

MINUTES

ASSEMBLY JUDICIARY COMMITTEE

March 29, 1977

8:00 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 8:00 a.m.

Assembly Bill 471:

Frank Daykin from the Legislative Counsel Bureau, upon the Chairman's request, gave advice to the committee on this bill. Mr. Daykin stated that as far as this is concerned, the Nevada case law with which he is familiar is all based upon the existing statute. This appears to be an area where there is no constitutional question. The Legislature may, by statute, restrict the admissibility of accomplice testimony or it could similarly deviate from the common law, by making the testimony of an accomplice admissible under any circumstances, like that of any other witness. This bill more or less strikes between those two extremes. It requires some form of corroboration, but it does not require the comparative narrowness of corroboration that the present statute requires. Mr. Daykin stated that he doesn't think he has on the staff anyone with a sufficient background in actual, practical criminal trials and perhaps the committee would want some advice from a good defense attorney to give them an analysis of what effect this would have in actual trial as distinct from the present law. Chairman Barengo asked Mr. Daykin if he could obtain for the committee the three cases that define this area. Considerable discussion followed.

Assembly Bill 459:

Mr. Bart Jacka, Las Vegas Metropolitan Police Department, testified in support of this bill as it is legislation requested by their department. He stated that this particularly deals with weapons and their relationship to the Federal Firearms Act. He explained that in Las Vegas they have had particular problems on the local level with the inability of the U.S. attorney via the Alcohol, Tobacco Tax Unit to file on these federal firearms violations. Quite often they come up with modified shotguns and other weapons that fall within the definition of A.B. 459 and they have nowhere to go as far as prosecution is concerned. He stated that the bill in itself defines the weapons they are interested in and basically follows the lines of the present federal firearms statute. However, he asked for an addition that might have been overlooked, a copy of which is attached hereto and marked as Exhibit "A". Mr. Jacka stated that he talked with Mr. Tom Beatty of the Clark County District Attorney's office and he had no objection to the bill and was in support of the new addition to exempt firearms dealers. There was some questioning and discussion following his testimony.

COMMITTEE ACTION:

Assembly Bill 466, Mr. Banner moved for a DO PASS, Mr. Sena seconded the

motion. The motion carried unanimously.

Assembly Bill 468, Mr. Sena moved for a DO PASS, Mr. Polish seconded the motion. The motion carried unanimously.

Assembly Bill 469, the committee discussed two amendments for this bill, Mr. Banner moved for a DO PASS AS AMENDED, Mr. Sena seconded the motion. The motion carried unanimously.

Assembly Bill 470, Mr. Sena moved for a DO PASS, Mr. Polish seconded the motion. The motion carried unanimously.

Assembly Bill 460, the committee discussed leaving the statute as is, except on line 20, page 2, to notify the District Attorney to allow them to have their say in court. Mrs. Wagner moved for a DO PASS AS AMENDED, Mr. Sena seconded the motion. The motion carried unanimously.

Assembly Bill 315, Mr. Sena moved for a DO PASS AS AMENDED, Mr. Banner seconded the motion. The motion carried unanimously.

Assembly Bill 13, Mr. Banner moved for a DO PASS AS AMENDED, Mr. Polish seconded the motion. The motion carried unanimously.

Assembly Bill 418, Mr. Sena moved for a DO PASS, Mrs. Hayes seconded the motion, The motion carried unanimously.

Assembly Bill 459, Mr. Sena moved for a DO PASS AS AMENDED, Mr. Polish seconded the motion. Mr. Banner voted "no". The motion carried.

Assembly Bill 381, Mr. Ross moved for an INDEFINITE POSTPONEMENT, Mr. Banner seconded the motion. Mrs. Hayes and Mr. Price both voted "no". The motion carried.

Assembly Bill 461, Mr. Ross moved for an INDEFINITE POSTPONEMENT, Mr. Polish seconded the motion. Mr. Price voted "no". The motion carried.

Assembly Bill 384, Mr. Ross moved for an INDEFINITE POSTPONEMENT, Mr. Price seconded the motion. The motion carried unanimously.

Assembly Bill 386, Mr. Ross moved for an INDEFINITE POSTPONEMENT, Mrs. Wagner seconded the motion. The motion carried unanimously.

Assembly Bill 297, Mr. Sena moved for INDEFINITE POSTPONEMENT, Mrs. Hayes seconded the motion. Mr. Coulter abstained from voting. The motion carried.

Assembly Bill 315:

Mr. Bob Telour, City Marshall in Reno, Reno Municipal Court, testified on this bill in order to explain their position to the committee. He stated the way they operate in Reno is that prior to a warrant being issued, they send out a computer print-out bill. They send it to the last registered known address, registered mail. Additionally, they always call the person on the telephone prior to making the arrest advising them to come down to the Court and either post the bail or come in and discuss it with the judge. He stated that it will be costly to their city if this is implemented with regard to the registered certification.

Assembly Bill 467:

Chairman Barengo asked Mr. Robert Telour, City Marshall of Reno, while he was before the committee on another bill, if he would comment on this, A.B. 467. Mr. Telour stated, after reading the bill, that he would be wholeheartedly against this section 2 of this bill.

There being no further business to discuss, this meeting was adjourned at 11:05 a.m.

Respectfully submitted,



Anne M. Peirce, Secretary

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ASSEMBLY BILL 459

Generally this bill is acceptable from the standpoint of Police Regulation and Inforcement of the provisions as set forth.

A suggested addition would be to provide for the handling and possession of the firearms defined in Section 3 by Licensed Firearms Dealers, provided such possession and handling is done for lawful purposes.