The meeting was called to order at 12:15 p.m. in Room 213.

Senator Wilson in the Chair.

PRESENT: Chairman Wilson
Vice Chairman Blakemore
Senator Don Ashworth
Senator McCorkle
Senator Close
Senator Young
Senator Hernstadt

SB 14 Regulates use of automatic dialing and announcing devices on telephones.

Frank Daykin, Legislative Counsel, stated that he thinks that SB 14 is constitutional.

Chairman Wilson stated that the Committee has three alternative actions from which to choose in considering this bill: the first choice would be regulation, the second would be to prohibit these devices and the third would be to "Do Not Pass".

Senator Young moved that SB 14 be indefinately postponed.

Senator Hernstadt seconded the motion.

Motion carried unanimously.

SB 4 Prohibits bail bondsmen from making campaign contributions for or against election of candidates for certain public offices.

Senator Hernstadt presented more information on this bill (see Exhibit "A"). He stated that he would like to see this bill processed down to the Assembly side and see what happens. He added that prosecutors in two major cities in Nevada are in support of the bill.

Senator Close stated, in the bill's favor, that there should be no political influence with a judges decisions. He stated that if it is a fact that bail bondsmen try to influence judges, there is need for legislation.

Chairman Wilson suggested that an amendment be added that would prohibit exoneration unless a defendant were, in fact, produced in court by the bondsman.

Senator Close suggested that a time limit of forty-five days be added to the amemdment after which the bond would be forfeited. Thereafter, if the bail bondsman brought the defendant back within six months, he could have his bond exonerated.

Senator Ashworth moved to amend SB 4 and then to re-refer back to the Committee for hearing on the new bill.

Senator Young seconded the motion.

Motion carried unanimously.

SB 11 Amends provisions for obligations and assessments of Nevada Life and Health Insurance Guaranty Association.

The following are proposed amendments to SB 11: Line 6, Page 1, delete "policyholders" and insert "insured"; Lines 13 to 15, delete "the association is not liable with respect to any portion of a covered policy to the extent that the death benefit coverage on any one life exceeds an aggregate of $200,000"; insert a new Section: "the aggregate liability of the association shall not exceed $100,000 in cash values or $400,000 for all benefits, including cash values, with respect to any one life."

Senator Close moved that SB 11 be passed out of Committee with amendments and "Do Pass".

Senator Hernstadt seconded the motion.

Senator Young abstained.

Motion carried.

SB 21 Requires written cost estimate at time of funeral arrangements.

Chairman Wilson stated that SB 21 would be deferred to 1:30 p.m. this afternoon.

SB 28 Removes requirement that state banks close on weekends.

Senator Hernstadt presented a letter from the Legislative Counsel Bureau (see Exhibit "B"). He stated that of fifty states only Idaho and Nevada prohibit banks from opening on weekends.

Chairman Wilson stated for the record that Mr. Crouch had called both him and Senator McCorkle to advise that he'd been incorrect in his testimony. He had checked and found that two states had the limitation and that California had repealed the prohibition.

There was discussion as to whether Saturday is a banking day and if so would that comply with the Uniform Commercial Code?

Frank Daykin stated that "banking day means that part of any day on which a bank is open to the public. If a bank is open on Saturday then Saturday is a banking day. Processing checks, diligence in collection and clearing checks would occur."

Senator Blakemore suggested that the Committee determine the soundness of an amendment which would permit banks to open on Saturday and provide check cashing services without being a banking day.

Senator Hernstadt moved that SB 28 be passed out of Committee with a "Do Pass" and on to Frank Daykin, Legal Counsel, for amendments.

Senator Young seconded the motion.

Senator Ashworth abstained.

Motion carried.

Chairman Wilson recessed the meeting until 1:30 p.m.

The meeting reconvened at 1:45 p.m. with all members present.

See attached list for guests.

SB 82 Provides immunity from civil actions in circumstances to persons charged with regulating practitioners of a healing art.

Dr. William L. Thomason, Administrator, Bureau of Health Facilities of the Nevada Division of Health introduced SB 82. He stated that this bill was proposed in the last session and it did not pass.

Senator Blakemore stated that this bill came out of the Medical Malpractice Select Committee, of which he was a member. He said that this bill now encompasses all who might go before the screening panel and expands the number covered.

Dr. Thomason stated that it would include all members, whether a medical association, a dental association or examining boards and would improve the quality of committees because people serving would have immunity for their actions while on the committee.

Chairman Wilson stated that this is a rather wide blanket of immunity, the only exception to which is the presence of malicious intent.

Senator Young stated that since no suits have been filed he doesn't see the need for another law.

Dr. C. P. McCusky, Secretary of the Nevada State Board of Dental Examiners stated that he supports SB 82 and that all it does is make people sitting on boards feel more comfortable.

Senator Close asked why the bill did not include other professions such as, pharmacists, physical therapists, accountants and lawyers?

Dr. McCusky replied that he was speaking only for the Dental Board.

Chairman Wilson closed the public hearing on SB 82.

SB 93 Changes coverage for treatment of drug abuse in health insurance.

Pat Bates, State Coordinator of the Bureau of Alcohol and Drug Abuse asked for a postponement for further testimony from people in the Bureau who are treating drug addicts. Ms. Bates stated that she supports the intent of this legislation.

Chairman Wilson stated that the Committee would take the testimony of all present today and then defer to a later date.

Dorothy Ivy, representing Churchill County, stated that she is against SB 93. She stated that the employees of Churchill County cannot afford such legislation and that drug addiction and alcoholism are voluntary illnesses that the majority should not have to pay for.

Georgia Massey, Associate Actuary, Nevada Insurance Division, proposed to clarify SB 93. She stated that this bill is not mandating that the policyholder nor the employer has to purchase the coverage, but is

only providing benefit levels be made available

There was discussion about the need for sepcifying minimum coverage. Ms. Massey expalined that this type of coverage has been available since 1979 with minimums and maximums. She stated that if these new minimums and maximums are established a more uniform system for establishing premium rates would be possible. She stated that this is not an Insurance Division bill and that the original bill combined alcohol and drug abuse, whereas this bill directs itself to drug abuse. Ms. Massey explained that 689A is the regulation for individual health insurance and that this bill will also affect 689B, which is group insurance, 695B, which is medical service corporations and 695C, which is health need corporations.

Chairman Wilson deferred SB 93 to a future hearing.

SB 21 Requires written cost estimate at time of funeral arrangements.

H. E. Burton, representing Palm Mortuaries, Las Vegas, Nevada, testified that he is against SB 21. Mr. Burton presented an itemized list of services that his firm uses (see Exhibit "C"). He stated that it would be impossible to list every service from inception to end and that the 5 percent clause is totally unrealistic. He stated that it is often impossible to estimate the cost of the shipping costs incurred, but that the funeral industry has always endeavored to disclose, as much as possible, the costs to the consuming public.

Senator Hernstadt presented Mr. Burton with a copy of research that the Legislative Counsel Bureau did on funeral costs (see Exhibit "D").

Mr. Burton stated that there is no need for legislation and that it would be an unneeded intrusion. He stated that funeral directors in Nevada provide all the information needed for fair contracts for funerals.

Reverand O. L. Jefferson, representing the Spalding Mortuary, Las Vegas, Nevada, stated that he concurs with Mr. Burton's testimony.

Mr. B. Craft, Manager of the Paradise Valley Chapel, Las Vegas, Nevada and Secretary of the Nevada Funeral Sevice Association, stated that he is against SB 21.

Senator Hernstadt asked Mr. Craft why other states felt that, as a matter of policy, they should have itemized lists available. Mr. Craft stated that it was just a question of their choosing to do so, and that since funeral directors in Nevada voluntarily provide itemized lists, he thinks there is no need for legislation.

Ed McCaffrey, Secretary Treasurer, Nevada State Board of Funeral Directors and Embalmers, asked who would establish the form for a purchase agreement.

Senator Hernstadt stated that the intent of the bill was not to foist standard forms on the industry but to make itemized choices available so that people could elect or not elect.

Mr. McCaffrey stated that in five years or 22,000 deaths in Nevada, he was only aware of five formal complaints that came before the board. He stated the Federal Trade Commission had become involved after twelve complaints in 10,000,000 funerals had been filed. He stated that he was not against the bill, but if it passes he would like to see two things deleted: 'Section 2 should read 'an Act relating to all businesses, industries and professions licensed by the state be required to submit the same itemization.'"

Chairman Wilson stated for the record that the business practice of funeral homes in Nevada is to provide itemization and costs.

Orin Alexander, representing Alexander's Pyramid Funeral Home, Sparks, Nevada, and the Ross-Burke and Knobel Mortuary, Reno, Nevada, stated that he is against SB 21 and presented a form that his firm uses (see Exhibit "E").

There was discussion about the problem that arises when a third party becomes involved in the funeral arrangements. Children often try to shield parents who are grieving. Misunderstandings can occur over costs.

Mr. Alexander stated that these misunderstanding almost never happen and that contract are always honored and never changed.

Dallas Bossard, representing Palm Mortuaries, testified that he is against SB 21.

Claude Evans, Secretary Treasurer of the AFL-CIO, Nevada and formerly Commissioner of Labor, stated that as Commissioner of Labor he had found that state workers were often confused when they received bills for funerals. He stated that the complaints being discussed probably came through his office but that he didn't know if this legislation would solve the problem.

Mr. Burton stated that in Nevada these itemization contracts have been in force since 1962.

Chairman Wilson closed the public hearing on SB21.

SB 95 Permits agent of prescriber to transmit prescription by oral order.

Fred Hillerby, Executive Director of the Nevada Hospital Association, proposed to amend the language in SB 95 from "chart order" to "prescription". He stated that there is another bill relating to prescriptions and that they should be considered together.

Senator Jean Ford stated that the Attorney General's office has interpreted NRS639.013 to mean that indirect communication is only by written word of the physician himself and that he cannot give that authority to a nurse. She stated that the practice of giving this authority to an authorized agent has been widley used and that this legislation would provide for it. She stated that she had attended a meeting involving physicians and pharmacists and that they support this legislation. Senator Ford stated that SB 95 takes the old definition of a prescription on Page 2, and places it, in outline form, on Page 1. She stated that the rest of the bill is old language of the statute. She said that the new bill would include the authority that a prescription may be given by oral order transmitted by an authorized agent of the prescriber.

Senator Wilson asked Senator Ford if the new bill changes the definition of a prescription.

Senator Ford replied that it doesn't change the

definition. She also stated that it is unlawful for people to represent themselves as agents when they are not agents.

There was discussion about the dangers of abuse.

Senator McCorkle asked why this legislation is necessary

Senator Ford explained that physicians would be able to make better use of their time. She added that patients wouldn't have to wait for needed perscriptions.

There was discussion about keeping records of authorized agents. It would be impossible to do this because of changes in personnel.

Senator Wilson stated that members of the Pharmacy Board and the State and County Medical Associations would be testifying on Monday, February 5, 1979 and continued the hearing on SB 95 until then.

Chairman Wilson called for a recess at this time.

The meeting reconvened at 3:40 p.m. with all members present.

SB 90 Provides for registration of trade-marks, trade names and service marks.

Senator Close referred to Lines 26 through 30 of Page 1 of the bill. He questioned if "Proof of continuous use" was applicable to the whole bill. He stated that five years is a long time. He suggested that Lines 26 through 30 become "Subsection c."

