

MINUTES

JUDICIARY COMMITTEE

February 22, 1977

8:30 a.m.

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

Chairman Barengo brought this meeting to order at 8:30 a.m.

Mr. Robert Kulbert, an expert in martial arts weapons, was here this morning to give the committee a demonstration on some of these weapons that they were unfamiliar with in regard to Assembly Bill 131. Officer Gammell of Reno Police Department was also here again in regard to this bill (previously heard on February 16, 1977) to demonstrate to the committee the effects of a gun silencer.

Assembly Bill 288:

Assemblyman Nicholas J. Horn then testified, as sponsor, for this bill, first advising of the objective of this bill. He stated that he has visited several prisoners and officers in charge at the county jail in Clark County. They explained many problems, one of which, he stated was very alarming and this prompted the drafting of A.B. 288. He said this bill is designed to stop payment with tax dollars for any medical care, for any reason, for any public defender. The citizen pays his own medical expenses, and the public offender he feels, should do the same. The bill takes this one step further, as a condition of probation or suspension of sentence, the Court may require payment for medical treatment of any person whom the defendant has injured. He further stated that he believes there are others who would like to insert some wording dealing with pre-existing conditions of the prisoner, so that the county does not foot the bill for a condition that existed before. He stated that the only real correction that he would have would be beginning on line 3, page 2, beginning with the words, "the cost" and continuing to the end of that sentence, would be removed. Some discussion followed.

Mr. Bart Jacka, Assistant Sheriff, Las Vegas Metro. Police Department, then testified on this bill, first giving some history regarding this particular problem. In 1975 the session put into being Section 4, that portion which Assemblyman Horn stated that he intended to repeal when he originally requested the legislation. It was done at the request of Washoe County because they had a problem in their social service agency, collecting some of the expenses resulting in care for prisoners. He stated that his testimony this morning is supported by the Washoe County Sheriff's office and the Sparks Police Department. Additionally, at a meeting at the Attorney General's Office in November, 1976, the matter was discussed and every law enforcement agency generally had some consternation. Mr. Jacka then advised the committee of last years medical bills for Clark County for pre-existing conditions of prisoners paid for by Metro Police Department. The total cost to Metro was \$200, 280.00 . Attached hereto and marked Exhibit "A" is Mr. Jacka's information on medical bills for pre-existing conditions, the secretary having deleted the individuals names they pertain to for confidentiality purposes. Mr. Jacka stated that they would

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agree with Assemblyman Horn's previously stated proposed amendment.

Mr. Bob Petroni, Attorney for Southern Nevada Memorial Hospital, then testified on this bill stating that this does have merit, however, they are concerned with the cost to the county hospital. He stated that under NRS 453.090, it provides that every county hospital of this state shall be for the benefit of such counties or any person falling sick or maimed or injured within the limits of the county. So, they have a responsibility to take these people. If no one is responsible at any level of government and the person has no means of their own, this would mean a "write off" to the hospital. He asked that they not put this financial burden on the county hospitals. Some discussion followed as to hospitals' costs.

Mrs. Barbara Brady, of Clark County Welfare Department, then testified on this bill, answering an earlier question regarding whether or not there is enough money stating that she does not know. She said it depends on how much money the state puts in their medicaid program. Mrs. Brady said that they did it in the past, the state, at that time, was picking up more of other things. They are willing to pick up some things, like communicable diseases, etc. If the responsibility is given and the funds are there, they will take care of them, she stated. She said they do not want the initial collection effort and that they would want the hospital to do that.

Mr. Norm Peterson, Asst. Administrator of Washoe Medical Center, then testified on this bill giving a little history on this bill and as to what the problems are to Washoe Medical Center. He stated that he does understand the police argument, but, he feels that somewhere between the law passed in 1975 and that argument, that it really doesn't rest with the public sector, there has to be a common ground. They would attempt to collect, but, they would be willing to do that as long as they have some backup resources.

