

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:

Zane Azbarea	Nevada Judges Association
Frank C. Barns	Western Nevada Community College
George H. Boddie	Nevada Security
Gary C. Carpenter	Western Nevada Community College
Tom Davis	Nevada Judges Association
G.P. Etcheverry	Nevada League of Cities
Ray Gubser	Ray Gubser Deterctive Agency
Gary R. Holman	Nevada Security
Ron Jack	City of Las Vegas
Mike Malloy	Washoe County D.A.'s Office
Samuel P. McMullen	Private Investigators License Board
Melvyn J. Robins	Alarmco Security
Mark Solomon	Hilton Hotels Corporation

Chairman Hayes called the meeting to order at 8:07 a.m.

ASSEMBLY BILL 540

Requires private guards to receive certain training and be registered with private investigator's licensing board.

Assemblyman Malone introduced amendments to the bill. His reason for the amendment was because of the small counties and organizations and their needs. The purpose of the bill is to prevent these security personnel from being unqualified. Any agency that would employ 5 or less security personnel would be exempt from the requirements of this bill. See EXH. H.

Sam McMullen, the Deputy Attorney General to the Private Investigators Board gave testimony. His interests lie in the possibility of coming up with a workable package for all of the industries and especially the private guard industry. He

Joint Meeting

Minutes of the Nevada State Legislature

Assembly Committee on JUDICIARY

Date: April 3, 1979

Page: 2

was concerned with the question of whether the present people employed as security guards would have to undergo training or they would be exempt. This could create a problem whereas it is almost impossible to find highly trained security guards to replace the ones that will be taken out for training. Mr. McMullen's purpose was totally informational since the board has not yet met on these issues.

The Committee was in recess at 8:55 a.m. to join the Senate Judiciary Committee in a joint session.

The joint meeting of the Senate and Assembly Judiciary Committees was called to order at 9:00 a.m. Senator Close was in the chair.

SENATE MEMBERS PRESENT:

Senator Close, Chairman
Senator Hernstadt
Senator Dodge
Senator Sloan
Senator Raggio
Senator Don Ashworth
Senator Ford

ASSEMBLY MEMBERS PRESENT:

Mrs. Hayes, Co-Chairman
Mr. Stewart
Mr. Banner
Mr. Brady
Mr. Coulter
Mr. Fielding
Mr. Horn
Mr. Malone
Mr. Polish
Mr. Prengaman
Mr. Sena

SENATE MEMBERS ABSENT:

None

ASSEMBLY MEMBERS ABSENT:

None

Senator Close informed the members that the purpose of the meeting was to take testimony on the following measures:

SENATE BILL 361

Removes prohibition against televising of court proceedings and limits use of artificial light during broadcasting.

ASSEMBLY BILL 571

Repeals prohibition against televising, broadcasting, or filming of court proceedings.

Assemblyman Steve Coulter testified that he had requested A.B. 571 on behalf of the Nevada State Press Association. It was his opinion that the legislature should not be involved in the regulation of cameras in the courtroom. He stated that that should be left to the discretion of the judiciary, the State Supreme Court, and the press. He suggested a one year trial period in which to allow for the development of guidelines in

Joint Meeting

Minutes of the Nevada State Legislature

Assembly Committee on JUDICIARY

Date: April 3, 1979

Page: 3

S.B. 361 and A.B. 571

in this area.

Senator Hernstadt testified in support of S.B. 361. He stated that he believed that the judiciary was quite competent to regulate their own affairs. He informed the committees that he did not believe that he had a conflict of interest in this matter in that his television station is presently being sold.

Chief Justice John Mowbray testified in support of these measures on behalf of the Nevada State Supreme Court. For his comments, see attached Exhibit A.

Frank Delaplane, Managing Editor, Reno Newspapers, Inc., testified in support of these measures. For his remarks, see attached Exhibit B.

Larry P. Nylund, reporter for Reno Newspapers, Inc., testified in support of these measures. For his testimony, see attached Exhibit C.

Mike Malloy, Assistant District Attorney, Washoe County, testified in support of these measures. He felt that anything which causes the various branches of government to be reported accurately and to be brought closer to the people, was a good idea.

Senator Dodge asked if Mr. Malloy thought this would have an inhibiting effect on witnesses, particularly those in criminal matters.

Mr. Malloy stated that he believed there might be some initial, additional nervousness but that that would be overcome once the testimony began.

Dorothy Kosich, representing Sigma Delta Chi, read into the record a resolution adopted at the national convention of the Society of Professional Journalists in support of these measures. See attached Exhibit E.

Dick Dewitt, News Director, KCRL, testified in support of these measures. For his testimony, see attached Exhibit F.

Patrice Bingham, KOLO Radio, testified in support of these measures. For her remarks, see attached Exhibit G.

John Howe, News Director, KOLO-TV, stated that he concurred with Mr. Delaplane's comments. He hoped that the committees would have respect for the press with regard to their responsibilities and ethics as professionals and to give them a vote of confidence by allowing them to work in conjunction with the judiciary in this area.