Senator Ashworth stated that the purpose of the trademark is that the name has to become distinctive, and that the bill specifies proof of continuous use so that if someone could prove that a mark wasn't distinctive he could register for it.

Senator Wilson referred to Ted Quirk's proposed amendment: Section 11, Line 33 replaces "probable" with "likely"; Section 12, Line 5, replaces "$15" with "$25"; Section 13, Line 20, adds "and shall be prima facie evidence of ownership of such mark, as applied to the goods or services therein identified, in the state of Nevada." It was decided to strike this part of Mr. Quirk's amendment and replace it with "rebuttable presumption"

with language that Frank Daykin could work out.

Senator Close stated that in Section 14, Lines 29 through 31, the Secretary of State should include a form for renewal with the notification of expiration.

Mr. Quirk's amendment continued: Section 17, Line 28 after "United States Patent" add "Trade-mark."; Section 20, subsection 1, replace "will probably" with "is likely"; subsection 2 of Section 20 adds "shall be liable to a civil action by the owner of such registered mark for any or all of the remedies provided in Section 21 and 22 hereof, except that under subsection 2 hereof the registrant shall not be entitled to recover profits or damages unless the acts have been committed with knowledge that such mark is intended to be used to cause confusion or mistake or to deceive."' Section 23, after "entitled" delete "to"; Section 24 the fee for registering a mark be changed to "$25".

Senator Close moved that SB 90 be passed out of Committee with an amendment and "Do Pass" recommendation.

Senator Hernstadt seconded the motion.

Motion carried unanimously.

Senator McCorkle stated that a fiscal note should be included with SB 90 because of the Secretary of State's need for help in bringing his records up to date.

Senator Close amended his motion to delete "Do Pass" and amend and re-refer to Finance.

SB 91 Reduces bonds for certain money order issuers.

The discussion continued on SB 91. It was decided that Senator Young would consult with Joe Sevigny for clarification of his amendments and then report back to the Committee.

SB 82 Provides immunity from civil actions in certain circumstances to persons charged with regulating practitioners of a healing art.

There was discussion on the need for SB 82.

Senator Young stated that the members of these boards are not liable unless malice is shown.

Senator Young moved that SB 82 be indefinately postponed.

Senator Hernstadt seconded the motion.

Motion carried unanimously.

SB 93 Removes upper limit on number of directors of savings and loan associations.

Chairman Wilson deferred this bill to Monday, February 5, 1979, when insurance carriers would testify.

SB 21 Requires written cost estimate at time of funeral arrangements.

There was discussion on the bill.

Senator Hernstadt stated that all the testimony should not be forgotten.

Senator Ashworth moved that SB 21 be indefinately postponed.

Senator McCorkle seconded the motion.

There was further discussion.

Senator Wilson stated that the 5 percent clause was a problem as was the estimate of total cost in the funeral, including an itemized list of the price.

Senator Ashworth called for the question.

Motion carried with Senator Hernstadt abstaining.

BDR 54-273* Enables board of hearing aid specialists to establish continuing education requirements for its licensees and prohibits unlicensed persons from engaging in business of hearing aid specialist.

Senator Young moved for Committee introduction.

Senator Blakemore seconded the motion.

Motion carried unanimously.

*SB 170

BDR 54-270* Revises laws regulating dispensing opticians.

Senator Young moved for Committee introduction.

Senator Blakemore seconded the motion.

Motion carried unanimously.

BDR 43-304** Establishes the manufacturing housing division.

Senator Close moved for Committee introduction.

Senator Young seconded the motion.

Motion carried unanimously.

There being no further business, the meeting was adjourned at 4:35 p.m.

RESPECTFULLY SUBMITTED,

Betty L. Kalicki, Secretary

APPROVED:

Thomas R. C. Wilson, Chairman

*SB 172
**SB 173

SENATE Commerce and Labor COMMITTEE

GUEST LIST

DATE: January 31, 1979

NAME	AGENCY OR ORGANIZATION
Dr. Wm L. Thomason	Bureau of Health Facilities - Division of Health
C.P. McCurdy D.M.D.	Nev. State Board of Dental Examiners
M.D. Templeton	B.H.F., Div. of Health
Lena Edwards	Nev. Ins. Division
L. Ray Alsop	Nev. State Bd. of Funeral Directors & Embalmers
H.E. Burton	Palm Mortuaries - Las Vegas
K.J. Craft	Paradise Valley Chapel - Las Vegas
Peter V. Anderson	Anderson Pyramid Funeral Home Sparks.
Rev. O.L. Jeffries	Spilling Mortuary Las Vegas
Dallas Bossard	Palm Mortuary Henderson, Nev.
Julian Smith Jr.	Bureau of Alcohol and Drug Abuse
Fred L. Wilson	Nev. Hosp. Assoc.
K. Galli	self
J.P. Muller	Kennecott Copper Corp.
Robert F. Guinn	Nev. Motor Transport Assn. - Nev. Franchised Auto Dealers Assn.
Jack Bates	BADA Bur. of Alcohol & Drugs
Joyce Hall	self
Georgia Massey	Nevada Insurance Division
STAN WARREN	NEVADA BELL.
CHUCK KING	CENTRAL TEL. CO.
John Rice	AP
Trish White	R-J
John McSweeney	Dept. of H.R. / Div. for Ag. Ser.

VALLEY TIMES 1-14-77

LV court study reveals bail skips

By NED DAY
Times Staff Writer

An eight-month study of Las Vegas Justice Court records shows that Burton Bail Bonds clients are far more likely to skip court appearances, when compared to defendants bonded by other operators.

Over 200 of the persons bailed out by Burton in the eight-month period failed to appear for scheduled court dates, according to the records.

Joe's Bail Bonds, with 137 no-shows, was far back in second place among all the local bondsmen.

During the eight-month period, 899 defendants bonded by local operators failed to make scheduled court appearances.

However, many of these defendants were subsequently located by the bondsmen and returned to ultimately face court proceedings.

Nevertheless, Deputy Dist. Atty. Michael McGroarty — who handles bail matters for the district attorney's office — has told The Valley Times that the failure of the local bondsmen to produce their clients in court is one of the primary factors contributing to the case backlog in Las Vegas Justice Court.

McGroarty said that when defendants fail to appear for court proceedings a continuance is granted to alow the bail bondsman a chance to locate and produce his client before the bond is forfeited.

These delays, he explained, contribute to the case backlog in justice court.

The Valley Times has previously reported that bond forfeitures are ultimately paid on only about five per cent of the bonded defendants who skip out on court appearances.

According to justice court records, the total face value of the bonds on the 899 no-shows was $725,920.

McGroarty said that only about five per cent of those bonds were ever forfeited by the bond companies.

Burton Bail Bonds attorney, Stewart Bell, said that the reason Burton leads the no-show list is because the company is the largest operator in Clark County.

"They simply write more bonds than anyone else," he said.

Also, Bell said, Burton is "less selective" in determining which persons will be taken as bail clients.

"Some bondsmen are more selective than others," he said. "There are some bondsmen who won't bond a defendant unless they're absolutely certain that the client will show up in court."

Bell said that Burton's policy was to bond anyone who could provide sufficient collateral to insure that the company would not suffer a financial loss if the bond is forfeited.

Additionally, Bell said, "Burton writes a lot of Westside bonds." These clients, he said, are less likely to appear for court dates.

"The more affluent a defendant is, the more likely he is to appear for a court date," Bell said.

Conversely, he said, low income people are less likely to make their court appearances.

The number of no-show clients during the eight month period — from May 1976 through December — are listed by bondsmen as follows:

Burton Bail Bonds 209; Joes Bail Bonds 137; Embry Bail Bonds 106; Ace Bail Bonds 96; Rusty's Bail Bonds 83; Reliable Bail Bonds 70; SOS Bail Bonds 64; Lyles Bail Bonds 53; Jacks Bail Bonds 47.

EXHIBIT "A"

29

Bail bonds panel wants outside help

The citizens committee studying the bail bonds system in Las Vegas Municipal Court asked for statements of problems and recommended solutions Wednesday from the city attorney, judges, court clerk and bondsmen.

City Attorney Mike Sloan said he would solicit the statements, adding he hoped the committee would not use them as "cop-out sheets."

He said there are philosophical questions on the bail bonds system, which he hopes the committee will address.

Committee member Dennis Simmons, an attorney, who suggested the statements, said they would serve as a foundation for the work of the panel.

Insuranceman Bert Leavitt agreed with the need for the statements but said the committee also must determine the effect of the system on those most involved—the persons charged with a crime who obtain a bond to get out of jail.

Sloan said the panel was formed by the City Commission to study the system and make recommendations for any administrative or legislative changes it may find necessary.

He said the commission's decision followed the conviction of Municipal Judge Robert "Moon" Mullen in U.S. District Court on charges he filed false income tax returns in connection with bribes he received from bail bondsmen.

The committee may find that the problems brought out in the Mullen trial point to needed changes in the system, or on the other hand, may discover that they involved only the wrongdoing of individuals and no changes are needed.

Municipal Judge Seymore Brown offered the cooperation of the court in the study and suggested some changes he would like to see implemented in the bonding system.

Committee Chairman George Dickerson said the proposals would be considered in more detail at subsequent meetings.

City Clerk Karen Blanton detailed the bail bonds procedures used in municipal court and offered statistics of bonds posted—those that are exonerated and the number of bench warrants issued for persons who do not appear in court on the day they are scheduled.

She said during 1977, bench warrants were issued for 19 percent of those persons who posted bond.

Representatives of the bonds business challenged the statistics and said they did not show how many persons subsequently appeared in court after the warrants were issued.

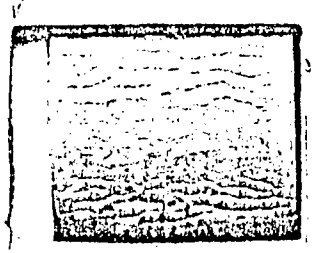
Dickerson stopped the argument and said the purpose of the first meeting was to organize the committee and decide how it would conduct its study.

He promised the bondsmen they would be given an opportunity to present their side of the matter at subsequent meetings.

Jane Ludewyck, president of the Southern Nevada Bail Bonds Association, told the committee members they could call her for any information on the business.

Dickerson replied that such private calls were "just what the Legislature didn't want" when it passed the Open Meeting Law. He said if the bondsmen had something to say to the committee—either as individuals or as an organization—they should prepare a statement and make it in public.

The committee agreed to meet again within two or three weeks to give the city attorney, judges, clerks and bondsmen time to prepare their statements and allow Sloan to obtain additional statistics from the clerk.



