used in the aiding of a felony crime or assault or furnished to another person or procured for another person or to aid in concealing the identity of a fugitive from justice or when used as part of a criminal conspiracy or to aid a continuing criminal enterprise, these acts shall be a felony and punishable as a felony; 2) the simple possession of two or more identifications obtained in this manner shall be punished as a gross misdemeanor and the simple identification of one would be a misdemeanor."

Edward Logan and Douglas Kuehl, Special Agents for the Drug Enforcement Administration in Los Angeles testified on the bill. Mr. Logan informed the Committee that a person smuggling with a deceased infant identity could easily bring in a million dollars worth of drugs; be arrested, bailed out; change his identity; and never be found out. He stated that no other state, at the present time, has any legislation pertaining to this and that the federal government is now just beginning to look into it.

Euphia Blinn, Administrator and Linda Johnson, Health Service Coordinator from the Division of Vital Statistics appeared at the request of the Committee to discuss possible preventative measures that could be taken to alleviate this problem from an administrative standpoint. Mrs. Blinn stated that at the present time, a notation is made on all birth certificates of those infants who die before the age of one.

In response to a question from Senator Dodge, Ms. Johnson stated that all births, deaths and divorces in Nevada are being entered into a computer but that because of staffing limitations, they are only able to go as far back as 1973-74.

The Committee had several questions as to the capability of the computer, cross-referencing, etc. and requested that Ms. Johnson research these and report back on her findings. It was the general consensus of the Committee to amend the bill according to the penalty clauses suggested by Mr. Barns.

No action was taken at this time.

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

Assemblyman Robert Heaney testified on this measure. He informed the Committee that AB 284 (revises provisions relating to compensation for victims of criminal acts) was introduced by him and that it pertains to the same subject matter.

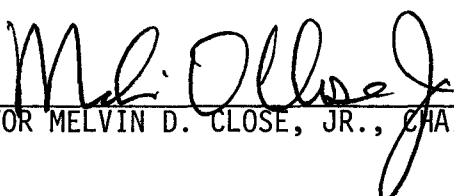
Following a brief discussion, it was the decision of the Committee to withhold any action on SB 425 pending the outcome of AB 284.

There being no further business, the meeting was adjourned.

Respectfully submitted,


Cheri Kinsley, Secretary

APPROVED:


SENATOR MELVIN D. CLOSE, JR., CHAIRMAN