Joint Meeting

Minutes of the Nevada State Legislature

Assembly Committee on JUDICIARY

Date: April 3, 1979

Page: 4

S.B. 361 and A.B. 571

Alice McMorris, KOLO-TV and Radio informed the committees that she had done her masters thesis on cameras in the courtroom. Her research indicated that all the participants in a trial try to do a better job when the television cameras are present because they know that the eyes of the community are upon them.

In a questionnaire sent to the various judges in states where cameras are allowed, the responses were unanimous in the belief that there was no effect on the outcome of the trial as a result of television cameras being present. She further testified that she believed there were certain cases that should be excluded: divorces, sex offenses and cases involving children. She also felt it was important that the defendants give their consent to being televised.

Bob Miller, District Attorney, Clark County, stated that he was in support of these measures.

The Assembly Judiciary Committee reconvened at 10:14 a.m.

A.B. 540*

George Boddie, President of Nevada Security, testified against A.B. 540 in its present form. His feelings toward the bill are that it would put too much of a financial burden on the security guard seeking employment. He feels the bill should also be amended to allow private industry to use the pistol ranges of the different county law enforcement agencies. At present, legalities do not allow anyone other than police employees to use these ranges. His suggestions for training of these individuals include a minimum of 20 hours classroom and 8 hours range training.

Melvyn J. Roberts, representing Alarmco, testified against A.B. 540 in its present form, stating that it was too cumbersome for the prospective employee and the requirements were far too stringent for them to meet. In justifying this he cited where the Las Vegas Police Department has lowered their vision requirements. This is due to the fact that it is very difficult to find qualified employees.

Pete Kelly, representing the Nevada Retail Association, testified against A.B. 540. He felt the bill was too cumbersome for the prospective employee and could prove to be very costly to everyone. The fees for the employee would be raised; the employer would have to hire many extra personnel to grade examinations, go through applications and in general handle the increased paperwork; and the clients that enlist their services would pay for the increased personnel, higher wages, etc.

* See Exhibit H

Joint Meeting

Minutes of the Nevada State Legislature

Assembly Committee on JUDICIARY

Date: April 3, 1979

Page: 5

A.B. 540

Chuck King, representing Central Telephone Company, testified for A.B. 540. He felt that the training would build up self-confidence in the security guards, present a better image, and provide better protection and prevention service for the clients. He also gave testimony regarding several bad experiences with security guards at his present place of employment. He feels that this bill would screen out undesirable personnel who would not qualify for these positions.

Frank Barns, representing Western Nevada Community College, North Campus in Reno and Gary Carpenter representing Western Nevada Community College, South Campus in Carson City testified on A.B. 540. They were not for or against the bill, but were there to express interest in the students who take security courses at Western Nevada Community College. They feel this bill could require the students to repeat these courses at a private school. He also stated that the courses offered at Western Nevada Community College far exceed the requirements of this bill.

Mr. Carpenters recommendations included changing the age from 18 to 21 years and changing their job title from "guard" to "private security officer". He felt that a background investigation should only be done when just cause for such is given and that an individual could attach an affidavit where the applicant swears to the above information and can be prosecuted by law for perjury.

R. E. Cahill, representing the Nevada Resort Association in Las Vegas also testified on A.B. 540. He was not for or against the bill but he came to state his concern for the lead time involved. He felt it would take 6 months to a year to set up a board and get the required funds. This would put the Resorts and Casinos in an uncomfortable position if they lost the majority of their security guards to training schools because of stringent requirements.

ASSEMBLY BILL 526

Permits substitution of police judge for justice of peace in certain circumstances.

Zane Azbarea, Municipal Court Judge for North Las Vegas gave testimony on A.B. 526. He was opposed to the last sentence of the bill regarding the pay. He feels that the way the bill is written, double pay can result from this to the Judge who is sitting in. He had no suggestions as to amending the bill.

Virgil Getto testified on this bill (he introduced it). His main reason for the bill was because of the rural counties and the obstacles they have run into. When one judge must sit in for another, it is many times 60 or 70 miles from one place to

Joint Meeting

Minutes of the Nevada State Legislature

Assembly Committee on..... JUDICIARY.....

Date:..... April 3, 1979.....

Page:..... 6.....

another and can prove costly. He had not arrived at a solution regarding financial aspects yet.

Nancy Mitchell, Traffic Court Specialist for the Administrative Office of the Courts, testified for A.B. 526. She felt that the last sentence of the bill should be deleted or amended and that the pay should be on a case by case basis.

At 10:40 a.m., Chairman Hayes adjourned the meeting.

Respectfully submitted,

Judy E. Williams

Judy E. Williams
Assembly Secretary

MEDIA COVERAGE OF THE TRIAL COURT

THERE ARE, NO DOUBT, MANY PROBLEMS WHICH WILL CONFRONT US IN ALLOWING RADIO, TELEVISION, AND PHOTOGRAPHIC COVERAGE OF COURTROOM ACTIVITIES. NONE OF US HAVE ALL THE ANSWERS TO ALL THE QUESTIONS AND, AS A MATTER OF FACT, IT IS DOUBTFUL THAT ANY OF US KNOW ALL THE QUESTIONS. IT IS MY FEELING, HOWEVER, THAT THE PROBLEMS WHICH WE WILL FACE ARE CAPABLE OF BEING SOLVED.

