

MEMBERS PRESENT: Chairman Bennett Mr. Glover
Mr. Chaney Mr. Brady
Mr. Craddock Mrs. Cavnar

MEMBER ABSENT: Mr. Getto

GUESTS: Barney Dehl, Nevada Highway Patrol

Chairman Bennett convened the meeting at 5:05 p.m.

SB 429

Barney Dehl, Nevada Highway Patrol, said that SB 429, with the amendments was very different than the original bill and addressed a different area of concern. The original bill mainly provided for a \$1000 penalty for a second offense of DUI, making the offense a gross misdemeanor which would have required every second offense of DUI being tried in district court with a preliminary hearing and a jury trial. There was a provision for alcohol rehabilitation. There was testimony to the effect this was unworkable.

The problem with the present DUI statutes is a technicality addressed on page 2, subsection 5 -- if a person is arrested for DUI they have an option of a breath, urine or blood test. If a controlled substance is an issue they only have an option of a blood or urine test under this proposed measure, SB 429. It has been learned that use of a controlled substance cannot be detected with a breath test if the user subsequently consumes alcohol. This ploy is known and exercised and the laws and penalties applicable to the subject offenses are being circumvented.

Chairman Bennett asked the reason for the fiscal note and was informed it applied to the original form of the proposed measure. SB 429, as amended has no fiscal impact.

Mr. Glover moved to Do Pass SB 429; Mr. Brady seconded the motion. Motion carried unanimously.

Chairman Bennett adjourned the meeting at 5:15 p.m.

Respectfully submitted:

Marjorie D. Robertson

MARJORIE D. ROBERTSON, Secretary