

Members Present:

Chairman Hayes  
Vice Chairman Stewart  
Mr. Banner  
Mr. Brady  
Mr. Coulter  
Mr. Fielding  
Mr. Horn  
Mr. Malone  
Mr. Polish  
Mr. Prengaman  
Mr. Sena

Members Absent:

None

Guests Present:

Dean G. Alley	National Rifle Association
Richard G. Biggs	Ormsby Sportsman Association
Gordon K. Brownlee	Carson Rifle & Pistol Club
Tom Hickey	Assemblyman
Larry L. Ketzenberger	Las Vegas Metropolitan Police Department
Geno Menchetti	Deputy Attorney General
Robert Robinson	Assemblyman
Kent Robison	Nevada Trial Lawyers Association
Gerald Washabaugh	Nevada State Rifle and Pistol Association

Chairman Hayes called the meeting to order at 8:02 a.m.

ASSEMBLY JOINT RESOLUTION 6

Proposes to amend Nevada constitution to confer right upon private citizens to keep and bear arms.

Assemblyman Robinson, sponsor of this resolution, said that the resolution had not been drafted as he had requested it. Noting that the resolution stated there could be no imposition of registration of firearms, he said he thought this would have to be amended to allow for registration of handguns. He said his idea for the drafting of the resolution had come from a referendum which passed in Idaho in the November, 1978, general election concerning gun control. He said the reason for making this a constitutional amendment would be so that a future Legislature could not come in and easily change the law to allow some type of control.

Chairman Hayes felt that the legislation could be unconstitutional because it would appear to allow ex-felons or those on probation to be able to have weapons.

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Assemblyman Robinson said that the wording of the resolution could be changed to refer to ownership rather than possession of firearms. He said that the definition of "possession" would have to be clarified. In response to a question from Mr. Stewart about possible amendments, Mr. Robinson said he would have no qualms about allowing the registration of guns. He said that law-abiding citizens would not be affected by doing this, and he said criminal types would not register their guns anyway.

Mr. Alley said that passage of this resolution would be a further safeguard to the individual citizen to have the right to keep and bear arms. He said that making this a constitutional change would make it difficult for a future Legislature with negative feelings toward this issue to change the law.

Mr. Alley stated his support of the resolution as written especially as it pertained to the registration of firearms. He related that in the Philippines a law was passed requiring the registration of guns, and a year and a half later all guns were confiscated. He also stated that when a Communist government took over in Chile, one mistake that was made was not requiring the registration of guns. He said that the citizens of the country were able to overthrow the government through the use of the guns they still had possession of.

Mr. Alley said that many times legislation is passed by those who have lost sight of the fact that the average citizen is not the criminal element. He said that there were about 10,000 laws concerning firearms in the United States, and the laws are mainly pointed at citizens rather than criminals. He said that 39 states have now passed similar legislation to that being considered by this Committee.

Mr. Brownlee and Mr. Biggs stated their support of what Mr. Alley had said, and they asked for the Committee's support of the resolution.

Mr. Washabaugh stated that he supported the resolution as written. He said that it was apparent that restrictions on firearms had not done anything but affect the sportsman.

Mr. Menchetti related his concern to the following statement in the resolution: "No law may impose any requirement for licensing, registration, or possession of firearms or ammunition." He said that if this is what the Committee wanted, there would be the loss of a number of existing statutes. He said he had tried to possibly rewrite the resolution but had not been able to at this point. He offered to work with the bill drafter to come up with workable language on the resolution.

Mr. Ketzenberger said that the Las Vegas Metropolitan Police Department would be opposed to the same part of the bill that was read by Mr. Menchetti. He said that the registration of

guns has been helpful in solving crimes. He said the resolution would effectively eliminate all present laws relating to the registration of firearms.

Mr. Sena, noting Mr. Ketzenberger's opposition to the resolution, asked if the Police Department in Las Vegas would be opposed to the concept as presented. Mr. Ketzenberger said he would support the right of citizens to bear arms.

Chairman Hayes appointed a subcommittee for A.J.R. 6 composed of Mr. Malone, chairman, and Mr. Prengaman. She said that the subcommittee should see what State laws would become ineffective, obtain an understanding of Federal laws concerning gun control, and to see if the wording of the resolution can be improved.

The Committee was in recess at 8:49 a.m. and reconvened at 8:56 a.m.

ASSEMBLY JOINT RESOLUTION 21 OF THE 59TH SESSION

Proposes to amend Nevada constitution to expand classification of crimes for which bail may be denied.

Assemblyman Hickey, sponsor of the resolution, said this was a proposed change in the Constitution that would include crimes with a possible penalty of life in prison without possibility of parole in the category of crimes for which bail may be denied. He stated that he felt it was a problem when a person accused of murder is let free until trial, and the proof is evident and assumption great. He related a particular incident where an accused murderer was lobbying at the Legislature before he went to trial and was convicted.