THERE ARE NUMEROUS PROPOSALS CONCERNING RESTRICTIONS THAT WE SHOULD OR SHOULD NOT IMPLEMENT. THERE ARE THOSE WHO BELIEVE WE SHOULD NEVER ALLOW MEDIA TO RECORD OR PHOTOGRAPH A JUDICIAL PROCEEDING. ON THE OTHER HAND, THERE ARE THOSE WHO FEEL THAT THE MEDIA SHOULD HAVE UNFETTERED DISCRETION AND ACCESS TO OUR JUDICIAL PROCEEDINGS. NO DOUBT THE BEST SOLUTION WOULD LIE SOMEWHERE IN BETWEEN. WE MUST ALWAYS KEEP FOREMOST IN OUR MINDS THAT PARTIES BEFORE THE COURT HAVE A RIGHT TO A FAIR TRIAL AND ANY RULES WE IMPLEMENT MUST INSURE THAT THE RIGHT IS NOT ABRIDGED. I BELIEVE THAT RULES CAN BE ADOPTED WHICH WILL PROVIDE ACCESS TO THE MEDIA AND STILL GUARANTEE A FAIR TRIAL.

I WOULD PREFER NOT TO ADDRESS THE SPECIFICS OF PROBLEMS AND SOLUTIONS AT THIS TIME, SINCE, AS I HAVE ALREADY STATED, I DO NOT PRETEND TO KNOW ALL THE PROBLEMS, NOR ALL THE SOLUTIONS. I WOULD PREFER INSTEAD TO BRIEFLY OUTLINE THE PROCEDURE WHICH WILL MOST LIKELY BE FOLLOWED IN DEVELOPING RULES FOR MEDIA COVERAGE OF THE COURTS. THAT IS, OF COURSE, ASSUMING THAT YOU PASS THE LEGISLATION NOW BEFORE YOU.

(1)

FIRST, EITHER THE SUPREME COURT OR OUR NEW JUDICIAL COUNCIL, OR BOTH ACTING TOGETHER, WILL APPOINT A STUDY COMMITTEE OR STUDY COMMITTEES, TO DEVELOP AND PROPOSE RULES FOR MEDIA COVERAGE OF THE COURTROOMS.

I WOULD EXPECT THAT THE MEMBERSHIP OF THESE STUDY COMMITTEES WOULD BE JURISTS, ATTORNEYS, JOURNALISTS, AND PERHAPS LEGISLATORS AND CITIZENS. THE STUDY COMMITTEE WOULD THEN DEVELOP RULES WHICH WOULD BE SUBMITTED TO THE JUDICIAL COUNCIL FOR REVIEW OR DIRECTLY TO THE SUPREME COURT ON THE ADMINISTRATIVE DOCKET. I WOULD ANTICIPATE THAT THE STUDY COMMITTEES WITHIN THEIR DISCRETION WOULD HOLD HEARINGS AND SOLICIT OTHER INPUT FROM THOSE INTERESTED.

IT IS QUITE POSSIBLE THAT THE REPORTS OF THE STUDY COMMITTEES WOULD CONTAIN MINORITY OPINIONS AND REPORTS WHICH WILL HAVE TO BE RESOLVED BY THE SUPREME COURT. SHOULD THE SUPREME COURT DECIDE THAT IT WOULD BENEFIT FROM ADDITIONAL INPUT IT COULD ALLOW WRITTEN COMMENTS AND ORAL ARGUMENTS ON THE RULES BEFORE A FINAL DECISION.

AFTER THE INITIAL RULES ARE ADOPTED, I WOULD EXPECT A PERIODIC REVIEW, SAY AT THE END OF SIX MONTHS, ONE YEAR AND PERHAPS TWO YEARS, TO DETERMINE IF THE RULES ARE FUNCTIONING PROPERLY. IT IS LIKELY THAT THE COURT WOULD TAKE A CONSERVATIVE APPROACH AND THAT THE RULES AS FIRST ADOPTED WOULD BE RELAXED IN SUBSEQUENT EVALUATIONS.

Nevada State Journal

RENO EVENING GAZETTE

Pulitzer Prize Winning Gannett Newspapers

April 3, 1979

To: Senate and Assembly Judiciary Committees.
Re: SB 361 and AB 571 -- repeal of NRS 1.220 and 178.604,
regarding use of cameras in courtrooms.

Because positions coincide on the above bills, the committees can consider this statement to the position of the Reno Evening Gazette, Nevada State Journal, Las Vegas Review Journal, North Las Vegas Valley Times and Sigma Delta Chi, which represents some 100 working journalists and media related persons in the print and broadcast media in Northern Nevada.