Chairman Barenco ultimately asked that a few of these people get together, like Mr. Peterson, Mr. Petroni and Mr. Jacka together with Mr. Horn to iron out the problems and report back to the committee.

Mr. Tom Moore then testified on one point of the bill that he would like some clarification on, referencing page 2, line 3 through 4. He said that he thinks they are talking about two separate charges, creating another problem. Mr. Ross attempted to answer his question by relating back to earlier testimony when Mr. Moore was not in the hearing room .

Assembly Bill 63:

Assemblyman Wagner, of District No. 25, then testified on this bill as its sponsor, stating that she believes it is an important piece of legislation and has much public support. It addresses a major problem of lack of personal privacy. It attempts, in what she feels in a reasonable manner, to protect customers financial records from unwarranted access by governmental agencies. She made reference to a bill which she introduced last session which addressed the same problem. She feels that this A.B. 63 is a better piece of legislation. It is based on California's law, having made the recommended changes for Nevada. Mrs. Wagner went through the bill in detail, stating that she feels it provides the necessary safeguards for all of the people involved in this matter. She added that the California bill was endorsed by both the Bankers Association and the American Civil Liberties Union.

Mr. Ross asked Mr. Aker if he felt that notice to the customer by mail, rather than subpoena, would be acceptable and afford the customer the right to go to court to quash to resist the notice, give the institution the protections which are of concern and also, still give law enforcement the ability to proceed in an orderly and timely manner.

Mr. Aker said he felt this was an excellent suggestion, however he did not know the legal intricacies of this type of a plan. He said he felt this type of procedure could handle 90% of the cases. Mrs. Wagner stated that, in an historical light, she would have to find out more about this type of an approach. Discussion on this approach followed. Attached as Exhibit C is a statement from Mr. Aker.

Mr. Bob Parker, Secretary of State's Office Investigator, submitted a letter from Abner W. Sewell, Deputy Secretary of State, urging defeat of AB 63 which is attached and marker Exhibit D. On behalf of the Securities Division, he read from the letter.

Mrs. Wagner pointed out to Mr. Parker that the intent of this bill was not to hide "white-collar crime". And, that, in addition to customer authorization, the bill covers other ways by which information can be obtained. He said that he did realize this, however, his office had discussed this bill and they felt it was extremely difficult, even now, to get the District Attorney's or Attorney General's office to move or act without a great deal of information or evidence and at the outset, their office did not have this kind of evidence because they are working on information supplied to them by the public.

He stated, regarding notice time, that even once they serve the subpoena, it it sometimes 30 to 180 days before the information requested by them is available for scrutiny. Mr. Aker suggested that the subpoena should include directions for a hold to be put on the funds in the account, pending review of the situation. He also stated that some of the delay involved with these cases is due to the lack of complete account information, i.e. branch location or account numbers. Mr. Parker pointed out that there are certain subpoena powers, other than those which come from the grand jury and the District Attorney's office, that a few state agencies have that, without which the effectiveness of the investigation would be reduced by at least 50% so far as obtaining information and records is concerned. He asked that the law be written in a way to retain their office's subpoena powers.

Mr. Hick's stated that he supports very strongly, the inclusion of a section that would allow a hold on the funds if there was suspicion that the funds would be withdrawn from the account.

Mr. Elmer Rusko, American Civil Liberties Union, testified in support of this bill. He stated he felt the key question involved here was whether the records that banks or savings and loans have are records of the individual or records of the bank. He stated his opinions as to the Constitutional protections of these records, based on the theory that they belong to the customers. In conclusion he commented that there is a danger involved here that, if these records are not protected that, governmental officials will seek these records for purposes other than law enforcement. He gave examples of this in a political vein regarding the Unitarian Universal Association Church (which is connected with Beacon Press that printed the Pentagon Papers).

Formal testimony ended at 10:47 and there was a short recess. Chairman Barenco distributed a letter from Llewellyn Young to the committee which is attached and marked Exhibit E.