Mr. Stewart said that bail is secured so that a person will be present when his or her trial date arrives. Mr. Hickey said that he did not intend for this to be a type of punishment, but he said that he felt that society should develop an attitude of the gravity of the crimes that would fall under this category if the constitutional amendment was passed.

Mr. Robison said that the Nevada Trial Lawyers Association would be opposed to this resolution. He said that when an accused person is incarcerated prior to conviction without possibility of bail, it is against the assumption of innocence until proven guilty. He said family situations would deteriorate where a wage earner could not provide for his family. He said a prosecutor would theoretically be taking the place of the judge by imposing the situation where an accused would not be bailable.

Mr. Robison related a case where a client of his was charged for first degree murder because of his involvement in a drag race where the driver of the other vehicle was killed after losing control of his vehicle. He said that it was shown

that his client's car had not touched the victim's car; therefore, there could be some question of liability anyway. The bail was set for his client at \$1,000, but he stated that if the proposed resolution were adopted, there could be no bail set with a charge of first degree murder.

Mr. Robison related his concern to the present procedure of a prosecutor being able to go before a judge and ask that no bail be set without any input from the defense side. Committee members noted that this is a present situation, and the present amendment to the Constitution would not change that. Mr. Robison said he opposed expanding the classification of offenses that would fall under the category of nonbailable crimes because there are presently no guidelines on the hearing he referred to between the prosecutor and the judge.

Chairman Hayes requested that the Committee not take action until input could be received from District Attorneys in the State.

#### AMENDMENTS TO COMMITTEE RULES

Mr. Stewart said that it had come to his attention that Rule 6 of the Committee was in conflict with the Assembly Standing Rules which require a two-thirds vote by a Committee for introduction of a bill. He said that he had no reasons why a change from the present number to "eight" would be good or bad other than the fact that the conflict exists.

Mr. Banner moved that the number in Rule 6 be changed to "eight"; Mr. Horn seconded the motion. The Committee unanimously approved the motion.

Regarding Rule 8, Mr. Horn said that there could be problems because of the reference to the majority voting "aye" when in fact the majority may be voting "no."

Mr. Horn moved to strike the words "aye" and "no" in Rule 8; Mr. Stewart seconded the motion. The Committee unanimously approved the motion.

Chairman Hayes adjourned the meeting at 9:36 a.m.

Respectfully submitted,



Carl R. Ruthstrom, Jr.  
Secretary

1979 ASSEMBLY JUDICIARY COMMITTEE

	Present	Excused	Unexcused	
Mrs. Hayes, Chairman	✓			
Mr. Stewart, Vice Chairman	✓			
Mr. Banner	✓			
Mr. Brady	✓			
Mr. Coulter	✓			
Mr. Fielding	✓			
Mr. Horn	✓			
Mr. Malone	✓			
Mr. Polish	✓			
Mr. Prengaman	✓			
Mr. Sena	✓			
	Ayes	Nays	Not Voting	Absent

DATE January 23, 1979

January 23, 1979

GUEST LIST

<u>NAME</u>	<u>REPRESENTING</u>	<u>WISH TO SPEAK</u>	
		Yes	No
<u>(Please print)</u>			
✓ DEAN G. ALLEY	NATIONAL RIFLE ASSOC.	X	
✓ Gordon K. Brownlee	Watson Rifle & Pistol Club	X	
✓ Richard G. Biggs	Crmsby Sportsman Ass.	X	
○ Larry L. Ketzenbinger	L U M P D	X	
- KENT ROBISON	Nevada Trial Lawyers Ass	X	
✓ GERALD WASHBROUGH	NEVADA STATE RIFLE AND PISTOL ASSOCIATION		
○ Geno Menchetti	Nevada Attorney General	X	
Dow Johnson			
Tom Hickey -			
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ASSEMBLY COMMITTEE ON JUDICIARY  
60th Session - 1979

COMMITTEE RULES

1. A quorum consists of at least six (6) Committee members.
2. It will require at least a quorum to hear a bill.
3. Action on a bill will require a majority vote of the entire Committee.
4. All motions shall require a second. An affirmative vote of two-thirds (8 members) of the entire Committee will be required to reconsider an action on a bill.
5. The Committee members shall address the chair at all times for permission to be heard or to question witnesses.
6. Committee bill introduction shall be by affirmative vote of eight (8) members. Committee introduction does not imply a commitment on the part of any member to support the bill.
7. The secretary of the Committee shall note at each meeting and record in the minutes the members present and the members absent.
8. The secretary shall record the majority vote by the names of the members voting and the minority vote by the names of the members voting.
9. When the Chairman is not present, the Vice Chairman shall conduct the meeting.
10. Any decision of the Committee will not be made until all witness have been heard, questioned and dismissed. The Chairman shall determine when a final action is to be taken.
11. Mason's Manual shall be followed in parliamentary matters.
12. A minority report may be filed with the Chief Clerk at the same time as the Committee action is reported. A minority report must be signed by all Committee members filing such minority report.
13. The chairman may require any person testifying before the Committee to be sworn in, pursuant to NRS 218.535.