Both SB 361 and AB 571 have our strong endorsement. The only difference between the two is SB 361 stipulates the use of available light in use of cameras in the courtroom.

You probably will hear considerable testimony today on the use of cameras in the courtroom. It is a subject that has been experimented with and much debated in many states. You will also see a demonstration of just how far camera technology has come in recent years.

What I would like to do is put the matter in perspective for you.

First, I would like to say that repeal of the two existing laws will not open the door automatically for the use of cameras in Nevada's courtrooms. Far from it. What repeal will do is clear the way for members of the Nevada Supreme Court, bar associations, judicial committees and the media to explore the possibility and, hopefully, eventually set up a trial program in Nevada for use of cameras in courts.

The ground rules for that program will be carefully controlled by the court. No trial program will evolve that will turn our courts into a circus atmosphere. The courts wouldn't allow such a program, nor would the media want such a program. The media certainly recognizes and respects the many sensitive issues involved in such a trial program.

Why cameras in the courtroom?

The only reason is to better inform the public of what goes on in their courtrooms and to give that public a better understanding of how the judicial process operates. That process is a

from the Perry Mason type of atmosphere displayed on television. There are three major benefits to the public -- education, how the process works; accountability on the part of judges and attorneys; and, a better understanding of news events that occur in our courts, events that effect almost all our lives.

These are basically the same benefits that are derived in camera coverage of the Legislature, local government and the broad spectrum of other public meetings and events that are now covered by the use of cameras.

I would say that news coverage of events in our courts goes far beyond the high interest criminal trial. The criminal trial is only one small segment of news covered in our courts. On the civil case side, decisions are constantly being made that affect the lives of all of us. To localize this, for example, I think the public is far more interested in water rights or utility rate cases in the Truckee Meadows and Nevada than in the high interest murder case.

In Nevada, there has already been some use of cameras in courts. The Nevada Supreme Court has allowed some use of cameras before it in the appeal process.

I think you will hear testimony today from the legal profession supporting the repeal of the two laws in question. You will probably hear some testimony against.

Nevada Supreme Court Chief Justice John Mowbray in his "State of the Judiciary" message to both houses of this Legislature supported repeal of these laws.

I think the judiciary and bar associations recognize there is a great need to inform and educate the public on how our courts operate. They, like the media, see cameras as a powerful tool to accomplish that end. They, like the media, recognize that setting up a program is not going to be easy.

What we are asking the Legislature to do is clear the way to approach this program and all its problems and also clear the way for what I believe the legal profession and the media both believe can be a progressive step forward in our state.

Frank Delaplaine
Managing Editor

Nevada State Journal

RENO EVENING GAZETTE

Pulitzer Prize Winning Gannett Newspapers

April 3, 1979

TO: Assembly and Senate Judiciary Committees

RE: Statement of Reno Evening Gazette, Nevada State Journal and Society of Professional Journalists, Sigma Delta Chi relative to Assembly Bill No. 571 and Senate Bill No. 361 concerning cameras in the courtroom.

Bills AB 571 and SB 361 which would repeal N.R.S. 1.220 and N.R.S. 178.604 have our endorsement.

These two statutes currently prohibit the taking of photographs and the electronic gathering of news in the courtroom. The removal of these statutes will allow the media to work with the Nevada State Supreme Court and the Judicial Council to set appropriate standards which would insure the dignity of the court and the protection of the right of a fair trial and, at the same time, provide access to the courtroom for all media concerned.

More than 20 other states either have similar experiments or are planning them. The state of Colorado has permitted coverage since 1956. The State of California is currently establishing guidelines for an experiment to start later this year.

Massive strides in communications technology during the last few years have completely changed the way we gather the news. Gone are the noisy speed graphic cameras used by press photographers. And gone are the large TV cameras with their intrusive lights and cables.

Today, photojournalists use faster film, enabling them to take pictures without the big reflectors and flashbulbs displayed so often in movies. They use small quiet photographic equipment which allows them to work candidly and quietly and a good distance from their subjects.

Photojournalist in the field of TV broadcasting use small noiseless electronic cameras and recording equipment which have revolutionized television broadcasting.

Members of radio newsteams gather their news with quiet cassettes tape recorders small enough to fit into a pocket purse.

Technology has brought us a long ways in the last few years. In his opinion on the landmark Estes trial, United States Supreme Court Justice John Harlan wrote: "The day may come when television will have

Reno Newspapers, Inc. 401 West Second St., P.O. Box 280, Reno, Nevada 89520 702 786-8989

EXHIBIT C

701

become so commonplace an affair in the daily life of the average person as to dissipate all reasonable likelihood that its use in courtrooms may disparage the judicial process."

The day when a visually oriented society finds cameras acceptable anytime, under almost any circumstances has arrived. Our city council meetings, our county commission meetings and the State legislative sessions have been opened to cameras and recording equipment making public events more accessible to the general public.

World wide broadcasts and transmissions of still photographs bring us instantly sporting events, war, and presidential trips. We have become a society that depends on the visual and recorded transmission of news.