Attached hereto and marked Exhibit "B", is a letter from Mr. Tom Beatty, Asst. District Attorney of Clark County.

Larry Hicks, Washoe County District Attorney and President of the State's District Attorney Association, then testified on this bill. He addressed the question for the committee of exactly how subpoenas are used. He stated that there is no subpoena available until criminal charges are filed and if they are trying to investigate the case to put together a felony criminal case so that you can issue a complaint, you are in a very difficult position because you have no subpoena available. The records are shut off to you and you can't put together your criminal case. They would have no way of securing that information with the exception of perhaps a Grand Jury subpoena. He stated that there are some balancing effects in this bill, but, he mentioned the above as a consideration. Mr. Hicks stated that he had another problem with the bill, and that is the ten (10) day notice. He stated that well over 90% of the subpoenas which are issued for financial records involved fraud check cases. He said he sees a real problem in requiring service upon the customer.

There should be some provision within section 10, where you can't find the customer. Mrs. Wagner made reference to § 2 in section 10, feeling that this covers that problem. They discussed this in further detail, Mr. Hicks stating that he agreed with Mrs. Wagner that this could be implied there, however, he feels that they need specific language. Mrs. Wagner also noted that in regard to his statements on fraud, she said that section 17 deals with this, which Mr. Hicks agreed with. He stated that section 17 had to be read as an exception to section two on page two and there should be some clarifying language added. He further stated that he felt one of the problems with the 10 day notice provision is that in a case where they are prosecuting, for instance, fraud checks or embezzlement they usually don't have ten days from the time the subpoena is issued until it's time to go to court for a preliminary hearing. In this case the defendant is brought in, he appears in front of the Justice of the Peace and there is a preliminary hearing within fifteen days and this simply does not allow enough time to leave the required ten days time between service and hearing. He stated he felt this would cause a logistics and calendar problem in prosecuting these cases. and a waiver of time would have to be gotten on practically every case. He suggested five days as a more realistic time limit when prosecution is pending.

He noted also, section 13 (as referred to in Mr. Beatty's letter) needed some qualifying language as to interchange of records.

Mrs. Wagner noted, at this point, that it was not she who asked Mr. Hicks to testify before the committee this morning.

Mr. George Aker, President of Nevada National Bank and Director of Nevada Bankers Association, testified in favor of this bill. He stated he felt the lack of availability of subpoena power was due, primarily, to the ready access the law has had to bank records. He stated that, due to the possibility of civil litigation, the best way for the bank to protect itself, when asked to supply financial information, is to require a subpoena to release this information so that official request is on file to show the customer. He stated that he felt this is a very responsible, balanced approach to insuring effective dealing between the three parties involved. He stated he would like to endorse this bill as a very deliberate and precise bill, which has clear definitions, specific rules of getting information, specific protection for the customer and provides protection to the financial institution in providing that information while routine operating procedures are left open.

COMMITTEE ACTION:

AB 131: Mrs. Hayes moved that this bill be Indefinitely Postponed, Mr. Polish seconded the motion and it carried unanimously without discussion.

AB 236: Chairman Barengo asked that a copy of the amendment proposed by the Attorney General's office be sent to Mr. Jim Thompson and he be asked to come before the committee and comment on it.

AB 288: This bill is being held for joint work by the introducers.

AB 63: Chairman Barengo read a letter from Bill McDonald, Humbolt County D.A., regarding section 19 of this bill. Discussion on this bill followed including the amendments that might be added that were covered in prior testimony. Chairman Barengo pointed out that he would, as a defense lawyer, see many problems with section 19 of this bill for prosecuting cases. This bill is being held until Sue Wagner can get the appropriate corrections taken care of.

There being no further business or discussion, the meeting was adjourned at 11:10 a.m.

NOTE: The meeting 2/23/77 will begin at 8:30 a.m. for committee action.