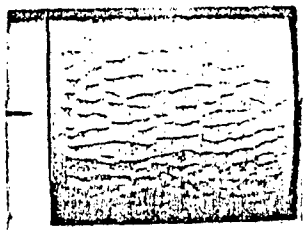


EXHIBIT "A"

EXHIBIT "A"

KVVU TV5
EDITORIAL

SUBJECT: BAIL BONDSMEN

AFTER THE PUBLIC DISGUST AND DISMAY ABOUT MUNICIPAL JUDGE MOON MULLEN TAKING MONEY FROM BAIL BONDSMEN FOR FAVORS, THE R.J. DID AN EDITORIAL SUGGESTING THAT THE STATE LEGISLATURE PROHIBIT CAMPAIGN CONTRIBUTIONS FROM BAIL BONDSMEN TO JUDGES AND PROSECUTORS. ALL LAST YEAR THE VALLEY TIMES, BOTH EDITORIALLY AND THROUGH A SERIES OF ARTICLES, HIGHLIGHTED THE DEFICIENCIES IN THE PRESENT BAIL BOND STATUTES WHICH ALLOW ABUSES OF THE SYSTEM. BAIL BOND'S REFORM IS NOTHING NEW! IN 1975 A STRONG EFFORT AT REFORM WAS SABOTAGED BY HORDES OF BAIL BONDSMEN PACING THE HALLS OF THE LEGISLATURE. AFTER DISCUSSION WITH THE CLARK COUNTY DISTRICT ATTORNEY'S OFFICE, I INTRODUCED JUST THE BILL THE R.J. ASKED FOR, TO PROHIBIT CONTRIBUTIONS BY BONDSMEN TO ALL JUDGES AND PROSECUTORS. THE STATE SENATE PASSED THIS BILL 19 TO 0. THE ASSEMBLY REFERRED SB465 TO HARLEY HARMON'S ASSEMBLY COMMERCE COMMITTEE AND THAT COMMITTEE TOOK TESTIMONY FROM BOTH THE CLARK COUNTY AND WASHOE COUNTY DISTRICT ATTORNEYS, PLUS OTHER INTERESTED PEOPLE...THERE WAS NO OPPOSITION. HOWEVER, ASSEMBLYMAN HARMON HAD THE BILL KILLED. THE POWER OF BAIL BONDSMEN TO GET THEIR MONEY BACK EVEN WHEN A DEFENDANT DOES NOT SHOW, COMES FROM THEIR STRONG RELATIONS TO JUDGES FROM CAMPAIGN CONTRIBUTIONS, AND ASSEMBLYMAN HARMON BY PREVENTING REFORM, WANTS TO KEEP IT THAT WAY. DOES HARMON WRITE INSURANCE ON BAIL BONDSMEN? DID BONDSMEN PAY FOR ASSEMBLYMAN HARMON'S CAMPAIGN? I REALLY DON'T KNOW, BUT I DO THINK HE OWES THE PUBLIC A COMPLETE AND DETAILED EXPLANATION WHY HE CONTINUES TO PROTECT BAIL BONDSMEN.

I AM STATE SENATOR BILL HERNSTADT SPEAKING FOR TV-5.

******

January 1978

BILL HERNSTADT
SENATOR
CLARK COUNTY DISTRICT NO. 3

HOME
3111 BEL AIR DRIVE, APT. 256
LAS VEGAS, NEVADA 89109
PHONE 732-2100

OFFICE
[redacted] SOUTH CARSON STREET
[redacted]SON CITY, NEVADA 89710
PHONE 885-5882

EXHIBIT A

COMMITTEES
VICE CHAIRMAN
JUDICIARY
MEMBER
COMMERCE AND LABOR
TRANSPORTATION

Nevada Legislature

SIXTIETH SESSION

January 29, 1979

Editor
VALLEY TIMES
1007 East Cheyenne
Las Vegas, Nevada

Dear Sir:

One of the problems of being in politics is you're damned if you do and damned if you don't! After years of articles, columns, and editorials in your newspaper concerning lobbyists, and bail bondsmen in particular, your Sunday paper attacked my bill which would prohibit contributions by bail bondsmen to prosecutors and judges.

Why your paper turned about is unclear to me, but your analogy of saying the next thing that would be banned would be contributions by the gaming industry to the Governor's or Attorney General's Campaign is ludicrous. The Governor does not have the power to take away or grant gaming licenses, although he does appoint Gaming Commissioners and Control Board Members.

Bail Bondsmen contributing to prosecutors and judges is a very narrow category, and it is urgent that this loophole be closed because prosecutors and judges can (because of undue favoritism towards a bail bondsman who may have paid for most of his campaign) exonerate bonds of persons who do not show up in court. If bail bondsmen are able to get their bonds exonerated they are in essence running a risk-free-business if they never have to pay up when one of their accused clients does not show up in court.

The Moon Mullen's case dealt with bribes by bail bondsmen. It did not deal with campaign contributions because they are now legal, but you can bet bondsmen contributed heavily to Moon's campaign. A few years ago a Las Vegas Justice of the Peace exonerated $100,000 in bail bonds the night before he left office. The District Attorney's Office was not notified until after the fact. Both the past and present Washoe County District Attorneys and the present and past Clark County District Attorneys consider this legislation very important. I hope you will reconsider your editorial stand.

Sincerely,

Bill Hernstadt
State Senator

EXHIBIT "A"

AS WE SEE IT

Nevada Lawmakers Killing The Patient to Cure Disease

Killing the patient is always one way to stop a disease.

It appears to us that is precisely what is happening in the Nevada Legislature this year as it entertains various proposals aimed at curing a wide range of evils.

For instance, State Sen. Gene Echols suggested the other day that persons filing complaints with the Consumer Affairs Division be made to foot the bill if the accusation was found to be unjustified.

THE AIM of Mr. Echols and State Sen. Cliff McCorkle of Reno is to reduce the number of ill-founded complaints and at the same time help the Consumer Affairs Division become more self-sustaining.

Obviously, a fee for processing consumer complaints would help finance the division, which this session is seeking $587,951 to operate the next two years.

Now, we must confess that we are not the greatest of fans of the Consumer Affairs Division, and we frankly question how much good it really has accomplished in the past few years.

But, if it was established to help the consumer, then we don't think it is serving its purpose if it starts socking it to the consumer.

Sen. Echols seemed disturbed that of the thousands of complaints filed each year, more than half were merely differences of opinion.

IT WAS ALMOST as though he was mad at the public for even bothering to make use of the state agency.

If it is the decision of the Legislature that the state should be in the consumer protection field, and that was decided years ago, then it hardly makes sense to throw roadblocks in the path of the very people the agency was established to help.

If there is a concern about irresponsible complaints, it seems to us that is a matter that should be addressed by officials within the Consumer Division as they screen the individual complaints.

What Senators Echols and McCorkle are suggesting is almost punitive action against consumers who dare to bring complaints.

ANOTHER BIT of dubious thinking, it seems to us, is the bill that would block bail bondsmen from making campaign contributions to candidates for judicial posts, the office of attorney general and prosecutors.

The Valley Times has devoted a great deal of effort to exposing certain seedy operators in the bail bond business here, and we are under no illusions about their political contributions and the favors they have expected in return.

But we think the legislation proposed by Sen. William Hernstadt, however well-intentioned, goes to extremes. It's a prime example of overkill.

We dislike it because it impairs a basic freedom we believe all citizens should have — the right to help elect to public office the people they favor.

SEN. HERNSTADT means well. He wants to eliminate or at least limit the type of corruption that has been so obvious here in the past in terms of favored treatment accorded the bail bondsmen by certain judges.

But in so doing he's saying that bail bondsmen aren't entitled to the same rights as the rest of us. He's limiting their freedom because they're engaged in a certain business.

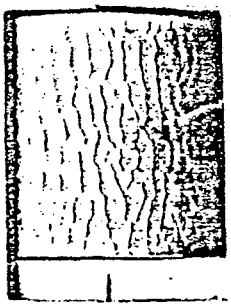
We believe it is a dangerous precedent. The next step conceivably could be a bill saying that no one employed in the gaming industry can contribute to the campaign of the governor or the attorney general or judges or even legislators because their actions may have a bearing on the gaming industry.

Once we start nibbling away at basic freedoms, no matter how justifiable the reason, it is not difficult for massive erosion to overtake us.

THUS, WE STAND against further restrictions that limit the right of a citizen, any citizen, to support the candidate of his choice.

Sen. Herndstadt is a gutsy legislator who has taken some sound stands early in the current legislative session. But this bill is an example of overkill — killing off a major freedom in an attempt to cure a disease.

We hope the Legislature will stand back and take a hard look at these proposals, and others that may be faulty because they go to extremes.



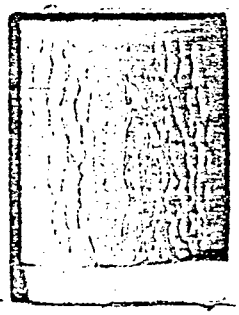


EXHIBIT "A"

R-J Viewpoint

Bail bonds system overhaul overdue

The bail bonds system in Clark County appears to be a seamy mess, and Las Vegas City Attorney Mike Sloan is right in wanting to stop the smell.

Unlike some public lawyers who might announce an "investigation" then let it die by delay, Sloan wasted no time recently when he heard the seamier sides of the bail bonds system as revealed in federal court.

The testimony came during the tax evasion and perjury trial of Municipal Judge Robert "Moon" Mullen. The embattled judge was convicted of taking money from bail bondsmen, failing to report the bribes as income and then lying to the grand jury about it.

The record, at least to Sloan, is clear. Bondsmen Dale Pfeiffer, David Kent and Joseph Andrews said under oath they bribed a judge to get favorable treatment for clients or to get traffic citations dismissed.

And if they aren't guilty of bribing a judge, then they're guilty of lying in a courtroom before a jury.

Either way, they shouldn't escape punishment although federal prosecutors gave them immunity in exchange for testifying against Mullen.

Sloan has found one way. He wants the City Commission to order license revocation hearings. In short, the three bondsmen would have to show cause why their city business licenses should not be revoked for bribing a judge.

In addition, the young city attorney has urged state Insurance Commissioner Dick Rottman to move immediately against the bondsmen who are licensed by the state.

Sloan is right when he says a bail bondsman's license is a privileged one, and the City Commission has the right to decide whether specific individuals will be allowed to do business within the city.

Judging from their testimony, the three bondsmen are not the right sort who should be allowed to continue operations with the public.

The City Commission should follow Sloan's lead in revoking the licenses. Then it immediately should follow another of his recommendations, to set up a citizen committee charged with studying the now ill-reputed bail bond system in Municipal Court and coming up with recommendations.

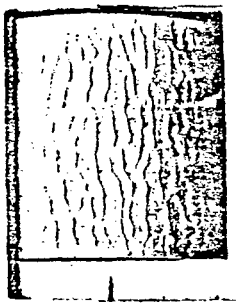
That committee, Sloan suggests, would include legal expertise, so it wouldn't be a group of well-intentioned citizens without the background to make changes which are workable.

It's obvious the bail bonds system needs a major overhaul, if it's not to be scrapped entirely within Las Vegas.

Sloan's already made some suggestions on revamping, saying the Legislature might do well next session to prohibit bail bondsmen from making campaign contributions to judges and prosecutors. Another alternative might be to have bond percentages paid to court clerks instead of bail bondsmen or limiting judges' discretion in exonerating bonds.

The alternatives are attractive in light of the odor coming from the present system.

It must be cleaned up—and quickly.



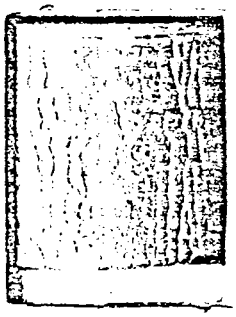


EXHIBIT A

As We See It

Sloan Right in Moving Against Bail Bondsmen

If Mike Sloan can do it, he'll deserve a badge of honor.