Today's journalists are trained professionals that are concerned about the public's right to know and the individual's right to a fair trial.

The highly publicized trial of Rodney Zamora, a teen-ager accused of murdering an elderly neighbor proved that cameras can be in the courtroom without affecting the dignity of the court or distracting the participants. Florida Judge Paul Baker appointed a media pool coordinator selected from the local media to assist in the day to day operations of the camera in the courtroom pool. He maintained control of his courtroom and said at the conclusion of the trial, "I have to commend you all...you've done a hell of a good job. I think we have found a common ground to protect the first amendment rights of the press to be in the courtroom and not have to give up the defendant's right to a fair trial."

He later endorsed coverage of court trials saying, "It gives the public a touch of reality instead of the TV nonsense about the justice system that they are accustomed to seeing."

It is being proven daily in many states across the country that cameras don't disrupt the dignity and decorum of the court. The only question that remains is whether a public trial should be open to the handful of people who can attend or to the general population through the use of cameras and electronic recording equipment.

In conclusion, I firmly believe that a study committee established by the Supreme Court of Nevada and consisting of members of all concerned parties (media, judges, attorneys) can devise a workable system for all concerned.

Sincerely,

Larry P. Nylund
Graphics Editor
Reno Evening Gazette/Nevada State Journal
Director of Sigma Delta Chi

"C"



Nevada State Press Association

POSITION STATEMENT of the Nevada State
Press Association re. Assembly Bill 571

April 3, 1979
Joe Jackson,
2375 South Arlington Ave.
Reno, Nevada 89509

The Nevada State Press Association believes this bill is a step in the right direction and wishes to commend the eleven introducers on their foresight. The bill would repeal Nevada prohibitions against televising, filming or broadcastin court proceedings.

The bill is a step in the right direction because it provides benefits to two segments of Nevada community life -- the reading public and the viewers, and to the court system itself, as well as to the news media which in effect serves both segments. Newspapers, television and radio will be able to produce a letter rounded out report of all the happenings we all must understand if we are to succeed as a nation of, by and for the people.

This legislation also follows a trend developing in the nation to bring cameras into the courtroom. Wisconsin recently launched such a one-year experiment. A circuit judge there said of the first trial experience that neither the witnesses nor attorneys seemed to be affected by the presence of cameras. Another trial experiment in Florida has ended and the results are being evaluated. Six states have permanent rules on courtroom coverage and another 13 have allowed coverage and are in the process of establishing rules. In Florida, some members of the legal profession have taken the positive view that neither television nor the courts have encountered serious problems.

Some of the pros and cons being weighed here today were covered in a mock hearing at Indiana law school in Indianapolis not long ago. The pro view: What is proposed today is simply an extension of a public trial from the courtroom, where persons are invited to come in and observe justice in action. The con view: the purpose of this trial is not to educate or entertain the public. The purpose of this trial is a very limited thing - to determine the guilt or innocence of the defendant. One law school professor, assailing coverage, claimed few things could interfere more with the defendant's right to due trial. He said cameras would frighten some witnesses and distract the jury. Others would be tempted to put on a show as would some lawyers and judges. He added that witnesses not yet called up could be influenced by what they saw on tv. But pressures of a public trial exist anyway, his opponent countered. Despite such notorious examples as the Billy Sol Estes trial in 1965, he said later experience shows trial participants quickly become accustomed to the cameras and ignore them. He said also that trial coverage is already covered on print and in the air, that film and tape would simply make possible greater accuracy in reporting. It is interesting to note that at the Indianapolis mock trial some of the traditional arguments were not made. Minicameras covering the trial made no noise. The only lights and microphones used were those already in court.

The American Bar Association's code of judicial conduct has since 1937

has called on judges to prohibit such coverage. During 1978 a committee of ABA members, after a two year study, sent a recommendation to the ABA House of Delegates asking for cameras in the courtroom and the committee was joined by the ABA board of directors. Both groups said such coverage is not inconsistent per se with the right to fair trial. The groups suggested that the high court in each state join with the U.S. Supreme Court to form guidelines. The House of Delegates turned the proposal down flat.

In January the New York State Bar House of Delegates defeated a proposal to support electronic coverage of criminal proceedings except on an experimental basis with the consent of all parties. During the debate a number of opponents of the resolution said they didn't trust the press. The chief judge of the New York Supreme Court went against the turndown, permitting himself to be photographed at his swearing-in ceremonies in January and he maintains he will permit cameras in state courtrooms. He said he finds photographers and cameramen less disruptive than artists.

-30-

NEVADA SUPREME COURT JUSTICE JOHN MOWBRAY WAS CORRECT WHEN HE TOLD THE JOINT SESSION OF LEGISLATURE " WE ARE ALL ON THE SAME TEAM, WORKING FOR THE SAME GOALS, TO SERVE THE SAME PEOPLE." HE IS TO BE COMMENDED FOR CALLING FOR THE REPEAL OF THE NEVADA LAW THAT PROHIBITS BROADCAST COVERAGE OF COURT PROCEEDINGS.

