

MINUTES

JUDICIARY COMMITTEE

February 3, 1977

This meeting was called to order at 9:15 a.m. by Chairman Barengo in order to hear AB 5.

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

Guests: Mr. Glover, assemblyman
Mr. Darrell D. Luce of The Christian Science Church
Reverend Lawrence Quilici of St. Theresa's Catholic church of Carson City
Mr. David Hagen, attorney

Mr. Barengo asked Assemblyman Glover to come forward and introduce his bill, AB 5.

Mr. Glover explained that this bill was drafted due to the fact that members of the clergy are not presently exempt from jury duty. And, that due to the dwindling number of priests and ministers in the state of Nevada, their work load is becoming more intensive and some of them have no one to relieve them if they were to be asked to serve on a jury. He also, stated that it puts a very great burden on the minister who must serve on a jury if one of his parishoners needs his attention during the period the jury duty is being performed.

Mr. Coulter asked Mr. Glover if he did not feel that serving on a jury was an obligation of citizenship and that there are too many exemptions now.

Mr. Glover stated that he felt the functions of the clergy were so important that if they absolutely could not serve, this would give them a means not to. He said too, that he felt if the minister did have time and felt he would like to serve on a jury, that he should be able to do so.

Mr. Coulter then stated he believed that any person could be excused from jury duty if there was a pressing need to do so.

Mr. Glover said that in this district it is exceptionally hard to be excused from service.

Mrs. Wagner asked if this legislation was supported by any particular members of the clergy or any religious organization. And, that the clergy members she had spoken to had indicated that they felt it was their duty to serve on juries.

Mr. Glover indicated Father Quilici would be speaking to the committee on this. Also, he stated that this problem was not nearly so critical in Washoe and Clark counties as it is in the outlying counties as there are so few in those areas to serve their congregations.

Mr. Price brought up the question relating to how you can determine whether someone is actually one who should be considered one of the "clergy". (This question was thought to be a very difficult point to clarify and discussion among the committee touched on several peripheral groups as well as churches which have a priesthood-type structure and how they would be effected or not effected by this "clergy" term.)

Mr. Barengo asked Mr. Glover why the 65 or older provision had been added in this bill.

Mr. Glover said that this was covered in the bill before but this change is to make it possible for those over 65 who are not in sound health to be exempted if necessary from duty.

Mr. Barengo asked if there were further questions of Mr. Glover. There were not and he was excused.

Mr. Barengo called Mr. David Hagen of the Bar Association to speak on this matter.

Mr. Hagen stated that the Bar Association had no quarrel with the clergy being exempted from service, however, they do oppose the language on the ammendments on lines three and four on page one of AB 5. He felt the consequence of that ammendment would cause all of the exemptions in that NRS statute to be automatic. He said that they feel this would deprive the community of a good cross-section of jurors unnecessarily. He said, further, that any individual who wishes to exercise his exemption should be able to do so by filing for the exemption yet allow the other people, in those exemptable categories, to be called for service. Indeed, he felt that in order to get the exemption, that it should be made more clear that one must file a claim to become exempt. He said he felt there has been confusion on this point before and it should be clarified.

Mr. Darrell Luce of the Christian Science Monitor spoke next representing the Christian Science Churches of Nevada. He asked that if this bill is passed, the language in it be amplified so that individuals from his church would be included. He noted that in his church, the people who lead the church are not "ordained" ministers. He suggested that the language from the California statutes be used in this bill. He noted that service on juries or a hardship caused by service on juries has not been a problem in their church. However, he stated that if this bill is passed they feel the language should be adequate to cover this. His statement is attached as Exhibit A.

Mrs. Wagner interjected here that the California law definition suggests that a practitioner of any well recognized church or denomination is "clergy". She asked how one would determine what is well recognized.

Mr. Barengo stated this would be an exercise of judicial discretion.

Father Larry Quilici spoke next. He pointed out some of the problems and conflicts which come to the fore when he is asked to serve on a jury. He pointed out that there have been ministers here locally who have served on juries and in the course of doing so, have had to neglect some of their congregation who needed them badly.

Discussion between Father Quilici and the committee continued regarding this matter.

Mr. Barengo then asked if there was any other business to come before the committee. There was none and pursuant to rule 10 of the committee, Mr. Barengo delayed decision on this bill so that it could be discussed between the committee members more thoroughly. It was also noted that Mr. Glover might wish to make some amendments to this bill and this would give him time to do so if he wished.

Mr. Banner moved to adjourn the meeting and it was seconded by Mr. Sena. Mr. Barengo adjourned the meeting at 9:40 a.m.

Respectfully submitted,

Linda Chandler
Secretary

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My name is Darrell Luce, and I am here today representing the Christian Science churches in the State of Nevada.

We are in favor of the passage of A. B. 5, especially the exemption from jury duty for a member of the clergy. However, in our church we do not have any ordained clergy; rather we have two groups of lay members who do the same type of good work that clergymen perform.

These people would fall into two categories: (1) The Christian Science Practitioner, who devotes his full time to doing healing and counseling work, and needs to be available at all times; (2) the second group are the readers who are responsible for conducting the two weekly church services, which entails quite a lot of preparatory work.

To cover these two groups, I would propose the exact language that is found in the California statutes:

"and a practitioner who treats the sick by prayer in the practice of the religion of any well-recognized church or denomination, or a reader whose duty is to conduct regular religious services of such church or denomination."

This could be added on page 2, at line 23, after the word "clergy".