

MINUTES

JUDICIARY COMMITTEE

February 11, 1977

9:15 a.m.

Members Present: Chairman Barengo
Vice Chairman Hayes
Mr. Price
Mrs. Wagner
Mr. Sena
Mr. Ross
Mr. Polish
Mr. Banner

Members Absent: Mr. Coulter

Guests Present: Mr. Bud Campos, Parole and Probation
Lorne Butner, Washoe County Sheriff's Department
Dan Coppa, Washoe County Sheriff's Department
Russ Schooley, Washoe County Sheriff's Department
John P. Sande, M.D., Nevada State Medical Assoc.

Chairman Barengo called this meeting to order at 9:15 a.m.

Assembly Bill 112:

Mr. Bud Campos, Chief Parole and Probation Officer for the State of Nevada, then testified on this bill. He stated that the bill purports to do two (2) things: 1) Prevent the Court from setting bail on persons arrested for parole violation and 2) prohibits Chief Parole and Probation Officer from releasing an arrested parolee on his own recognizance prior to the meeting of the parole board. He feels that the first part, relating to bail, is unnecessary in that we have an existing law which currently prevents the Court from setting bail for parole violators and that is NRS 179.209. He further stated that he is not certain as to what the thinking is in the suggestion that the above second section be amended because normally legislation has some purpose. He stated that they have never had a problem with the "OR". Mr. Campos then distributed a data sheet indicating the outcome of 17 "OR'd" persons, which is attached hereto and marked as Exhibit "A". Mr. Campos also distributed a list of those 17 violations for which people were "OR'd", which is attached hereto and marked as Exhibit "B". Thereafter there was considerable discussion and questions asked of Mr. Campos by members of the committee.

Assembly Bill 122:

Mr. Lorne Butner, Captain with Washoe County Sheriff's Department, currently commander of the Detective Division and Mr. Dan Coppa, Lieutenant with the Washoe County Sheriff's Department, commander of the Organized Crime Unit testified on this bill. Mr. Butner stated that the main problem that they are faced with in a removal or defacing of serial numbers is when they make an arrest, their main concern is to see that the property is returned to the rightful owner. The only way they can do this is by tracing the property through the serial numbers. If the property is defaced and the serial number removed it is just about an impossibility to trace the property back to its rightful owner. He then exhibited certain

photographs showing where serial numbers have been ground off. They do have processes where they can bring them back to a certain degree, however, if they are ground off deep enough and completely, there is no way that they can bring the serial number back. Thereafter, Mr. Coppa elaborated more on these exhibited pictures.

Mr. Ed Slaughter of the Kirby Co. in Reno then testified on this bill and stated that he felt that California had a good law in regard to this same issue and it is attached hereto and marked as Exhibit "C". In addition, he showed the committee a letter from the District Attorney's Office of Washoe County indicative of their support for this bill, which is attached hereto as Exhibit "D".

Assembly Bill 123:

Mr. Russ Schooley, Chief Deputy Sheriff in Washoe County, stated that A.B. 123 would amend NRS 211.060 to allow adequate compensation to the counties for holding federal prisoners in county jails. He advised the committee of Washoe County's statistics of holding federal inmates. He indicated that Washoe County Sheriff's Office would ask that this bill be amended to be more specific to today's problems. Mr. Barengo then added that Mr. Bart Jacka of the Metropolitan Police, Las Vegas, indicated that they had the same problems in Clark County and that he felt this bill wasn't specific enough either. He further asked of Mr. Barengo that the committee hold up further consideration on the bill until he has a chance to testify.

Assembly Bill 162:

Dr. John P. Sande of the Nevada State Medical Association testified in support of this bill, specifically indicating Section 2 therein, on behalf of the State Medical Association. He gave the committee some background as to what the practice had been at Washoe Medical Center in Reno and that this practice was pretty much in line with Section 2, however, he felt that it would be best to have it down as law. The point of having to report the wound to a law enforcement official would particularly relieve a situation where you might have a personal friend come in with a wound and consequently, have the pressure of not reporting it. Thereafter there was considerable discussion as to whether or not the term "knife or firearm" was broad enough. The question also arose regarding the possibility of amending the wording to read "health care provider". Chairman Barengo assigned this bill to a subcommittee of Mrs. Wagner and Mrs. Hayes.

Mr. Lorne Butner of the Washoe County Sheriff's Office also testified in support of this bill.

Chairman Barengo recapped that the committee would defer any action on A.B. 112 and A.B. 113 until Mr. Hickey could testify. Also, that the committee would wait to hear from Bart Jacka on A.B. 122 and A.B. 123.

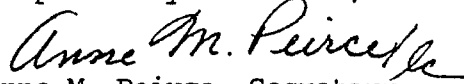
Assembly Bill 43:

Mr. Tom Moore , on behalf of the Board of County Commissioners

takes a position in opposition to A.B. 43 as it pertains to section 1, subsection 1 placing the burden of paying for the masters upon the county itself and as to the rest of the bill, they take no position.

There being no further business at hand, Mr. Polish made a motion to adjourn, seconded by Mr. Sena. Chairman Barengo adjourned this meeting at 10:35 a.m.