I SUPPORT AB-571 AND SB-361 BECAUSE THE ELECTRONIC MEDIA LIKE THE MEMBERS OF THE BAR, WORK TO SERVE THE PEOPLE OF NEVADA. THERE ARE NOW TWENTY FIVE STATES IN THE UNION THAT PERMIT AUDIO/VISUAL NEWS COVERAGE OF COURTROOM PROCEEDINGS, AND THREE ARE PENDING.

THE NEW JERSEY AND WISCONSIN SUPREME COURTS HAVE CONCLUDED A TEST PERIOD OF BROADCAST MEDIA COVERAGE OF COURT TRIALS...AND TERMED THE EXPERIMENT SUCCESSFUL. THE CONFERENCE OF CHIEF JUSTICES OF STATE SUPREME COURTS VOTED 49 TO 1 LAST YEAR TO ALLOW THE SUPERVISORY COURT IN EACH STATE TO ALLOW RADIO AND TV COVERAGE OF COURT PROCEEDINGS.. THE ABA COMMITTEE ON FAIR TRIAL/FREED PRESS HAS ALSO RULED THAT SUCH COVERAGE OF JUDICIAL PROCEEDINGS IS NOT "PER SE" INCONSISTENT WITH THE RIGHT OF A FAIR TRIAL, SO LONG AS IT IS UNOBTRUSIVE AND DOES NOT AFFECT THE CONDUCT OF THE TRIAL.

PERHAPS THE LEGAL COMMUNITY FEARS A REPLAY OF THE COURT CARNIVAL CASE OF BRUNO HAUPTMANN IN 1935. BUT YOU CAN BE ASSURED THAT MEMBERS OF THE MEDIA WANT NO SUCH REPETITION. THE BROADCAST MEDIA HAS WORKED HARD AND LONG WITH MEMBERS OF THE LEGAL PROFESSION TO ESTABLISH GUIDELINES TO PREVENT JUST SUCH AN EVENT FROM HAPPENING AGAIN.

IN EVERY STATE WHERE THE BROADCAST TEST HAS BEEN MADE AND PROVEN SUCCESSFUL, THE BROADCAST MEDIA HAS WORKED WITH MEMBERS OF THE BAR TO SEE THAT COURT PROCEEDINGS ARE CARRIED ON WITH THE USUAL DIGNITY AND DECORUM THAT PEOPLE SEE EVERY DAY IN ANY COURT OF LAW.

LEGAL HISTORIANS HAVE STATED THAT BOTH THE PROSECUTION AND DEFENSE ATTORNEYS IN THE HAUPTMANN CASE WERE GUILTY OF THEATRICALS,

AND THE PRESIDING JUDGE FAILED TO ESTABLISH PROPER GUIDELINES FOR MEMBERS OF THE MEDIA. THE PRINT MEDIA IS NOT PROUD OF THAT OUTBURST IN 1935, BUT USING THAT CASE AS PRECEDENT WOULD BE AS ILL ADVISED AS USING JUDGE ROY BEAN AS AN EXAMPLE OF JUDICIAL EXCELLENCE.

WE HAVE ALL WITNESSED JUDICIAL THEATRICS BY MEMBERS OF THE BAR WITHOUT BROADCASTING COVERAGE OF COURT TRIALS. JUDGES AND ATTORNEYS WHO ENGAGED IN SUCH PRACTICES DO SO WHETHER CAMERAS AND TAPE RECORDERS ARE PRESENT. BUT DESPITE JUDICIAL FEARS, BROADCAST COVERAGE OF THE COURTS HAS NOT LEAD TO MORE COURTROOM DISPLAYS. IN FACT, MANY OF THE JUDGES AND ATTORNEYS WHO ONCE ACTED AS PROUD PEACOCKS, NOW SHOW MORE RESTRAINT AND RESPECT FOR THE PEOPLE'S RIGHTS UNDER THE LAW.

GUIDELINES HAVE BEEN USED IN 28 STATES TO SEE THAT BROADCASTORS DO NOTHING TO DISTRACT FROM THE ATTENTION OF TRIAL PARTICIPANTS. COLORADO HAS ALLOWED CAMERAS IN THE COURTS SINCE 1956 AND HAD NO PROBLEMS OR MISTRIALS.

THE U.S. SUPREME COURT RULED IN CRAIG VS HARNEY, 331 US 367, THAT A "TRIAL IS A PUBLIC EVENT. WHAT TRANSPIRES IN THE COURTROOM IS PUBLIC PROPERTY." BROADCASTING OF A TRIAL IS A GREAT EDUCATION DEVICE AND A SERVICE TO THE ENTIRE LOCAL COMMUNITY.

BROADCASTING OF A JUDICIAL PROCEEDING WOULD BE NO DIFFERENT THAN COVERAGE OF A CHURCH SERVICE. NOTHING WOULD, NOR HAS AFFECTED THE DIGNITY OF SUCH PROCEEDINGS IN ANY COMMUNITY WHERE THE COVERAGE HAS BEEN ATTEMPTED.