Respectfully submitted,

Linda Chandler
Linda Chandler, Secretary

Anne M. Peirce
Anne M. Peirce, Secretary

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

Inter-Office

MEMORANDUM

To : ASSISTANT SHERIFF BART JACKA

Date: 2/18/77

From : COMMANDER WILLIAM O. CONGER/DETENTION SERVICES

Subject : MEDICAL BILLS FOR PRE-EXISTING CONDITIONS

A listing of bills paid for by Metro Police Department is herewith submitted for information. They are divided into categories with types of diagnoses written prior to the listing of names and the amount of the bill.

1. EMT Scans ordered and paid for by Metro (pre-existing conditions)

a. Possible brain tumor	\$250.00
b. To determine cause of headaches	\$250.00

2. Female Costs for the following pre-existing reasons:

a. Gynecological problems	\$ 54.06
b. Pregnancy	\$283.58
c. Drug withdrawal	\$ 55.70
d. Follow-up for attempted suicide	\$ 99.94
e. Heart problems	\$709.30
	\$ 74.10
	\$114.30
	\$ 96.08
	\$ 30.50
	\$ 24.84
	\$ 42.57
	\$ 70.20
	\$ 34.74
	\$ 38.60
	\$ 18.63
	\$ 34.74
	\$ 58.86
	\$ 54.06
	\$ 25.88
	\$ 91.80
	\$ 60.93

3. Splenectomy \$1449.69

\$4032.43

4. Undiagnosed blood dyscrasia \$2498.40

\$ 28.00

5. Seizures (Uncontrolled) \$3706.63

\$5237.82

EXHIBIT A

6. Paraplegic	\$15,653.95
	\$ 16.15
7. Glomerulonephritis (chronic kidney disease)	\$ 56.70
	\$ 8,664.11
8. Work up for anticipated thyroidectomy	\$ 66.15
	\$ 36.00
9. Gunshot	\$17,774.59
10. ER treatment for alcoholism, back problems, heart problems, chest pains phlebitis, varicose ulcers	\$ 103.76
	\$ 87.30
	\$ 75.60
	\$ 130.50
	\$ 88.65
	\$ 65.21
	\$ 61.65
	\$ 65.16
	\$ 35.28
	\$ 49.68
	\$ 27.68
	\$ 54.35
	\$ 141.22
	\$ 31.95
	\$ 113.78
11. Sampling of inmates admitted for service. Examples of addicts, fractured ribs - in fight prior to booking, back pain - rule out pathology and cellulitis from dirty needle:	\$ 1,334.45
	\$ 963.10
	\$ 2,399.15
	\$ 1,776.02
	\$ 2,591.13
12. Mentals admitted when charges could not be dropped:	\$ 1,630.24
	\$ 253.17
	\$ 389.07
	\$ 1,057.55
	\$ 619.15
	\$ 1,833.82

The above represents only a sampling and is not a complete billing for any specific billing for any specific length of time, nor does it include doctor bills. These are merely hospital bills.

If you have need of more specific information, do not hesitate to call on us.

Respectfully submitted,

William O. Conger Comdr.
William O. Conger, Commander
Detention Services Bureau

WOC:mw



Office of the District Attorney

CLARK COUNTY COURTHOUSE
LAS VEGAS, NEVADA 89101
(702) 386-4011

Saturday, February 19, 1977

Assemblyman Robert Barengo
Chairman, Assembly Judiciary Committee
Nevada Legislature
Carson City, Nevada

Re: Assembly Bill 63

Dear Bob:

This bill is a complex one whose actual effect can be accurately predicted by no one.

It apparently proceeds upon two major premises, each substantially false. The bill first proceeds upon the assumption that all law enforcement agencies have subpoena power. They do not. Police agencies have none. District attorneys and the attorney general have general subpoena power only where a complaint has already been approved and filed: see NRS 174.315.

Therefore, to even begin to carry out the concept of this bill, there must first be a statute enacted to provide such agencies with general subpoena power.

