

SENATE JUDICIARY COMMITTEE

MINUTES OF MEETING

MAY 5, 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

AB 192 Makes certain changes in proceedings to terminate parental rights.

Bob Barengo, Assemblyman, testified that the purpose of the bill was to deal with the situation where the mother, by consent to adoption, takes away the rights of the father without the father ever being notified.

W. J. LaBodie, Wilbur Sprinkel and Sharon Ezell, State Welfare Department, testified this bill was introduced because of a Supreme Court decision which gave the father more rights than previously. Consequently, in adoption programs, babies must be kept in foster homes for 6 to 8 months depending upon how soon the father is out of the picture. There are two questions involved in this statute: 1) what notice must be given to a natural father so that after the court has terminated his parental rights and the child has been adopted he cannot come back at a later date and establish that his rights were violated, and 2) how much time must he be given as a practicable matter before you say it is too late to appear any further. The type of case the Welfare Dept. is dealing with is where the case worker knows the father is not going to come forward, such as when the mother says she doesn't know who the father is, or the father leaves and no one ever sees him again. Without this legislation the department must wait until the child is 6 months old to start adoption proceedings on grounds of abandonment, then with publication requirements it is at least two more months before the case is in court and at this point the child is 8 months old. The department feels 8 months is very important in a persons life.

The Committee recommended several amendments: Section 4 changed to deal with situations where father is known and where father is not known, developed new language for giving notice, proceeding with hearings, but in both cases hearings not to be held until after birth of the child.

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AB 192 Where the father is known, change the word "learned" to "notice" on line 20 so it reads "a mother is abandoned if after notice of her pregnancy he fails to....."

Senator Hilbecht moved a "do pass as amended",
Seconded by Senator Wilson,
Motion carried unanimously. Senator Bryan requested the right to review before approving.

AB 108 Revises child abuse and neglect statutes.

The Committee discussed the bill with Welfare Department representatives and stated they have no questions about the concept of the bill but questioned some of the language. The Committee asked if this was compatible with SB 445 and was told that it was. Amended line 19 to delete "or willfully encourages release of".

Senator Bryan moved a "do pass as amended",
Seconded by Senator Wilson,
Motion carried unanimously.

SJR 30 from 57th Session - Proposes to amend Nevada Constitution by authorizing Legislature to expand membership of Supreme Court and to authorize Division of Supreme Court into panels for hearing certain cases.

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

AB 331 Eliminating requirement of publication of certain Supreme Court decisions.

Bill Richards, Supreme Court, testified that some issues come up repeatedly and publishing all of them was costly and time consuming. He presented a copy of a Model Rule for publishing meaningful opinions to the Committee for their review.

Senator Hilbrecht felt there was already too little written data concerning the laws of the State and the Committee agreed that the guidance received from the published opinions, even on the same issues, was important.

Senator Wilson moved to "indefinitely postpone",
Seconded by Senator Hilbrecht,
Motion carried unanimously.

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SB 579 Eliminates death penalty.

Senator Joe Neal stated he believes we should not have capital punishment in Nevada Statutes. Cited statistics relating to murder and capital punishment and said he felt capital punishment is seen more or less as "annihilation of a race" rather than a deterrent. He said he felt from sentences imposed in Nevada that sentencing applies more harshly to blacks as in other states.

The Committee discussed the bill with Senator Neal and pointed out that the law had been amended to restrict capital punishment to specific categories such as murder of a police officer, murder committed by a person already under life sentence, a contract to kill, detonating a bomb, etc.

Senator Foote moved to "indefinitely postpone",
 Seconded by Senator Dodge,
 Motion carried unanimously.

SB 582 Extends statutory trespass provisions to all fenced property.

The Committee elected to hold this bill for discussion with Bart Jacka.

No action was taken at this time.

SB 583 Authorizes payment of deceased public employee's final earnings to designated beneficiary.

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

There being no further business, the meeting was adjourned.

Respectfully submitted,

Katherine Berry

 Katherine Berry, Secretary

APPROVED:

Mal Close Jr.

 Senator Close, Chairman