The WISCONSIN SUPREME COURT SAYS ALLOWING BROADCAST COVERAGE IN THE COURTROOM "DOES NOT SEEM TO BOTHER ANYBODY IN ANY RESPECT AT ALL, THE WITNESSES DON'T SEEM TO BE NERVOUS, THE LAWYERS DON'T SEEM TO BE NERVOUS OR BOTHERED."

A MAJORITY OF THE JURORS AND WITNESSES WHO TOOK PART IN FLORIDA'S YEAR-long TEST OF CAMERAS IN THE COURTROOM FELT THAT SUCH PROCEEDINGS DO NOT DISRUPT TRIALS.

A RECENT SURVEY BY THE WASHINGTON POST FOUND THAT COURTROOMS SHOULD BE OPENED TO COVERAGE BY THE ELECTRONIC MEDIA. OF THE 410 SURVEYS SENT TO STATE SUPREME COURTS, MEMBERS OF THE ABA AND OTHERS IN THE LEGAL PROFESSION, WELL OVER 50% APPROVED OF THE BROADCAST COVERAGE.

MEMBERS OF THE BROADCAST MEDIA HAVE THE SAME GOAL AS MEMBERS OF THE BAR, THAT IS, TO SERVE THE PUBLIC INTEREST. NO TRIAL PROCEEDING SHOULD BE HIDDEN FROM PUBLIC SCRUTINY. IT IS TIME TO REMOVE THE BLINDFOLD FROM THE STATUE OF JUSTICE. WHERE THERE IS LIGHT THERE IS TRUTH, AND WHERE THERE IS TRUTH THERE IS TRULY JUSTICE FOR ALL.

Testimony of

One of the major complaints I have heard from opponents of cameras in the courtroom is that we would use quotes out of context... to exaggerate a defendant's or lawyer's comments...without impairing the entire meaning of his/her dialog.

Well...it was only last week that a prosecutor in a major murder trial in Washoe County told members of the jury, in open court, that they should listen back to tapes of a particular conversation entered as evidence in the case...not just study the transcripts. For as he put it "how a person says something is just as important, if not more so, than the actual words he uses." That is our contention as well. For it is really not a reporter or anchor's prerogative, or even ability, to imply just the same intonation and expression in a phrase as the individual did in court.

This is one of the reasons I stand before you today...as a journalist, a member of Sigma Delta Chi, and a radio news director, to ask that you consider the bills before you and encourage the introduction of cameras and tape recorders into the courtrooms in Nevada. The equipment needed for radio is very simple and unobtrusive. Here is a tape recorder and a patch cord which can tie in directly to a courtroom's public address system. No need to run around checking volume levels or anything else. Microphones utilized in the court's own system would serve as our own. I might add that we would also like to be able to bring our tape recorders in, set them down at our feet in the first row, and let them run during the proceedings. If not to use later within the story, at least to enable us to get the exact quote someone used. Something more than one person has been critical of in the past.

EXHIBIT H
1979 REGULAR SESSION (60TH)

ASSEMBLY ACTION	SENATE ACTION	Assembly _____ AMENDMENT BLANK
Adopted <input type="checkbox"/>	Adopted <input type="checkbox"/>	AMENDMENTS to <u>Assembly</u>
Lost <input type="checkbox"/>	Lost <input type="checkbox"/>	Bill No. <u>540</u> Joint
Date: _____	Date: _____	Resolution No.
Initial: _____	Initial: _____	BDR <u>54-885</u>
Concurred in <input type="checkbox"/>	Concurred in <input type="checkbox"/>	Proposed by <u>Committee on Judiciary</u>
Not concurred in <input type="checkbox"/>	Not concurred in <input type="checkbox"/>	
Date: _____	Date: _____	
Initial: _____	Initial: _____	

Amendment N^o 364



Amend section 1, page 1, line 2, by deleting "10," and inserting "11,".

Amend the bill as a whole by renumbering sections 4 through 12 as sections 5 through 13 and by adding a new section to be designated as section 4, following section 3, to read as follows:

"Sec. 4. "Private internal security system" means the guards and other security personnel, whether or not organized as a separate department or division, employed by a private business enterprise having more than 5 employees to protect the officers, directors or employees of the business, or any of its property, if the guards and security personnel are employees of the business enterprise whose personnel and property they are hired to protect."

Amend section 6, page 2, line 13, after "board", by inserting "or any law enforcement agency designated by the board".

Amend section 6, page 2, line 25, after "board", by inserting

To: E & E
LCB File
Journal
Engrossment
Bill

Date 3-23-79 Drafted by JSP:sl

"or law enforcement agency designated by it".

Amend section 6, page 2, line 27 by inserting after the period:
"If a law enforcement agency designated by the board processes the application and conducts the investigation, it may be paid such portion of the applicant's fee as the board deems reasonable, not to exceed \$10."

Amend section 7, page 2, line 37, by deleting "8" and inserting "10".