The new Las Vegas city attorney says he'll press the City Commission to revoke the business licenses of the bail bondsmen who testified they bribed Municipal Judge Robert Mullen.

At least, he's said he'll ask the Commission to hold a license revocation hearing if the state insurance commissioner fails to move against the three bondsmen.

More than that, the City Attorney wants the Commission to name a citizens committee to study the bail bond business here and make recommendations for changes.

THIS NEWSPAPER has advocated reform of the bail bond system here for a long time, and we had hoped that the State Legislature would take decisive action this year. Unfortunately its attention to the matter was painfully little.

How much any citizens committee might accomplish, or how much change the City Commission itself can bring about seems questionable. But at least some effort would be a step in the right direction.

The corruption of Judge "Moon" Mullen does not mean that there necessarily are inherent flaws in the judicial system, because the system seems to function well under honest judges.

LIKEWISE, it seems doubtful to us that any change in the system can completely protect the public from the wrongful acts of a judge who wants to be dishonest.

What Judge Mullen was convicted of has gone on here before, not just in municipal court, but in a different manner in the justice of the peace courts as well.

If Judge Mullen must now pay the price of such wrongdoing, then it seems even more important to make sure that those who bribed him also are brought to justice.

WE HAVE KNOWN bondsmen we liked personally, on a one-to-one basis. But overall, they seem to be a notorious lot whose ethics in any given situation hardly qualify them for any degree of trust.

Integrity is hardly the middle name of the bail bond business.

Legislative or city and county legal reforms might go a long way toward upgrading the bail bond system here, but they will not rid us of the money-grubbing, angle-shooting unethical parasites that people it.

It is a seamy business at best, and the very nature of it — dealing with people in trouble, from nice guys to the scum of the earth — is hardly given to attracting the statesmen of the business world.

It may be that doing away with the bail bonds system as a private business in Nevada, and substituting a court-run system as they have in Kentucky, would be preferable.

UNFORTUNATELY, the Kentucky system, governmental function that it is, also has some serious flaws in it, as we found out when looking into it last year.

Suggestions such as prohibiting bail bondsmen from contributing to the campaigns of judges and prosecutors sound fine on the surface, but in practice they are almost impossible to enforce.

The challenge of correcting abuses in the bail bond system is far more complex than some people realize. District Attorney George Holt's office has made a stab at it.

City Attorney Mike Sloan is now undertaking the attack from another approach. We support him fully and wish him well, particularly in pressing the license revocation of those bondsmen who have admitted bribing Judge Mullen.

Valley Times July 30

'Mormon friends pushed bail bill'

LV bondsmen rap Hernstadt, Holt

By NED DAY
Times Staff Writer

Two Las Vegas bail bondsmen Tuesday vehemently denied charges by State Sen. William Hernstadt that the bondsmen pressured state lawmakers into killing a legislative proposal aimed at curbing abuses within their industry.

In fact, one bondsman insisted, he actually favored passage of the bill which would have prohibited bail bondsmen from making political contributions to candidates for office in the criminal justice system.

David Kent, proprietor of Ace Bail Bonds, said that enactment of the law would help the bondsmen.

"The way it is now, these candidates for judge and justice of the peace come around and put the arm on us for contributions," he said. "And how can we say no to them?"

Kent noted that judges, justices of the peace, district attorneys and other elected officials in the criminal justice system often are involved intimately in bail matters which bear directly on the financial interests of bondsmen.

Noting that Dist. Atty. George Holt was a strong proponent of the bill and that Holt has often been critical of bondsmen, Kent said, "I'm surprised that Sen. Hernstadt would say something like that."

"He must be a tool of George Holt."

Hernstadt's bail reform measure passed the state senate by a unanimous 19-0 vote but was killed by the Assembly Commerce Committee, chaired by Harley L. Harmon.

Hernstadt charged Monday that the bondsmen had pressured some assemblyman to get the bill killed.

"That bill was unconstitutional and that's the reason it didn't get through," Kent said. "The only reason it passed the senate is because Holt has a bunch of his Mormon friends there — like that lawyer on the Judiciary Committee, Mel Close.

"You can't just single out the bondsmen. I'd support it if they would include lawyers. I wonder how much money Holt got from lawyers the last time he ran."

Jack Miller, who operates Jack's Bail Bonds, insisted that the bondsmen had not lobbied against the bill.

"I don't even know Harley Harmon," he said. "I've never even talked to the man in my life."

While he did not work against the bill, Miller said, he still felt that it would be a bad law.

"It's unenforceable," he said. "There are so many ways to get around it. I could have my wife or brother contribute instead of me."

Miller also said that he felt the proposal was unconstitutional.

Harmon said Monday that he voted against the measure because of the questions over constitutionality.

At the time the Commerce Committee was considering the bill, however, Legislative Counsel Frank Daykin issued an opinion saying that it would be within the constitution to prohibit contributions by bondsmen.

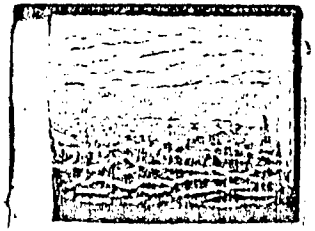


EXHIBIT A

Ned DAY

Tough Nevada Official Has Bondsmen Squirming

Some Las Vegas bail bondsmen are squirming.

Insurance Commissioner Dick Rottman means business. His agency licenses the bondsmen and he's cracking down on the dirty dealers among them.

Reports have circulated for years about sleazy ripoffs of clients, payoffs to judges and jailers, manipulation of the criminal justice system in the name of greater profits.

BUT BY INTIMIDATING witnesses, by contributing mightily to the right candidates, by virtue of their unholy liaisons with certain law enforcement officials, the bondsmen have successfully avoided any sanctions.

Another problem has been a lack of public interest in the problems caused by these parasites who suck from the soft underbelly of society.

Most people just have no reason to come in contact with a bail bondsman and, therefore, lack interest in his activities.

But the damning testimony brought out as the "Moon" Mullen trial has alerted sufficient numbers of citizens to the scandals of the bail bonds business, an industry which rakes in $1.2 million per year in Las Vegas — not including ripoffs.

ROTTMAN, ONE OF the few truly conscientious and courageous state watchdogs, has been biding his time, waiting for precisely the right moment to come down on the scumbags.

It's not all that easy. The bondsmen have some pretty strong juice in Carson City.

Witness what happened to bail bonds reform measures in the legislature last year.

One bill passed the senate by a unanimous 19-0 vote only to be killed in the assembly Commerce Committee chaired by Harley L. Harmon, the assemblyman from Rom-Amer.

Rottman's agency is a division of the state Commerce Department and is literally at the mercy of Harmon's Commerce Committee in the legislature.

He must be careful not to antagonize the chairman who apparently is kindly disposed to the bondsmen.

Make no mistake, the juice is strong.

One of the three bondsmen now facing license revocation proceedings, brags openly about his rapport with Harmon.

ROTTMAN IS GUTTY, but not foolish. He has wanted to clean up the bail business for some time now. But he has to be careful of Harmon.

The direct evidence of dirty dealings brought out at the Mullen trial has finally created a public climate which allows the commissioner to make his move. And given the Mullen testimony, there's little that Harmon can do.

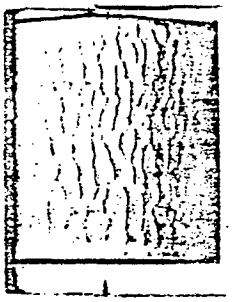
Bondsmen perform a necessary function in the criminal justice system. Not all of them are unsavory. The straight dealers have nothing to worry about. Rottman is tough, but fair.

The others are in trouble.

Three bondsmen already have been ordered to appear at Insurance Division revocation hearings.

There will be more before Rottman lays down his broom.

Reform doesn't come easily. But with men like Rottman around, it does come eventually.



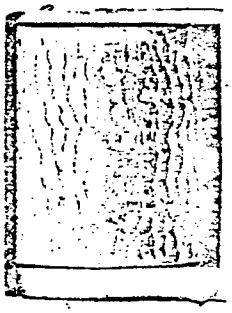


EXHIBIT A

Las Vegas Sun - Nov. 3, 1977

Close Look Taken At Bail Bondsmen

The state insurance division has launched an investigation of the bail bond industry, which got a black eye during the trial of Municipal Court Judge Robert "Moon" Mullen.

Early testimony in the tax evasion trial indicated bail bondsmen were allegedly involved in bribery and other illegal activities in connection with the court system.

Dick Rottman, state insurance commissioner, said a task force has been appointed to study the bail bond business, with an eye to tougher regulations and action against violators.

Bail bondsmen, who sell surety bonds, are actually insurance agents and thus regulated by the state insurance division.

Rottman said the probe is not a direct result of the Mullen trial, but information brought out during the trail will aid the investigation.

"We have been pointing in this direction for quite a while and we have tried to discipline individual bail bondsmen. We've had strong indications that some of these things have been going on for years, but we haven't been able to prove it.

"I think the exposure that has taken place during this trial is going to make our job easier."

He said the study should take about four months. Members of the task force are Joe Reynolds and Joe Cottino of the insurance division staff and Scott Baker, legal counsel.

"They will be studying the whole bail bond area," said Rottman. "They are already familiar with this industry and the report will help us adopt some new regulations.

"I think the bail bond system can function in a good fashion and it doesn't have to have a lot of onerous things associated with it."

Mullen Trial Reveals

Las Vegas Sun Oct 31 1977

Bondsmen In Nevada Politically Potent

By SHARON SPIGELMYER
SUN Staff Writer

Bounty hunters swarm around bail bondsmen's offices like buzzards around dead carcasses.

They work a fee and like bounty hunters of television fame they work on a piece per head basis, former private investigator L.J. Heenan explained.

Bounty hunters, skip tracers and private detectives are often hired by bail bondsmen to bring back bail jumpers — persons who fail to make court appearances.

Heenan, who is now an investigator for the federal public defender, claimed bondsmen have the authority to "go anywhere in the United States and do anything to bring them in. You can kick down doors, break windows — anything."

He claims bondsmen have more authority than a search warrant.

These and other workings of the bail bond industry in town have been revealed during the past two weeks of the U.S. District Court trial of Municipal Court Judge Robert Mullen.

Mullen is charged with three counts of subscribing to a false income tax return and four counts of perjury. He was indicted on charges of failing to report on his income tax return $8,700 in bribes.

Three bail bondsmen and a non-licensed private investigator have testified during the trial.

Many of the "bounty hunters" who work for bondsmen are not licensed. While they can be prosecuted civilly, Deputy Attorney General Mike Dyer said few complaints are ever lodged.

And he doesn't have the staff to investigate impropriatties, he admitted.

Besides, in Nevada if one man is licensed as a private investigator, he can have non-licensed persons legally.

Bill Embry of Bill Embry Bail Bonds said when someone fails to make a court appearance and he is threatened with bond forfeiture, he seeks his client out.

"I go after them the same way the police department does," he said. "I have investigators and skip tracers work like bounty hunters. It sounds hard, but you have to do it."

Just last week he had a bail jumper picked up by a bounty hunter in Los Angeles, he said. "I had a little girl who ran off on a $5,000 District Court bond. She took off, and went to Los Angeles and hid out in a Mexican section of town. There happened to be a bounty hunter there who picked her up through my Los Angeles office. I paid him $1,000 and flew him and her back here," he said.

