

Members Present:

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

Members Absent:

Mr. Sena

Guests Present:

Melvin Close	Senator
Paula Fitzgerald	Department of Prisons
Mike FitzPatrick	Assemblyman
Larry Ketzenberger	Las Vegas Metro Police Department
Mike Medema	Department of Prisons
Charles Wolff	Director, Department of Prisons

Chairman Hayes called the meeting to order at 9:35 a.m.

ASSEMBLY BILL 846

Authorizes child 14 years of age or older to be certified for criminal proceedings as an adult.

Assemblyman FitzPatrick, primary sponsor of this bill, said the bill was introduced because of the concern among senior citizens in Las Vegas over several recent incidents where juveniles under 16 had committed various street crimes for which they were given parole or probation. He said that the juveniles know that even if they are caught, nothing will probably happen to them. He said that because of their size, juveniles will usually prey on the very young or the very old. He said he thought the bill was needed to protect everyone in the community and especially the senior citizens who are vulnerable to street crimes the juveniles commit.

Mr. Brady asked what would be done with a 14-year old juvenile that was convicted. Mr. FitzPatrick answered that the juvenile would be sent to prison. He said that 16-year olds are presently being sent to the prison.

Mr. FitzPatrick said that the Gray Panthers organization in Las Vegas had contacted him and expressed their support of this bill.

Mr. Wolff told the Committee that in the last three years, there have been four juveniles under 16 years of age who have been certified as an adult under present law and sent to the prison. He said that those of this age are kept in separate quarters from the rest of the inmates.

SENATE BILL 575

Provides for commitment of convicted felons to department of prisons for evaluation before sentencing.

Mr. Wolff said that this bill could be called the "120-Day Program." He said it would permit courts to send an individual to the Department of Prisons to get a thorough evaluation, where he would be under supervision in a structured program that would basically tell the court a great deal more about the individual. It was not known how extensively the courts would use this program. He said he would like to see the bill passed to test the program. He said that individuals sent to the prison under this program would be housed in the Reception and Diagnostic unit. After development of the program, a separate unit would be used to house the felons.

Mr. Stewart said that he saw this program as another delay in the prison system. He said that if there is not sufficient just punishment, there is not an indication to society that a person committing felonies has to serve his punishment. He said that presently if a judge does not have a pre-sentence report, he may ask for more information about an individual. Also, he said that if this is supposed to be a "shock treatment," a judge can put the individual in jail for a shock.

Mr. Wolff said he supported the bill because it provides an alternative for the judges. He said that this would cause a delay, but it would cost less than putting a person in a full-fledged prison.

Mr. Ketzenberger said that he had concerns about this bill. First would be the cost of transporting a prisoner back and forth to various parts of the State where evaluations would be conducted. He said that when the convict is being evaluated, he would probably be at his best behavior knowing he would have a better chance for parole. There would be more staff needed at the prison. Finally, he said that this could evolve into an arrangement where a judge would put a person in the county jail for this evaluation, and he said that Clark County could not afford that type of situation.

SENATE BILL 538

Allows credit against term of imprisonment in jail for prisoners who perform work.

Mr. Ketzenberger said that this bill was requested by the Las Vegas Metropolitan Police Department to take care of a need

that has existed in regard to prisoners in the Clark County jail. Present law says that a prisoner can get five days good time credit per month. Within the jail, he said there is a need for trustee labor, and approximately 80 people were used as trustees.

Mr. Ketzenberger said that in the past trustees were given three meals a day, and other prisoners were given two meals a day. With the Federal Consent Decree, he said this distinction could not be made, and there was much less desire to be a trustee. He said that because trustees are working hard, it was the desire to reward working prisoners with an additional five days a month good time credit.

SENATE BILL 575

Chairman Hayes asked if there had been opposition to this bill in the Senate Judiciary Committee. Senator Close answered that there had been no opposition.

Senator Close said that this bill was a method for a judge, if he was not sure of what type of sentence to impose, to give the convicted person a shock treatment of what prison is like. He said that the prison warden felt this bill provided a good tool to give a person a taste of prison.

Mr. Brady suggested that the bill be amended to provide that this program would only apply to those who had not previously served time in prison.

SENATE BILL 548

Makes chairman of state board of parole commissioners its executive officer and provides for his powers and duties.

Mr. Horn said that in reviewing all of the other statutes in regard to the makeup and responsibilities of other boards and commissions, an amendment had been proposed to this bill to pattern this commission after the Nevada Industrial Commission. The amendment would indicate that the decision of two of the three members of this board would establish board policies. The chairman of the board would then be the executive officer and carry out the policies and perform his prescribed duties.

Mr. Coulter moved to Amend, and Do Pass S.B. 548 as Amended; Mr. Brady 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.

SENATE BILL 538

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

Aye - Hayes, Brady, Coulter, Fielding, Malone, Polish,  
Prengaman - 7.  
Nay - Horn - 1.  
Absent - Stewart, Banner, Sena - 3.

ASSEMBLY JOINT RESOLUTION 27

Mr. Horn moved Do Pass; Mr. Prengaman seconded the motion.

Mr. Coulter moved to amend Mr. Horn's motion to say to delete the contents of the resolution and say it is the feeling of the Nevada Legislature that a voluntary nondenominational prayer in schools in keeping with America's religious heritage, State Government should be allowed to work with the local school districts in allowing schools to adopt such voluntary nondenominational prayer if it is desired; further stated if a constitutional amendment is required, the 60th Session of the Nevada Legislature would support it. The Legislature would also encourage a new court test of this particular matter. In addition, it would say something to the effect that the Helms Amendment is a dangerous proposal that threatens to upset the delicate balance of power between the Congress and the Judiciary, and the Legislature would not support that, but it would support anything else that could be done to facilitate the voluntary nondenominational prayer in schools.

There was no second to Mr. Coulter's motion to amend Mr. Horn's motion.

Mr. Coulter said that the majority opinion in the 1962 U.S. Supreme Court decision regarding prayer in the schools, and written by Justice Black, says that there was nothing in the decision that would be inconsistent with the fact that children say pledges and sing songs that profess belief in a Supreme God. He said he did not believe the decision against school prayers was as ominous as some people would want to believe.

Mr. Stewart said that he would oppose the language suggested by Mr. Coulter in regard to the Helms Amendment. He said that the Constitution does provide that Congress set the jurisdiction of the Supreme Court. Further, he said that he believed that the balance of power in the past 20 years had shifted more to the side of the Judiciary. He said that the Judiciary seems to no longer give credence to legislative actions. He also stated that attorneys are determining the laws of the land through the judicial branch of government.

Date: May 18, 1979

Page: 5

Mr. Coulter said that taking the issue of school prayer out of the purview of the Federal courts would not take the issue out of courts. He said there could still be the Supreme Courts of each of the 50 states making their own decisions on this issue.

Mr. Stewart said that he thought Mr. Coulter's suggested language in reference to the Helms Amendment was a mistake.

Chairman Hayes adjourned the meeting at 10:54 a.m.

Respectfully submitted,

*Carl R. Ruthstrom Jr.*

Carl R. Ruthstrom, Jr.  
Secretary