Amend section 7, page 3, between lines 3 and 4 by inserting:

"(b) At least 2 years' experience as an instructor in a security or law enforcement agency;

(c) A certificate as a rangemaster; and".

Amend section 7, page 3, line 4, by deleting "(b)" and inserting "(d)".

Amend section 9, page 3, line 14, by deleting the period and inserting "to a law enforcement officer or a member or designated representative of the board."

Amend section 9, page 3, lines 26 and 27 by deleting:

", in each of the four quarters preceding the date of expiration of his registration." and inserting:

"at intervals determined by the board."

Amend section 12, page 3, line 39, by deleting "'Private patrolmen'" and inserting "["Private patrolmen"] "Private guard or security service".

Amend the bill as a whole by renumbering sections 13 through 20 as sections 17 through 24 and adding new sections designated as sections 13, 14, 15 and 16, respectively, to read as follows:

"Sec. 13. NRS 648.020 is hereby amended to read as follows:

648.020 1. The private investigator's licensing board, consisting of the attorney general or his deputy and [four] five members appointed by the governor, is hereby created.

2. The governor shall appoint:

(a) One member who is a private investigator.

(b) One member who [is a private patrolman.] represents a private guard or security service.

(c) One member who represents a private internal security system.

(d) One member who is a process server or a polygraph operator.

[(d)] (e) One member who is a representative of the general public.

3. The chairman of the board is the attorney general or a deputy, attorney general designated by the attorney general to act in such capacity.

4. Members of the board are entitled to receive per diem expenses and travel allowances as provided by law.

5. The member who is a representative of the general public shall not participate in preparing, conducting or grading any examination required by the board.

Sec. 14. NRS 648.060 is hereby amended to read as follows:

648.060 [No person,] A person shall not, unless he is licensed under this chapter : [, shall:]

1. Engage in the business of private investigator, private [patrolman,] guard or security service, process server, polygraph operator, reposessor or canine security handler and trainer; or

2. Advertise his business as such, irrespective of the name or title actually used.

Sec. 15. NRS 648.110 is hereby amended to read as follows:

648.110 1. Before the board grants any license, the applicant [shall] must meet the following requirements:

- (a) Be at least 21 years of age.
- (b) Be a citizen of the United States or lawfully entitled to remain and work in the United States.
- (c) Be of good moral character and temperate habits.
- (d) Be a resident of the State of Nevada for at least 6 months.
- (e) Have no felony conviction nor any conviction of a crime involving moral turpitude or the illegal use or possession of a dangerous weapon.

(f) If an applicant for a private investigator's license, have at least 5 years' experience as an investigator, or the equivalent thereof, as determined by the board.

(g) If an applicant for a reposessor's license, have at least 5 years' experience as a reposessor, or the equivalent thereof, as determined by the board.

(h) If an applicant for a [private patrolman's] license [,] as a private guard or security service, have at least 5 years' experience [as a private patrolman,] in that business, or the equivalent thereof, as determined by the board.

(i) If an applicant for a process server's license, have at least 2 years' experience as a process server, or the equivalent thereof, as determined by the board.

(j) If an applicant for a polygraph operator's license, have at least 3 years' experience as a polygraph operator, or the equivalent thereof, as determined by the board.

(k) If an applicant for a canine security handler's and trainer's license, demonstrate to the satisfaction of the board his ability to handle and train security and guard animals.

(l) Other requirements as determined by the board.

2. The board when satisfied from recommendations and investigation that the applicant is of good character, competency and integrity, shall issue and deliver a license to the applicant entitling him to

conduct the business for which he is licensed, for the license period which shall end on July 1 next following.

Sec. 16. NRS 648.130 is hereby amended to read as follows:

648.130 1. No license [shall] may be issued under this chapter until the applicant files with the board a surety bond executed by the applicant, with two or more sureties or by a surety company authorized to do business in this state, conditioned for the faithful and honest conduct of the business for which the applicant is licensed. The amount of the required bond for:

(a) Private investigators and repossessors is \$10,000.

(b) Private [patrolmen,] guard and security services, process servers, polygraph operators and canine security handlers and trainers is \$2,000.

2. The bond as to form, execution and sufficiency of the sureties shall be approved by the chairman of the board.

3. Every licensee shall maintain on file and in full force and effect the surety bond required by this section. Upon failure to do so, the license of such licensee [shall] must be forthwith suspended until such a bond is placed on file.

4. The bond required by this section [shall] must be taken in the name of the people of the State of Nevada, and every person injured by the willful, malicious or wrongful act of the principal may bring an action on the bond in his own name to recover damage suffered by reason of [such] that willful, malicious or wrongful act."

Amendment No. 364 to Assembly Bill No. 540 (BDR 54-885) Page 7

Amend the title of the bill to read:

"AN ACT relating to guards and security personnel; requiring private guards and security personnel to receive certain training and be registered with the private investigators' licensing board; requiring special training and designation of guards who are armed; providing penalties; and providing other matters properly relating thereto."