The second major premise of this bill - which many may not feel is false - is the premise that records maintained by the bank for its own use or to comply with federal law are somehow the private records of the customer.

But let's look at some more specific comments:

§6- "Governmental agency" - By definition this bill will have no effect whatever upon whatever abuses of the federal government or agencies which may have prompted such a bill. Of course, states may not regulate practices of the IRS, et al., in any event.

§8- "Except as provided in §§16-17 of this act" - Note that if §§16 and 17 of this act would actually apply to all the legitimate needs of law enforcement, there would be no need for §§8 through 15.

-What if the investigation is of the bank itself, or an officer or employee thereof, but "customer's" records are needed? Apparently, since the request would not relate to "a lawful investigation of the customer" no records would be obtainable.

GEORGE HOLT
DISTRICT ATTORNEY

THOMAS D. BEATTY
ASSISTANT DISTRICT ATTORNEY

JAMES BARTLEY
COUNTY COUNSEL

CHIEF DEPUTIES

DONALD K. WADSWORTH

RAYMOND D. JEFFERS

MELVYN T. HARMON

DAN M. SEATON

LAWRENCE R. LEAVITT

H. LEON SIMON

JOEL M. COOPER

JOE PARKER
CHIEF INVESTIGATOR

KELLY W. ISOM
ADMINISTRATIVE OFFICER

§10 (1) (a) - A copy of the subpoena must be served upon the customer - what if the customer cannot be found (e.g., James Ray Houston)? Do the drafters know that the only way for a subpoena to be served in a criminal case is personally? Do they know that it may not be mailed or left with a person of suitable age and discretion at the last known address - that is, it may not be done and be relied upon to constitute legal service?

(b) - The subpoena must include the statutory purpose for which the information is to be obtained - What does this mean? How specific must it be? Must it reveal enough to further destruction of the very records sought?

(c) - You've got to wait 10 days - or go to court to shorten the time? Have the drafters any experience at all in the sometimes emergency nature of police work?

§10 (3) - Not only must a copy of the subpoena be served upon the customer, but the bank must also tell the customer of its receipt of the same subpoena? Or is the bank required to notify? (Where's the Sierra Club when we need it? Who will plant the trees for all this paperwork?)

§10 (4) - What, no fiscal note? After every legislative session courts must suddenly handle hundreds of new cases and accord them all priority - but apparently they have unlimited manpower and/or time since there's never a fiscal note. ("Too speculative," no doubt - but dozens of "speculative" impacts have created the crush in the courts now.)

§11 - What does this section mean? Subpoenas are not issued to a grand jury - a grand jury is an independent quasi-judicial body which has an independent power to issue subpoenas.

§12 - What notification when a search warrant is served? The only notification is that required to be given to the party upon whose premises the search occurs.

§13 - A terrific, wasteful, "Catch 22" clause! Now the police department, after legislation is enacted to permit them to apply for or issue a subpoena, will subpoena the records and learn, lo, that a crime has been committed - but Sorry, Mr. District Attorney, City Attorney or Attorney General, we can't tell you about it so you can prosecute until you go to court to get authorization!

§19 - This section enacts a new exclusionary rule - and you know how everyone loves an exclusionary rule!

§21 - The crowning achievement: enactment of a three year statute of limitations which applies not only to any civil cause of action but also the misdemeanor created in §20 and placement of that statute of limitations in the civil sections of Chapter 11 of NRS.

Assemblyman Barengo
February 19, 1977
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Of course, criminal statutes of limitation are found in NRS §§171.080 through 171.100 and the limitation for a misdemeanor is one year (NRS 171.090) but a little complexity will only strangle our legal system a little more.

As the folk song didn't add ("...some rob you with a six-gun, some with a fountain pen...."), the odds are all with the man using the fountain pen and, with this bill, it'll apparently stay that way.

