

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:

Sharon Alcamo	Driver's License Division
Frank Daykin	Legislative Counsel Bureau
Bob Miller	Clark County District Attorney

Chairman Hayes called the meeting to order at 8:10 a.m.

ASSEMBLY BILL 317

Requires full period of suspension of driver's license be carried out, after reinstatement pending appeal, if suspension is affirmed.

Ms. Alcamo said that the Driver's License Division was in favor of this bill. She said she thought the bill was aimed at suspensions that are rendered under the point system. She said that a situation that might be encountered would be in the case of an individual with nine points on his record who received a citation adding three or four more points. Due to having 12 or more points, the person's license would usually be suspended. She said that what happens is that a person appeals the last conviction, and during the time before the hearing arrives, some of the points that were placed on the record previously expire. She said that even if the last conviction was upheld in court, the individual would then again be below the 12 point maximum and would not have been without a license for the full term of the suspension if it had not been appealed. She said this bill would allow for reinstatement of the suspension for the amount of time it would have been applicable.

Mr. Brady asked if this type of situation was occurring often. Ms. Alcamo said that people are finding that there is a definite and very easy way to beat the system. She said, however, that the people who cannot afford an attorney are the ones who are suffering.

Mr. Malone said that in his duties as a police officer, he has had to appear in court a number of times only to have a person's suspension of a license thrown out because the points had fallen below the maximum level.

The Committee was in recess at 8:30 a.m. and reconvened at 8:56 a.m.

Mr. Miller said that the District Attorneys Association had taken a stand in favor of this bill.

There then followed a discussion of the origin of the bills being considered by the Committee on this date.

ASSEMBLY BILL 316

Reclassifies certain batteries as to type of crime.

Mr. Stewart questioned Mr. Miller briefly about the bill. Mr. Miller said that with passage of the bill, the battery of a police officer would be a matter that could be heard in Justice Court. He noted the problem in defining "substantial bodily harm," and he related a specific case in Las Vegas in which a man was beaten nearly to death, and the reason a battery charge was placed against the assailant was that the victim sustained two broken ribs. He said there would possibly be another bill relating to that definition.

The Committee was in recess at 9:20 a.m. and reconvened at 9:35 a.m.

ASSEMBLY BILL 316
ASSEMBLY BILL 314

Specifies period within which actions for taking private property without compensation must be brought.

ASSEMBLY BILL 318

Provides for forfeiture of personal property used in commission of felony.

Mr. Daykin was called to the meeting to respond to questions of origins of the above three bills. Mr. Daykin said that A.B. 314 was requested by Douglas County; A.B. 316 was requested by Pershing County; and A.B. 318 was requested by Washoe County. He said all of the bills were a result of the meeting of the District Attorneys Association.

ASSEMBLY BILL 157

Resolves conflict concerning county clerk's fees in small estates of decedents.

Mr. Daykin said this bill arose as a result of an act passed in the 1975 Legislature that provided that there was no fee in an estate whose amount was less than \$5,000. He said, however, that the bill did not amend the fees in the clerk's section of NRS 19.013. He said the bill would make this statute conform with NRS 146.070.

ASSEMBLY BILL 319

Clarifies the burden of proving circumstances amounting to manslaughter.

Mr. Daykin said this bill was requested through several sources including the Pershing and Clark County District Attorneys and Judge Llewellyn Young. He said the bill amends the provisions on homicide. He said that the Supreme Court of Nevada in the case of White vs. the State of Nevada (82 Nevada 304) held that the words of this statute given alone as an instruction are constitutionally invalid because it is too broadly expressed to say that the defendant bears the entire burden of proving the circumstances of mitigation.

Because of this ruling, Mr. Daykin said the words "of mitigation" would be deleted, and new language added as follows: "under which the homicide amounts only to manslaughter." He said he thought this wording would pass the constitutional question under the White case and still show who bears which burden of proof.

ASSEMBLY BILL 314

Chairman Hayes requested that a motion be made concerning this bill.

Mr. Horn moved to adjourn to give interested people the benefit of a doubt if there was an interest in furthering the bill. There was no second to the motion, and no further discussion was held regarding this bill.

ASSEMBLY BILL 157

Mr. Horn moved Do Pass; Mr. Prengaman seconded the motion. The Committee approved the motion on the following vote:

Aye - Hayes, Brady, Coulter, Fielding, Horn, Malone,
Polish, Prengaman - 8.

Nay - None.

Absent - Stewart, Banner, Sena - 3.

ASSEMBLY BILL 317

Mr. Coulter moved to indefinitely postpone; Mr. Fielding seconded the motion.

Mr. Brady said that laws are passed that should be livable. He said this law would change what appears to be an inequity in allowing individuals that can afford attorneys to be able to avoid suspension of their driver's licenses. He said the present situation is a real travesty of justice.

Mr. Coulter said that the same thing could be said regarding any type of violation where a person chose to appeal.

Mr. Prengaman said that the point system used to monitor the driving habits of individuals seems to work, yet there are individuals who are using the judicial system to forestall having their licenses suspended. He said he believed the bill under consideration had merit, and he said that steps should be taken to protect the point system.

On a voice vote, Chairman Hayes declared the motion lost.

Mr. Horn moved Do Pass; Mr. Brady seconded the motion. The Committee approved the motion on the following vote:

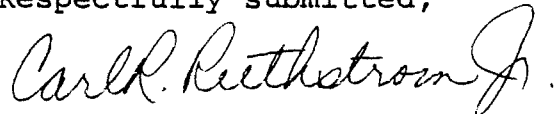
Aye - Hayes, Brady, Horn, Malone, Polish, Prengaman - 6.
Nay - Coulter - 1.
Not Voting - Fielding - 1.
Absent - Stewart, Banner, Sena - 3.

Chairman Hayes asked Mr. Brady to speak concerning this bill on the Assembly floor.

Mr. Horn moved to adjourn; Mr. Prengaman seconded the motion.

The meeting was adjourned at 9:53 a.m.

Respectfully submitted,



Carl R. Ruthstrom, Jr.
Secretary