Bounty hunters are usually offered a percentage of the bond. If the person is found and brought back to face court proceedings, the bondsman saves money.

Embry said he doesn't really give bondsmen authority to get a fugitive, but "we'd be a fool not to take them after they're brought in."

He has a full-time skip tracer, who receives written authority to seek bond jumpers.

The bondsmen are given legal authority to go after someone and there are few rules as to how they persuade the person to come back.

Heenan admitted he always wore a gun when he went out on such bounty hunting assignments. Often handcuffs and other methods are used to persuade someone to return to Las Vegas.

"They don't have any rights as far as I was concerned," he said. "They're on bondage; they're like runaway slaves."

He had to go after someone charged with murder who failed to show for a court appearance. "He told me in the presence of his mama he wasn't going to go with me," Heenan recalled.

"I asked his mama how long it would take her to clean his brains off the wall. I cocked my .45 (caliber gun) and put it under his chin. He changed his mind."

While private investigators cannot be licensed if they are ex-felons, many of the persons used for this type of work are not licensed.

And in Nevada there is no law bondsmen cannot be licensed if they have criminal records. Many do.

As a group, bondsmen swing a great deal of influence. They have an association which contributes to political campaigns, particularly those of judges and legislators sympathetic to the bond industry.

A change in legislation allowing persons out on their own recogni-

(Please See MULLEN, Page 4)

Mullen Trial Reveals Bondmen's Political Clout

(Continued From Page 1)

zance or on lesser bonds would nearly run the bondsmen out of business.

In fact, such a proposal to change bond regulations came up before the county commission a few years ago. The bondsmen strongly opposed the revisions, and the commissioners voted not to revise the law.

The bondsmen keep 10 percent premium of the bond. If a bond is set at $500, a person would owe a bondsman a $50 non-refundable premium.

In the federal court system, bondsmen are rarely used.

To get out of jail while facing on federal charges, a person merely posts his 10 percent with the court. "By law we're not allowed to require any more than 10 percent cash of the bond," U.S. Magistrate Joseph Ward said.

As often as possible, Ward said, he lets persons out on their own recognizance, an assurance they will appear without posting any money.

But if a bond is posted, and a 10 percent cash bond required to get out of jail, the person is encouraged to to appear in court because of bail jumping penalties.

In the case of a felony, the maximum penalty for failure to appear may include up to five years in prison or a $5,000 fine or both.

On minor offenses, the maximum penalty on a failure to appear may include up to one year in prison or $1,000.

So in the federal system, an individual can get out of jail usually without the use of a bondsman. A more lenient bond system in federal court results in better court appearance statistics.

"In the federal system you don't have as many criminals," bail bondswoman Jane Lodewyck of S.O.S. Bail Bonds said. "When they don't show up, who's going to go out and get them? Our police department is already overworked."

She doesn't use bounty hunters, but does her own arresting. "Some come back voluntarily, some have to be taken back," she said.

"If a $10,000 bond is posted on a rapist, and he puts up $1,000 cash and skips town — then what? What about the child or the women. This is not all a financial proposition. There are thousands of warrants out on bail skippers," she said.

She claimed she has few persons who skip bail, but those who do are almost always brought back to face court, she said.

The bondsmen have fought all programs encouraging persons to be released on their own recognizance because it hurts them financially.

In the federal system, the bail bond system was revised in 1966 to help cut down on the number of persons in jail and remedy problems with the bail companies, Judge Ward said.

Like a bondsman, the federal court allows a person to put up personal property such as home deeds as collateral. These properties can be seized and sold by the court if a defendant fails to show up.

"This has never happened to my recollection," Ward stated.

Ward claimed the federal system is effective. And more persons are released from jail pending their trial or arraignments.

County Commission Chairman Thalia Dondero said she will seek a report from the district attorney about implementing such a program in the state and municipal court systems.

It will be met with strong opposition again by bondsmen, who openly admit they are opposed to regulations allowing persons facing charges to get out of jail without their help.

ROBERT MULLEN
...On Trial

EXHIBIT A

EXHIBIT A

Condero, Canter
afe Next Year
—See Page 8

Spirited Defense
For Nev. Shriners
—See Page 9

Time to Balance
Influence at UNLV
—See Page 9

KVVU CHANNEL 5 HOT-7
% BAMBI NEWLAND
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LAS VEGAS, NV 89109

The Valley Times

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State Slaps Vegas Bondsmen

By NED DAY
Times Staff Writer

A state probe of sleazy bail bonds practices in Las Vegas will come to a head this week when authorities begin yanking some bondsmen's licenses, The Valley Times has learned.

Sources close to the investigation said that Las Vegas bondsman Joe Abrahams will be the first to receive notice of a Nevada Insurance Division hearing aimed at revoking his license.

At least one other bondsmen and possibly more will receive similar notices later this week, sources said.

Abrahams admitted giving bribes to Municipal Court Judge Robert Mullen during the judge's recent income tax evasion trial. He operates Joe's Bail Bonds, 120 S. Third St.

Two other Las Vegas bondsmen, Dale Pfeiffer and David Kent, also testified about payoffs to the judge during the federal court trial which resulted in Mullen's conviction on charges of failing to report income derived from the bribes.

The hearing notices will ask bondsmen to appear and show cause why their licenses should not be revoked.

Abrahams' notice will cite evidence that he gave Mullen money in return for special favors, sources said.

The license revocation action comes in the wake of a major investigation undertaken by the Insurance Division, headed by state Insurance Commissioner Dick Rottman.

Rottman formed a special task force within the division to investigate charges of wrongdoing by bondsmen and to formulate guidelines for more stringent regulation of the controversial industry.

Sources said that Insurance Division probers have been conducting detailed audits of bail bondsmen's records and that these audits have turned up evidence of violations.

Some of the hearing notices will be based on evidence developed through the audits, sources said.

Demands for a full-scale probe of Las Vegas bail bonding practices followed a

(Please turn to page 2)

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The Valley Times

"Stand with anybody that stands right. Stand with him while he is right, and part with him when he goes wrong." — Abraham Lincoln

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Top of the Morning

Carter's abortion stand irks females

WASHINGTON (AP) — A coalition of women's rights groups converged on the White House on Monday to express shock over President Carter's position that the government should not be required to pay for elective abortions for poor women.

Chandler Duke, chairman of the Draper World Population Fund, charged that restricting federal funds for abortions will drive poor women "right into the alleys" to seek illegal abortions.

The two dozen women's right leaders met in the Executive Office Building with presidential aide Margaret "Midge" Costanza, who herself convened a meeting Friday of top women in the Carter administration who expressed "outrage, anger and disappointment" at Carter's stand.

Both meetings were triggered by recent Supreme Court decisions that opened the way for states and the federal government to cut off Medicaid funds for medically unnecessary abortions for poor women. Medicaid paid for abortions for 300,000 women last year.

Hernstadt, Harmon wrangle on bail reform bill

STATE SEN. BILL HERNSTADT
Blames 'flaky' assemblymen

By NED DAY
Times Staff Writer

State Sen. Bill Hernstadt charged Monday that reform bills aimed at curbing abuses in the Nevada bail bonds industry were thwarted because the bondsmen wield "magic power over some of the flakier assemblymen."

But Assemblyman Harley L. Harmon, chairman of the Assembly Commerce Committee, fired back by contending that his committee killed Hernstadt's bail bond reform bill because it was legislative "garbage" which, Harmon said, was "unconstitutional."

Hernstadt's bill which passed the state senate by a unanimous 19-0 vote, would have prohibited the bondsmen from making political contributions to judges, district attorneys and other candidates for office within the criminal justice system.

After passing the senate, the bill was referred to the Assembly Commerce committee where it was defeated.

Hernstadt stated that the commerce committee's action "smells," adding, "These bail bondsmen must have some kind of behind-the-scenes power.

"I'd like to know what the bondsmen have on some of these politicians."

Harmon denied any "personal dealings" with the bail bondsmen and said that the bill was defeated because "the committee felt it was unconstitutional" to prohibit bondsmen from making campaign contributions.

"Hernstadt made some deals to get that bill through the senate," Harmon said. "So, we killed his garbage in the assembly.

"And that's what most of Hernstadt's bills were — garbage."

Harmon said, "I and other members of the committee didn't think it would be constitutional to single out the bail bondsmen. A bill like this would open up the door and then no one would be allowed to make political contributions."

However, Hernstadt pointed out that Legislative Counsel Frank Daykin had rendered an opinion stating that the bill would be constitutional.

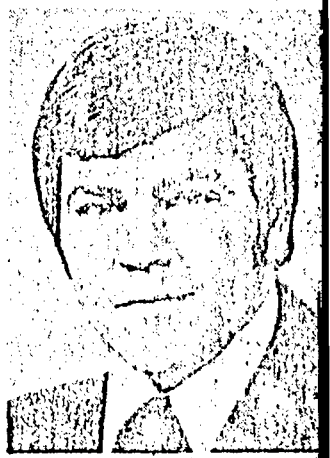
Harmon insisted that he was never informed of Daykin's opinion.

But according to Asst. Clark County Dist. Atty. Tom Beatty, Harmon and the committee did know about Daykin's opinion.

Beatty, who acted as a lobbyist in support of the bill, told The Valley Times Monday:

"Mr. Harmon may have forgotten during the pressure of the last weeks of the session. But he had to be aware of the opinion because I was with Mr.

(Please turn to page A-2)



ASSEMBLYMAN HARLEY L. HARMO
Bail bill was 'garbage'

Business, unions clash on reforms

Kids slurp up

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nderson.

Maressa said he blocked action on the request of Camden County Democratic Chairman Michael Keating. Keating said he considered that his county should be represented on the commission by a Democrat, since Democrats control county government.

"For me to swallow a Republican mayor and state committeeman is very tough," he said.

emus W. Ham Concert Hall.

The two-hour concert is being taped as part of a television documentary about the entertainer.

Free tickets are available at the Ham office from 1 to 5 p.m. Tuesday and from 9 a.m. to 2 p.m. on Wednesday. The Student Union information booth will also distribute tickets from 9 a.m. to 3 p.m. through Wednesday.

The 90-minute documentary will show Lewis at home,

Lou Brown, Lewis' musical director, will conduct the Jack [redacted] Orchestra, of the Sahara Hotel and Casino.

Arthur Forrest, who has directed or produced the Jerry Lewis Muscular Dystrophy Telethon since 1972, will direct and co-produce the show.

Local companies involved with the production are Nicole Productions; Trans-American Video, Inc. of Nevada; Las Vegas Scenery Studios and Cinema Services.

Lawmakers tangle on bail reform

ntinued from page A-1)

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mon said that he also

opposed the bill because it would be difficult to enforce.

Noting that Dist. Atty. George Holt had strongly supported the measure, Harmon said, "Maybe George Holt was afraid that the bail bondsmon were going to come out and campaign against him."

Beatty said that the district attorney's office supported the proposed law because the bondsmen "are intimately involved on a daily basis with the criminal justice system."

He noted that judges, justices of the peace, district attorneys and other elected officials within the criminal justice system are involved in matters which have a direct bearing on the financial interests of bail bondsmen.