Regards,



Thomas D. Beatty
Assistant District Attorney

Nevada National Bank

GEORGE E. AKER
PRESIDENT

January 20, 1977

Assemblyman Sue Wagner
State Legislature
State of Nevada
Carson City, Nevada

Dear Sue:

I have carefully examined the proposed bill labeled BDR 19-490 dated December 23, 1976 and find the bill to be a very proper step which would allow us to operate prudently in relation to disclosure of information on customers of the bank. We particularly are pleased with the requirement for customer authorization as provided in Section 8.1(c) and further in paragraph 2. We can easily accept Section 9 paragraph 2. The customer is afforded protection with the 10 day notification by any government agency seeking information. We also feel comfortable with the subpoena provisions, particularly with the subpoena being served on the customer and the opportunity for the customer to quash the subpoena. It is particularly useful that you provide for a court hearing to meet that time requirement. We are particularly pleased with Section 13 providing that government agencies may not share information obtained under the provisions of this disclosure requirement. Section 14 paragraph 2 rounds out the protections for the financial institution which we feel makes the entire process acceptable.

I do not find any conflict with Federal legislation on similar subjects. Initially I had thought that your proposed bill would relate to the new Regulation B of the Federal Reserve concerning equal credit opportunity but find there is no difficulty between the two.

Best wishes for success with your bill.

Sincerely,



GEA/sf

EXHIBIT C

STATE OF NEVADA
DEPARTMENT OF STATE

CHIEF DEPUTY

DEPUTY



CARSON CITY, NEVADA 89701

February 17, 1977

Robert Barengo, Chairman
Judiciary Committee
Nevada State Legislature
Carson City, Nevada 89701

Re: Assembly Bill #63

Dear Assemblyman Barengo:

On behalf of the Division of Securities of the Secretary of State's office I wish to express my opinion on the above assembly bill. In 1973 I came from the private sector of business to assume a position with the Securities Division of the Secretary of State's office. I am an advocate of believing that personal freedom is a very sacred right. Since then I have seen promoters use these rights for their own personal gain; therefore, I wish to comment that I believe this bill protects the criminal element by the disguise of obtaining privacy.

I am sure you and your committee have heard of white collar crime. "White collar crimes are legal acts characterized by guile, dectet and concealment and are not dependent upon the application of physical force, violance or threats."¹ It has been estimated that the total dollar figure from white collar crimes is not less than forty-billion dollars annually. Within this forty-billion dollars, approximately 10%, or four billion, pertains to securities theft and fraud.

The Securities Division has on several instances, and it is vested to us by state statute, NRS 90.170, used the subpoena right during our course of what we felt was a truly legitimate investigation. It is not the policy of this office to use the subpoena for "fishing expeditions". I am fearful that if AB-63 passes, we will lose our ability to discover possible fraudulent activities concerning the Nevada Securities Act. This office not only has the obligation to uncover securities violations, but we also have an obligation to recover monies for the benefit of the possible fraud victims.

1. "White Collar Crime" published by U.S.Chamber of Commerce

If we have to obtain permission from the financial institutions' customers before we can inspect that customer's financial account, you can see it would be very easy for the suspect to withdraw his monies, fold up his tent and disappear into the desert, never to be heard from again.

It is my belief that this bill may or may not protect private rights of the citizen but can be used to shield and hide the criminal element. It is also my conviction that the vast majority of men and women in businesses and professions are ethical, well-intended and desirous of doing business that is beyond reproach, but there is an element that will use these laws for protection that will lead to financial gain at the expense of the public.

In closing, I wish to state that turning one's back on white collar crime and securities fraud will only encourage its spread and I hope that your committee will understand the obligation to the investing public by trying to make their investment decisions as safe as possible, and, therefore, I urge you not to pass AB-63 as proposed.