Respectfully submitted,



Anne M. Peirce, Secretary

AN 114

USE OF O.R. UNDER N.R.S. 213.1517 BY CHIEF PAROLE AND PROBATION OFFICER
DURING LAST TWO (2) YEAR PERIOD

TOTAL RELEASED	17
MALE	13
FEMALE	4
WHITE	11
BLACK	5
INDIAN	1

NUMBER EMPLOYED AT TIME OF VIOLATION

EMPLOYED	14
UNEMPLOYED (DRUG CASES)	2
IMMEDIATE OFFER	1

SUBSEQUENT BOARD ACTION

CONTINUED	16
REVOKED	1

NUMBER OF PERSONS WHO FAILED TO APPEAR 0

NUMBER OF PERSONS WHO WERE IN ANY WAY SUSPECTED OF
CRIMINAL ACTIVITIES WHILE ON O.R. STATUS 0

NUMBER OF TECHNICAL VIOLATIONS WHILE ON O.R.
STATUS 0

NUMBER OF JOBS SAVED AS A RESULT OF O. R. STATUS 15

BRIEF DESCRIPTION OF VIOLATIONS

1. Association, suspicion of complicity to commit robbery. Released on request of federal and local law enforcement agencies.
2. Drunk and Disorderly.
3. Petty Theft (changing price tag on cheap toys).
4. Drunk.
5. Leaving alcohol program without permission.
6. Possession of one (1) marijuana cigarette.
7. Failure to comply with drug treatment program requirements.
8. Drunk - asleep in auto.
9. Theft of half bottle of liquor from neighbor and Drunk.
10. Association.
11. Association.
12. Drunk.
13. Drug use.
14. Association and Out of state travel.
15. Drinking
16. Drinking and Association.
17. Suspicion of Robbery - strong arm.

NOTE: Complainant had extensive criminal record, thought to be active in illegal prostitution, our subject claimed they did have a physical altercation regarding money.

NOTE: In addition to release actions taken by Chief and or Board, several other conditions were imposed such as: refer to Mental Health (violation #3) placement in drug or alcohol programs, special conditions imposed such as "no drinking."

Tit 13

Ch 8]

FALSE PERSONATION, ETC.

§ 537e

or knowingly ...22... (permitted or allowed) ...23... a person not entitled to do so, to ...24... (drive or ride or use)] said ...25..., without the consent or permission of ...26..., the [owner or person charged with the ...27... (care or control or possession)] of said ...28...

§ 537d. [Removing automobile subject to lien a misdemeanor.] [Repealed.]

See CC § 3075.

LEGISLATIVE HISTORY

1. Added by Stats 1917 ch 197 § 1 p 291, the section then reading: "Any person who surreptitiously or by false pretense obtains or removes from any garage or repair shop any automobile or other personal property upon which the proprietor or manager thereof would be entitled to a lien, pursuant to the provisions of section three thousand fifty-one of the Civil Code, is guilty of a misdemeanor."

2. Repealed by Stats 1935 ch 27 (Veh C § 802) p 247.

§ 537e. [Purchase, possession or sale of certain articles from which serial number or identification mark has been removed: Exception.] Any person who knowingly buys, sells, receives, disposes of, conceals, or has in his possession a radio, piano, phonograph, sewing machine, washing machine, typewriter, adding machine, comptometer, bicycle, a firearm, safe or vacuum cleaner, dictaphone, watch, watch movement, watch case, or any mechanical or electrical device, appliance, contrivance, material, piece of apparatus or equipment, from which the manufacturer's name plate, serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered or destroyed, is guilty of a misdemeanor.

This section does not apply to those cases or instances where any of the changes or alterations enumerated in the first paragraph have been customarily made or done as an established practice in the ordinary and regular conduct of business, by the original manufacturer, or by his duly appointed direct representative, or under specific authorization from the original manufacturer.

LEGISLATIVE HISTORY

- 1. Added by Stats 1927 ch 324 § 1 p 533.
2. Amended by Stats 1931 ch 133 § 1 p 197, omitting "automobile tires."
3. Amended by Stats 1937 ch 909 § 1 p 2501, adding (1) "dictaphone, or any mechanical or electrical device, appliance, contrivance, material, piece of apparatus or equipment"; and (2) "nameplate" after "manufacturer's."
4. Amended by Stats 1939 ch 397 § 1 p 1730, adding (1) "bicycle" after "comptometer" and (2) "watch, watch movement, watch case."

EXHIBIT C-46



LARRY R. HICKS
District Attorney

Washoe County Courthouse
South Virginia and Court Streets
P.O. Box 11130 • Reno, Nevada 89510

October 14, 1976

Mr. Ed Slaughter
Distributor
Sierra Kirby, Inc.
501 Evans Avenue
Reno, Nevada 89502

Dear Mr. Slaughter:

This is to acknowledge receipt of your letter dated October 9, 1976. Please be advised that this office is supportative of your efforts to see California Penal Code Section 537-E passed in Nevada. You may add this office to your endorsement list.

Very truly yours,

LARRY R. HICKS
District Attorney

By Shirley Katt
SHIRLEY KATT
Investigator in Charge

SK/j:th2

EXHIBIT D²⁴⁷

October 9, 1976

District Attorney
Consumer Fraud Division
Court House
Reno, Nevada 89502

Dear Sir:

We are supporting the passage of California Penal Code;
Section 537-E (copy enclosed) here in Nevada.

If you feel this bill could serve some usâfull purspse,
please respond so we can add your endorsement to our list.

Sincerely,

Ed Slaughter
Distributor

ES:mc

Encl. 1