"We felt the bill would have removed the appearance of any impropriety," Beatty said. "It was designed to inhibit potential conflicts of interest and to insure public confidence in the integrity of the criminal justice system."

Wrongdoing denied in fund deal

tinued from page A-1)

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nt would become an
the case.

pointed out that Las Vegas labor lawyer I.R. "Renny" Ashleman, who represents Culinary Local 226 and advises the union-appointed trustees of the pension fund, was a director of Sierra Charter Corp. at the time the Oregon transaction was completed.

Ashleman declined to comment on the wisdom of the deal itself, citing the fact that the pension suit is still in litigation.

"But I can comment on

unsalaried, unpaid director of Sierra Charter. A watchdog.

"It's not an uncommon practice for lendors to put in a watchdog director; banks do it, insurance compalnes do it, and in this case a pension trust did it."

Shenker himself referred questions about the Oregon transaction to Unruh, as president of the company directly involved.

Unruh confirmed Monday that the pension fund, which the government contends was

The fund's trustees, he explained, agreed with goverment attorneys to withhold further funds until issues in the lawsuit have been resolved.

It was learned Monday that pension fund trustees and government lawyers are trying to select one of several property managers to look after all real estate ventures backed by the pension fund.

Hiring the property manager is part of a compromise agreement originally

Nevada's bail bond system corruption told

EDITOR'S NOTE: This
he first in a six-part
les exploring the con-
versial bail bond in-
try.

By A.D. Hopkins
R-J Staff Writer

evada's bail bond in-
ry is the dinosaur of the
inal justice system,
ved beyond practicality
ripe for replacement by
re efficient species.

he recent conviction of
Vegas Municipal Judge
ert "Moon" Mullen,
rged with failing to pay
me tax on bribes alleg-
received from bonds-
, focused public atten-
on the corruption to
ch the industry is sub-

et the most serious
rtcoming is not corrup-
, but the bonding sys-
itself: No matter how
estly run, no matter
well regulated, the
mercial bail bond sys-
is one case in which pri-
enterprise fails miser-
to get the job done.

The reason for allowing
sort of bail system is so
people won't have to
e time in jail without
g proved guilty," said
lon Brown, newly ap-
ted U.S. attorney for
ada and a former jus-
of the peace in Las Ve-
Justice Court. "But a
s of a lot of people can't
out of jail under this sys-

And not getting out
doesn't depend on being
guilty or not. They stay in
jail because they're poor."

The practice of releasing
a defendant on bail pending
his trial can be traced back
to the 13th century; by the
time of the American Revo-
lution it was such a cher-
ished custom that every cit-
izen is guaranteed the right
to reasonable bail in the Bill
of Rights of the United
States Constitution.

Originally, the defendant
was released into the custo-
dy of a person who guaran-
teed that the defendant
would show up in court for
his trial; if the defendant
absconded, his custodian
was required to surrender
himself in place of the de-
fendant.

In time, the system
evolved to allow the defend-
ant's friend to surrender a
specified amount of cash if
the defendant failed to
show up for trial.

The system also was al-
tered to allow the defend-
ant or his custodian to post
real estate instead of cash
as a surety that the defend-
ant would appear. In an ear-
lier America where most
families owned farms and a
later America where most
families owned their homes,
this was a meaningful re-
form.

But America, with its ex-
panding frontier, quickly
acquired a tradition of tran-
sient populations. Some
means had to be found to

JUDGE BOB MILLER
...few options

ensure bail to those who got
into trouble far from family
and friends. The commer-
cial bondsman, who posts
bail for a defendant he may
never have seen and charg-
es a fee for risking his mon-
ey, evolved to answer that
need.

In modern Nevada, the
commercial bondsman has
all but replaced the other
methods of bail. The bonds-
man today makes bond not
only for those without local
roots, but in many cases for
longtime residents who
could qualify for release on
their own word to return for
trial.

One reason commercial
bonds are so popular is that
Nevada's laws, administra-
tive rules and plain political
pull combine to make using
a commercial bondsman
easier than any other form
of bail.

"We get a couple of com-
plaints a month about
that," said Stephanie Bar-
ett, executive director of the
Nevada branch, American
Civil Liberties Union. "The
most frequent one is that a
person who has the cash in
his posession at the time of
his arrest is not permitted
to post his own bond.

"He'll be picked up for
something like driving un-
der the influence, and he'll
have enough money or trav-
elers checks in his pocket to
make bond. But he doesn't
get to. The jail is short of
manpower, and claims it
can't spare a man to escort
the prisoner down to the
clerk's office to post a cash
bond. So he's got to go
through a bondsman and
pay him 10 percent of the
face value of the bond to
sign a paper saying the guy
will show up in court."

The bondsman, further-
more, wants security for his
guarantee. He usually gets
it in the form of collateral
from one of the defendant's
friends or relatives: If the
defendant doesn't show up
and the bondsman has to
forfeit the bond, he can re-
cover it through a lien
against the relative's house
or car.

If the defendant lives out
of state, and seems unlikely
to return for trial, the
bondsman may require the
relative to wire him the en-
tire amount of the cash
bond, plus his fee.

"If the bondsman can't
contact his family," said
Barett, "a man who was ar-
rested with $250 in his
pocket may end up spend-
ing 72 hours in jail on a
charge for which the bail is
only $250."

And even if your rich un-
cle is willing to advance the
cash amount of the bond,
you may have to do busi-
ness with the bondsman if
you're booked in the wee
hours of the morning.

The 24-hour marriage
commissioner's office will
accept bonds after court-
house closing hours, but
won't take them on the
graveyard shift, noting that
to do so would guarantee
the presence of much cash
at a time when no security
guard is on duty.

But a bondsman's guar-
antee, which is a piece of
non-negotiable paper, is ac-
cepted during these hours.

Nor do many Las Vegans
get to use the alternative of
posting their own property
directly with the court.

"In the first place," said
Justice of the Peace Ted
Miller, "not that many peo-
ple who get into trouble
have that kind of property.
The bond on a robbery case
is typically $20,000 and the
rule of thumb is that you
put up $40,000 worth of
property to equal $20,000
cash. Even if you own a
house, you probably don't
have that much equity in
it."

Even those who have
that much property seldom
take advantage of it. "It's
possible to do it without
going through a lawyer, but
all the cases I have ever
seen have been done
through a lawyer," said
Miller. "It's fairly compli-
cated to do it, and the cleri-
cal personnel are not used
to handling them because it
isn't often done."

Las Vegas bondsman Da-
vid Kent observes, "It takes
a lawyer, and it takes time.
It's probably cheaper to pay
a bondsman than to pay a
lawyer, and the bondsman
can get you out right now.
So that's what most people
do."

A person who has a
home, job and good reputa-
tion in the community often
is eligible to be released on
his own recognizance— his
word to show up in court
and face the music. But un-
less he's arrested at an op-
portune time of day— say 9
a.m.— he'll probably have
to either spend the night in
jail or pay the bondsman's
fee.

Only a judge can release a
defendant on his own recog-
nizance, and judges, like
most professionals, go home
at 5 p.m. or shortly there-
after.

"I proposed that the jus-
tices buy a beeper and take
turns carrying it around
and being on call at night,"
said Miller. "But I couldn't
get the agreement of the
other judges, and I didn't
want to be on call 365 days a
year myself."

For the substantial and
prosperous citizen, all this
means is embarassment, in-
convenience, and an ex-
pense he can probably af-
ford.

For the welfare
freeloader, the wino, the
general loafer, the stay in
jail is unpleasant, but not
particularly damaging.

But for the working poor,
the system may spell disas-
ter.

"The people who are hurt
worst are those who just
don't happen to have the
$50 to pay the bondsman
for a $500 bond, or the $500
to pay him for a $5,000
bond," said Barett. "We've
got files on people who lost
their jobs because they
couldn't get out of jail.
There are cases of people
losing their houses b
they lost the job.

"That's too big a penalty
to pay for a traffic ticket."

Barett, incidentally, re-
ferred only to cases in her
own files. In other jurisdic-
tions, men have stayed in
jail for as long as a year be-
fore coming to trial on
charges of which they
would ultimately be proven
innocent.

SB 465 was introduced by Senator William Hernstadt and there is no doubt it would have passed any vote of the people. It amended Nevada Revised Statute 597.340 to read:

"A bail bondsman, general agent, bail solicitor or an employee of any of them, shall not:

"Make any contributions, as defined in subsection 3 of NRS 294A-010, to support or oppose a candidate for election to the office of justice of the supreme court, district judge, justice of the peace, municipal or police judge, attorney general, district attorney or city attorney."

Senate minutes of April 19, 1977 record that the bill passed on a roll call vote of 20-0 and was forwarded to Harmon's assembly committee.

That was when it became a different ball game as the five assemblymen answered a different drum beat.

Minutes of the assembly committee meeting reveal that Tom Beatty, assistant district attorney for Clark County, spoke in favor of the senate bill on grounds "it would preclude a bondsman from giving a political contribution to those who regulate him and declare his forfeitures...prosecutors and judges."

It could not have been stated more clearly.

Beatty also pointed up that "This bill would give considerable support to the public in feeling that matters in their criminal justice system are on the up and up. Bondsmen should not be subjected to pressure from candidates when those candidates, prosecutors and judges regulate the bondsmen."

Larry Hicks of the Washoe County district attorney's office also supported the bill.

Following is a quote from the minutes:

"Mr. Price said he felt there were very few campaign contributions that the public does not question and asked why bail bondsmen were being singled out in this bill. Mr. Beatty said it was a critical area that was increasingly under public observation and criticism. There also have been recent events in Clark County that do not help the public attitude."

Assemblyman Price made the critical move to "Indefinitely postpone," which killed the bill in committee and was supported by Harmon, Sena, Barengo and Mello. Hayes admitted to a possible conflict of interest because her husband is a district court judge and felt so strongly she voted in favor.

Chairman Harmon later explained his opposition to the bill by saying, "It set a bad precedent. If you say bail bondsmen can't contribute to a judge's campaign, are you going to say that lawyers can't either? After all, lawyers have an even bigger interest in a judge's decision."

This followed Assemblyman Price's line when he asked "Why bail bondsmen are being singled out in this bill."

Something is amiss if these two legislators cannot differentiate between bond men and attorneys.

The entire senate didn't recognize that argument.

Las Vegas
REVIEW-JOURNAL
Monday January 2, 1978

Bail bond reform still only a dream

Editor's note: This is the second of a six-part series exploring the controversial bail bonds system.

By A.D. Hopkins
R-J Staff Writer

Had you been arrested in Las Vegas a year ago, you'd have stood much better chances of being released on your own recognizance than you would today.

The reason was a federally-funded experimental program which evaluated a defendant's chance of reappearing for trial if he were released on his own recognizance without being required to post bond.

A consultant hired to evaluate the various local components of the federal Improved Lower Court Case Handling Program described the Clark County project as "easily the most impressive ILCH component we have encountered to date."

Yet despite that recommendation, the Clark County Commission scuttled the program with a 5-2 vote to deny further funding.

Most proponents of bond reform liked the pre-trial release program, and charge it was killed by the commercial bail bond lobby, and that lobby alone. At least one bondsman, furthermore, has bragged the bondsmen were responsible for that defeat.

But Las Vegas bondsman David Kent, who considers himself a reformer too, retorted, "We didn't kill that program. It killed itself."