Very truly yours,



Abner W. Sewell
Deputy Secretary of State
Securities Division

AWS:hs

SIXTH JUDICIAL DISTRICT COURT

PERSHING COUNTY COURT HOUSE
LOVELOCK, NEVADA 89419

LLEWELLYN A. YOUNG
DISTRICT JUDGE
TEL. 273-2105

January 31, 1977

Honorable C. Clifton Young
Nevada State Senator
Legislative Office Building
Carson City, Nevada 89701

Dear Cliff:

Sometime back you asked me to write a letter concerning various things that we have discussed in the past that might improve Nevada Statutes. In this regard, I think the following matters should be considered by the Legislature:

We are finding that more and more people are living together without the benefit of marriage vows. They do acquire property and when they separate or pass away, we have a problem concerning the disposal of property. The Supreme Court of California recently decided a case involving property wherein the people did live together but were not married. I think it would be helpful if the Legislature would pass a statute covering property rights in such situations.

For many years teachers and railroad engineers have been exempt from jury duty. In good conscience I can not see why both should not serve. Teachers would gain an insight into the operation of government which they would be able to pass onto their children. When the teachers are absent from work now, they do employ substitute teachers. I am not advocating that we take every teacher for every trial; but, as you know, juries are selected on a random basis and we seldom would draw more than one or two teachers for each jury. Experience gained by such teachers would, in my opinion, enhance the educational system.

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EXHIBIT E

Honorable C. Clifton Young
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I would like to see the Juvenile Probation Department placed under State control. One of the reasons for this is over half of our juveniles that we handle in both Pershing and Humboldt Counties are nonresident juveniles. It seems to me that this is an undue burden to throw on the local taxpayers and it would be more equitable if the load were borne by the entire State.

I also think the entire court system, including clerks, bailiffs and court reporters, should be funded by the State and would hope that measures would be introduced to this end.

For sometime I have been concerned with the manner in which Indians are handled in the various judicial systems. Sometimes they are under State jurisdiction. Sometimes they are under Federal jurisdiction, and more recently they have been given Tribal Judges of their own. It is my understanding that if I were to issue an execution out of the Humboldt County Court, the Sheriff of Humboldt County could not serve the execution or process the execution on the grounds of Ft. McDermitt because that is Federal Territory. By the same token then, why should the Indians of Ft. McDermitt be allowed to vote for the Sheriff or any other county official of Humboldt County if the County has no jurisdiction over the Indians? I am not saying what is the correct way, only that the present way is filled with confusion.

A problem that has come up now that we have Public Defenders is the problem of expenses for witnesses. There seems to be a trend to have every defendant sent to a psychiatrist for evaluation before we can proceed with a criminal proceeding. Going to psychiatrists and then having them testify at a trial can be very expensive. I would hope that when the Public Defender brings his budget to you that you would give the Public Defender a sufficient budget that he would pay the psychiatrist and this would not be a charge against the county. Where the county has to pay for the prosecution's psychiatrist and also for the defendant's psychiatrist, the costs really become exorbitant. Maybe what I am suggesting is not feasible. If it is not, perhaps you can come up with a better plan for what I am proposing.

Honorable C. Clifton Young
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Not finished
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There seems to be a considerable amount of cattle rustling these days as compared to the past. I find that the present way of branding cattle is perhaps not the best way and would hope that the Legislature would initiate something whereby cows can be better identified than is now the case. Perhaps a tattoo or radioactive ink, ear tag or some other way that I have not discussed would be better.

I saw in the paper this morning where Judge Guinnan indicated that District Judges elected in 1974 have to stay in office until 1981. According to his decision we would not then be able for a pay raise until 1981. I am wondering if there is some intervening method such as cost of living or longevity compensation such as received by the county elected officers that could be enacted for our benefit.

These are some of the things that I have discussed with you over the past years. If you find any of them have merit, I would appreciate your introducing a bill concerning that matter.

Sincerely yours,

Llewellyn A. Young
District Judge

LAY:js

cc Honorable Melvin "Bode" Howard
Nevada State Assemblyman
Legislative Office Building
Carson City, Nevada 89701