County Commissioner Thalia Dondero scoffed at the report that bondsmen had deep-sixed the program: "Sure, I listened to what they had to say. And I spent hours listening to what the proponents had to say, too.

"My objections were that it just didn't seem to run very smoothly. The jail population actually increased while we had it; we didn't get the information out of the program we thought we should."

She added, "And it seemed to grow too rapidly. We'd always be hiring one or two new people, and there was going to come a time when federal funds would end. We had to consider whether we would be able to afford the program once that time came."

The pre-trial release program was a pilot project large enough to interview only about a third of the applicants who would have been eligible for release on their own recognizance. Thomas G. Tait, who ran the program, estimates that the kind he visualized, operating 24 hours a day and seven days a week, would have cost an estimated $135,000 a year.

"But much of that cost can be recovered if you go to a system like the federal one in which any bail bonds which are required are posted directly with the court," he said. "These funds are deposited in an account on which the county draws interest, and help to offset the cost of administration."

County Commissioner Robert Broadbent cited a different, and more serious reason for voting against the program: "I think a lot of us didn't like the kind of people who were getting out through that program. A guy might have 10 charges pending and still be released on his own recognizance."

Then Broadbent gave an example which would be cited again and again by both proponents and opponents of bond reform: "You probably heard that a similar program in New York recommended 'Son of Sam' for release on his own recognizance. He had a job and a family in town, so they didn't consider that he was going to kill somebody else if they let him go."

But Tait had a ready response. "We never claimed we were going to solve all the problems of the criminal justice system, much less solve them in one year. We just hoped to solve some of the problems, and I think we did pretty well on those.

BOB BROADBENT
...who goes free?

MAHLON BROWN III
...fairness impossible

"Without a program like this, a judge has to make his decision on the basis of the information he can get from a prosecutor who doesn't want the guy turned loose for any reason and a lawyer who will tell you he spent the last six months in a monastery. We gave him a neutral source of the kind of information he really needed.

"The judge is supposed to use his own intelligence to make the decision based on that information. When somebody has to make a decision based on judgment alone, it should be a judge, and not a clerical employee or social worker, who makes that decision. It is a decision affecting the defendant's freedom."

He added, "You should remember that Son of Sam was not released, despite the recommendation."

Broadbent charged that judges followed the pre-trial program's recommendations slavishly, without exercising any judgment. But statistics don't bear out that viewpoint.

The federal evaluation shows that judges released 900 defendants on the recommendation of the pre-trial program. But they also refused to release 306 who had been recommended. They also released 87 who did not qualify under the pre-trial release criteria.

"We ended up taking the rap for those 87," said Tait. "They had a higher rate of failures to appear than did those we recommended.

"But the judges had their own reasons for putting those 87 out on their own recognizance, and it was a valid reason in its way. They knew that our program did not merely get someone out without bond, but followed up with counseling and so forth to make sure they showed up.

"Some of those were placed in our program, against our recommendation, because they had histories of failure to appear, and the judges wanted to see if our followup program would bring them in."

The failure to appear rate was only 1.78 percent for those released on their own recognizance upon the program's recommendation. Those who were placed in the OR program without the operators' consent had a much higher skip rate of 10.3 percent.

Nowhere in the entire court system of Clark County is there an official record of the failure to appear rate of those defendants released by means other than through the now-defunct pre-trial program.

Nor does the state Insurance Commission, which is charged with regulating bondsmen, keep such a scorecard.

But the office of District Attorney George Holt now keeps a record of the notices of intent to forfeit bail filed when the defendant fails to appear for some court date.

In the first eleven and one-half months of 1977, the DA's office filed 1,564 notices, meaning the defendant didn't show up for a court date at least that many times while free on bond. About 9,470 bondable cases were brought in Justice Court during that time, not counting minor traffic cases for which a defendant may post a small cash bond and later forfeit the bond in lieu of paying a fine.

A little arithmetic will show that the failure to appear rate for all defendants released on bail— whether those bonds were posted by commercial bondsmen or otherwise— is about 16 percent.

It's the roughest sort of statistic, but it shows that the failure to appear rate was far lower for those defendants released on the recommendation of the pre-trial program.

And it was substantially lower even for those placed under the program's supervision over the objections of the program's operators.

One reason these statistics are surprising is the misconceptions most hold about who gets out of jail and who stays in.

Most believe that those who normally can't make bail— many of whom did get out on the pre-trial release program— are also the people who would be most likely to flee if they were released.

But the typical bail-jumper is, in fact, the same sort of person who finds it easiest to get out of jail.

Social scientists conducting a North Carolina study included in their hypothesis the prejudices most would not openly admit. They expected black defendants to skip bail, or to be rearrested while awaiting trial more often than white defendants. They expected the poor to skip or be rearrested more often than those with high incomes, men more often than women, and the young more often than those over 25 years of age.

They were wrong on all counts.

Age seemed to make no difference. But female, high income defendants, and white defendants with two or more prior arrests had higher risk rates than male, low-income defendants and black defendants respectively.

One man who isn't surprised by the results is U.S. Attorney Mahlon Brown III, a former Las Vegas township justice of the peace and a longtime advocate of bail reform.

"If a poor guy manages to get out of jail, he really doesn't have anywhere to go," explained Brown. "All his ties are likely to be in that one community because he hasn't had the money to do a lot of traveling.

Las Vegas
REVIEW-JOURNAL

Alternative bail proposal could eliminate Nevada's bond system

Editor's Note: This is the fourth in a six-part series exploring the controversial bail bond system.

By A.D. Hopkins
R-J Staff Writer

If the traditional system of bail bonding doesn't work, what are the alternatives?

One of the most radical alternatives— and the one most frequently proposed by Las Vegas advocates of bail reform— would be a Nevada version of the system already in use in federal courts.

That system doesn't totally eliminate the professional bondsman, but it comes very close.

"The professional is the last resort in this system," explained U.S. Magistrate Joseph Ward. "If I can let a defendant out on his own recognizance, I'm supposed to do it. If he can't do that, I'm supposed to consider releasing him on an unsecured bond, which means that he is liable for the payment of a certain sum if he fails to return for trial."

Neither deposit nor collateral is required for this form of release.

If a defendant can't qualify for recognizance or unsecured release, Ward added, he may be released to the custody of a responsible party or organization.

Restrictions may be placed on his travel or place of abode, and other conditions, such as demanding that an alcoholic defendant stay out of bars, may also be imposed.

A personal surety— such as a relative— may be allowed to post the defendant's bond. It is much easier to do this in a federal court than in a Nevada state court, because the federal court may accept the relative's word that he has the assets to cover the bond, and may require him to post only a percentage of the actual cash. If he made a cash bond in a state court, he'd have to post the entire amount.

Generally, Ward said, the deposit is 10 percent— the same amount bondsmen usually charge. But once the case is adjudicated, the relative or defendant who posted that cash gets back nine-tenths of the amount he posted.

If he'd posted bond through a commercial bondsman, he would forfeit all of that 10 percent to the bondsman.

The federal court system is fast. Ward estimated that a man arrested in the late morning would be arraigned and released on his own recognizance, if eligible, the same day. If the defendant feels the bond is too high and wants review, Ward has to review it within 24 hours.

Because the bondsman cannot get a man out of jail on a federal charge much quicker than he can himself, the bondsman is not used nearly so often as he is in a state court.

"I would estimate only about one in five defendants released uses a professional bondsman," said Ward.

The program works.

"I was opposed to it when it was first put into effect," said Carol Fitzgerald, clerk of the U.S. District Court in Las Vegas. "I thought, as a lot of other people thought, that it would let a lot of people out of jail without putting any hold on them to bring them back.

"But they do show up, and we have a lower skip rate by far than the traditional system. Bond skips are almost unheard of in the federal court. We have only about two indictments a year for bail jumping."

One reason for the success of the program, said Fitzgerald, is the defendant usually is released directly into the custody of the person whose money is on the line. This is not usually the case when a professional bondsman is used; while the bondsman is nominally responsible for the defendant's showing up in court, some relative of the defendant usually has guaranteed the bond with a lien on his house or other property.

In federal court, since the bonded person is under the direct supervision of the person who has a financial interest in his showing up, said Fitzgerald, the defendant's whereabouts are apt to be very closely monitored indeed.

A second reason, she said, is a careful screening program in which the court obtains specific answers to certain questions affecting the likelihood of the defendant's reappearing for trial.

The federal program has operated successfully for almost 10 years, and has been imitated in a variety of states and cities. Illinois, spurred by a bail scandal of monumental proportions, was a pioneer. Oregon, Kentucky, and Philadelphia followed Illinois' lead, while other jurisdictions have made the 10 percent system available as an option.

A little more than a year ago, Kentucky went even further, adopting a bonding system which entirely eliminated the professional bondsman.

Except for that difference, it is a refined version of the federal system.

Each court in the state is required to provide pretrial release, investigation, and services to operate in lieu of commercial bondsmen. The 10 percent deposit concept extends even to traffic offenses.

The system does require considerable inter-departmental cooperation; its success required the Kentucky State Police, for example, to develop a means of searching out criminal records on a 24-hour basis for use in setting bond at night.

But the total cost of the program was only $1.5 million for the first fiscal year—$1.2 million less than originally estimated.

Furthermore, the program has received good marks from policemen and judges— groups which, in large part, were skeptical of the program from the outset.

"It has succeeded beyond my wildest dreams," remarked the cynical judge of a Louisville police court.

In his jurisdiction, the program showed a skip rate of less than 3 percent (16 defendants in all) during the first year of operation. All of the skips were misdemeanor defendants. Statewide, the skip rate was even lower— less than 1 percent.

This is particularly interesting because Kentucky is in many ways similar to Nevada. It has only three big population centers compared to Nevada's two, and many residents live in small towns where the bail bond industry was never fully developed and where bonds were set casually by court officials. It is, like Nevada, a state of limited resources. It even shares Nevada's traditions of gambling and rough-and-ready frontier ethics.

The Kentucky plan has not been implemented without its political price. One of those prices has been the price on the head of the governor of Kentucky, who drove the program through the Kentucky Legislature. Police intelligence units in Kentucky and elsewhere learned that attempts had been made to place a contract on the governor's life.

Yet more civilized members of the bail bond industry reacted in quite a different manner. Unable to lick the program, they joined it.

EXHIBIT A

85

Bond system not perfect, but...

(Editor's Note: This is the fifth in a six-part series exploring the controversial bail bond system.)

By A.D. Hopkins
R-J Staff Writer

The commercial bonding system is not without its virtues, nor are the various reform systems without faults.

Nobody is readier to point out both than bondsmen Jane Lodewyck and David Kent.

"I'm glad you asked us about it," said Kent. "Most of the time they don't. In 11 years in the bail bond business, and the several times they've tried to do something about straightening up the business, this is the first time anybody came to me and asked me.

"What they usually do when they appoint a committee to study the criminal justice system is to put a couple of doctors' wives on it, and a couple of young attorneys who have the time to do it because their practices aren't big yet, and are less knowledgeable than they are trying to learn something about it themselves."

Kent paused for effect.

"We think we ought to be represented on any panel they're going to make decisions about bail bonding, not just because we have an admitted vested interest in the subject, but because we know more about bonding than anyone else since we're in the business. They ought to have a few reformed criminals, for that matter."

Right after George Holt took office as district attorney and appointed his chief investigator, Kent said he met with the investigator and told him the bail bond association was willing to meet and discuss any problems. "It's been three years now, and we haven't received the first call yet," Kent said.

"I think our system really does work. Certainly it can stand improvement, and I've been saying so for years. I was saying so before they started the current fracas.

"The first point of the program has to be that there be somebody enforcing whatever rules they have. And the state Insurance Division has finally done something about that, appointing a guy full time to keep track of bail bond businesses.

"The second is that it should be an absolute certainty that a bond cannot be set aside unless you've got the defendant in front of the court. The law is such in Nevada—it has a catch-all phrase—that allows the judge too much leeway in setting aside the bond. And any attorney, or any mother who has co-signed a bond to get her boy out of jail can go before the judge and tell him that she can't afford to pay the money, all she's got to secure it is her house, and they can get that bond exonerated.

"But this defeats the system. I'm certainly not going to go find the guy because I'm protected by having a co-signer against whom I can take action to recover the cost of the bond I may have to forfeit. It's up to the co-signer to go find the defendant—but if they're not going to have to pay the money unless they do, what incentive do they have to go find him?

"Of course, it's very sad if someone loses her property because she wanted her boy out of jail. But doggone it, it was her that wanted him out of jail, and agreed to see that he didn't run off if society would let him out."

Meanwhile, Kent argues the reasons allowed for continuances in a court case should be severely limited or even spelled out: "In jail, in the military, or dead should be about the only reasons acceptable. Maybe if the guy is hospitalized and the attorney can advance proof."

Furthermore, he added, the state could start prosecuting bond skips. "There's been a law on the books for years and it's never enforced," he said.

Kent asserts that most of the complaints about unethical bonding practices and gestapo arrest tactics result from an overpopulation of bondsmen.

"When there are too many people in the business, it gets very competitive, and people are tempted to start writing business that they shouldn't. And when it goes bad, they are out on a limb and have to get the guy back the best way they can.

"I don't see why they can't limit the number of bondsmen on the basis of population. They do that with liquor licenses, for instance."

Kent added that the commercial bonding system seems filled with faults only because it is the only bonding system with which most people are familiar.

"You'll find the alternatives don't work so beautifully either," he said. "Chicago went to a 10 percent system and had to raise the bail for bank driving to $1,500 for in town and $2,500 for people who lived out of town. When it was only $500, and you had the bondsmen working, that was enough. But when people just had to put up $50 with the court, without security, they quit coming back. And they had to raise the price, so that now people have to come up with $150 up front.

"Now the bondsmen's offices have all been replaced with loan shark's offices where you can borrow the 10 per cent."

Jane Lodewyck, current president of the local bail bond association, criticized one common aspect of both the much-admired federal plan and the 10 percent state and city plans based upon it: Both favor the use of unsecured bonds over cash deposits.

"When James Ray Houston (an alleged swindler who disappeared from Las Vegas after his business was exposed) was finally located in Florida and brought back to Nevada, the federal judge released him on $100,000 bond. But that doesn't mean the same thing as $100,000 bond does in a state court.

"Houston actually had to deposit only $10,000 with the court, and if his trial is going bad, he can simply fly off somewhere else. If the people who posted that bond are close enough to him, he could even convince them that he would make the $10,000 good to them. That's feasible for a $10,000 figure.

"But if I wrote that bond, you can bet I'd have at least $100,000 worth of property backing up that bond. His co-signers would actually have to come up with that $100,000 if he flew and that would mean they would help you find him."

She added, "I have bonded people in this town for $5,000 on murder charges. Under a 10 percent system that guy would have to deposit only $500 with the court and he'd be out of jail, with no real security backing the bond. Who is going to go get him for the $500 going to pay the expenses of the person who has to go look for him?"

If the federal system has been successful, she said, it is because it operates under different, and more favorable conditions than does the bond system for district and justice courts.

"The most obvious difference is that there are FBI agents in every major city in the United States who can effect an arrest if somebody here can find out where a fugitive is.

"But if the non-federal courts eliminate bondsmen, they will have to depend on other police departments to

JANE LODEWYCK
...$10,000 for Houston?

make those arrests, and they have plenty to do besides that and will assign it a low priority. Or else we will have to send our own policemen, who are already too short of manpower to do their present duties properly. By cutting into manpower used for their regular duties, a 10 percent system would contribute to crime."

Furthermore, she said, the federal system deals with a light caseload and the almost unlimited resources of the federal government, while local hundreds of cases to a court system that already can't handle the workload it has?" she asked rhetorically.

Finally, she pointed out, the federal system deals with a different sort of offender.

Such federal cases as income tax evasion tend to involve defendants with too much of a stake in the community to risk flight even if faced with a short prison sentence.

"Bank robbery is a federal crime," she conceded, "but murder usually isn't. You don't get lewdness with a child in federal court. You don't get burglary, or incest, or mayhem."

The fact that many defendants have not fled their unsecured bonds on a variety of income tax charges, she said, is no indication they would not be on the first flight to China if charged in an open and shut case of homosexual rape.

Kent also pointed out a problem which reform advocates may not have considered: A pre-trial release program as envisioned by local reformers might not stand a test in court.

"It presents a problem of impartiality," he said. "A lot of people forget that the pre-trial release program we had here was operated by the district attorney's office. If you go to a 10 percent program, the screening for that program is apt to be done in the same way. So you have the man who is responsible for prosecuting you also responsible for deciding whether you are going to be free to help prepare your case. I question the legality of that."

Besides, he added, "The particular district attorney we have now, George Holt, is one of the most honest men I've ever seen. But he is also a very vindictive man, and I would not like to be in the position of a defendant he had made up his mind was guilty under a system like they're talking about."

On another issue, Lodewyck defended the bondsmen's association against charges of political influence, saying, "We do contribute. But you have to remember that we are not only bondsmen but fathers and mothers and property owners. Even though we make our living off crime, we are strongly against it. And we support candidates for judgeships as much because they will make good judges as because they will understand our positions as bondsmen."

One bondsman, who asked not to be identified "because I still have to do business with these judges," suggested, "If judges are so darned subject to being corrupted by political contributions, why not make them appointed judges?"

Kent, who is under investigation by the state Insurance Division for his role in the Judge Robert Mullen tax evasion/bribery scandal, commented, "Please remember...that bondsmen do not have to be corrupt. Before you have a corrupt bondsman, you must have at least one corrupt public official, such as a judge.

"It should be possible to remedy most of the evils of our system without abolishing it; and remedies already exist for most of those problems if the people in power will simply use them."

Mullen continues to collect salary

With limited exceptions, "the proceedings of the commis-

Laxalt to head fight

son.

There i[redacted] about it, I have lost not only one, but two steps now when I head for the refrigerator during a timeout or a commercial.

These hands aren't the same as in years past. I could turn the sound up on one set, catch a team scoring on another set nearby and turn on the radio right at a new kickoff time.

Now, I miss certain plays because I can't move as fast in the bathroom. In years past, say at 32, I could hit the bathroom, the fridge, open a beer and never miss a play. It's different now.

For example, I went to the kitchen during that gusto commercial where a guy and a mountain lion are talking to someone off camera. In years past, I could have made a sandwich and been back in front of the TV just in time for announcer Curt Gowdy to make another mistake. But last Sunday when I tried it I fumbled the cheese, slipped on our artificial turf in the hallway and got back just in time to miss a Stabler to Casper pass that put Oakland within striking distance of Denver.

Why, you should have seen me at 28. I would have caught that cheese in mid-air, sidestepped the cat and bounced into the Lazy-boy recliner before the announcer said, "If you don't have gusto, you don't have beer."

My wife says she isn't going to pick up my option if I can't cut back on some of the games. But it isn't that easy to get away from the thrill of victory and the agony of defeat.

She pointed out that after Monday night's final game between Arkansas and Oklahoma that my eyes were so bloodshot that I should donate them to the blood-bank.

Little did she know that it wasn't all from watching television. I had also secretly blinked back many a tear that long afternoon because I was playing the favorites.

Well, on Jan. 15 I'll be there. I might not be as ready as in years past, but at Super Bowl kickoff time I'll get myself up for it.

It's tough and dangerous, this football TV watching, but then that's the way it is when you walk the tightrope.

A little traveling music, Otis. Oh, any old marching band tune will do.

Bail bondsmen aren't 'Mr. Nice Guys'

Editor's note: This is the third in a six-part series exploring the controversial bail bond system.

By A.D. Hopkins
R-J Staff Writer

— A bail bondsman spots a bail-jumper in court as a witness in another case. He tackles the former client, wrestles him to the floor, and handcuffs him.

— A bondsman arrests a bail jumper in Southern California. He brings him back to Las Vegas—locked in the trunk of his car.

— A bondsman jams a loaded .45 automatic against a bail-jumper's head and threatens to blow his brains out unless he comes along to be put in jail. The threat is made in front of the defendant's mother.

Local legend and the literature of bail bond reform is full of such examples, based on the widespread knowledge that bondsmen enjoy powers of arrest without warrant or attention to many of the other niceties policemen must observe.

Those extraordinary powers are founded in the concept that a bondsman's custody is merely an extension of the jail from which a defendant has been released. According to this theory, the bondsman is entitled to use any means he must to assure that the defendant does not escape this wall-less cage of custody—including shooting him.

But such colorful stories miss the point of the movement toward reform.

"The fact they can recapture a prisoner anywhere or any way they want to is really the best thing about the system, rather than an abuse," said one policeman. "If the bondsman couldn't do that, I'd have to go after the guy, and I have to go by some rules. And I don't have time, anyway."

But an equally experienced policeman said, "I don't see that bondsmen are doing us any big favors by bringing in prisoners. Those guys wouldn't be out of jail if the bondsman hadn't let them out in the first place. All they do in bringing a guy in is clean up their own mess, and they don't always do that."

When bondsmen do recapture subjects who have failed to appear in court, it's almost always done without a gun. "I usually find out what bar he's in, and go down there and tell him, 'Get your ass down to court, wise guy. I want your bond!'" says bondsman David Kent.

When the defendant is disinclined to report to face the music, he may be threatened. But the most effective threat is a legal one: "If you don't go to court you won't ever get me to bond you again. And the word gets around. You won't be able to make bond with anyone else."

Most bondsmen have permits to carry pistols, but some don't bother. "I don't want the grief," said Kent. "I'd rather use my wits. I'll walk up to a guy in a bar, put the cuffs on him before he knows it. Or if he knows me I'll tell him I have another paper for him to sign until I can get close enough to him to grab him.

"Once a guy from a utility company left an identification badge in my office, and for a long time I would use that badge to get into houses to make an arrest. Anything to get close to him."

A newsman who has covered all aspects of the criminal justice system commented, "Bondsmen tend to be crude in their methods, but they don't deal with many nice people. And remember this: The ones that use the crude methods are the least nice of the bunch."

He added, "Obviously you get to replace those bondsmen had better be willing to use those same methods, or a lot of guys just aren't going to court."

The commercial bonding system does offer many opportunities for consumer ripoffs.

A bondsman who decides that he would rather not be responsible for a defendant's future court appearances may turn him back in without explanation. He gets to keep the fee he charged for getting him out. This makes it possible for a dishonest bondsman to bail out a poor risk just to get the fee, then turn him back in immediately.

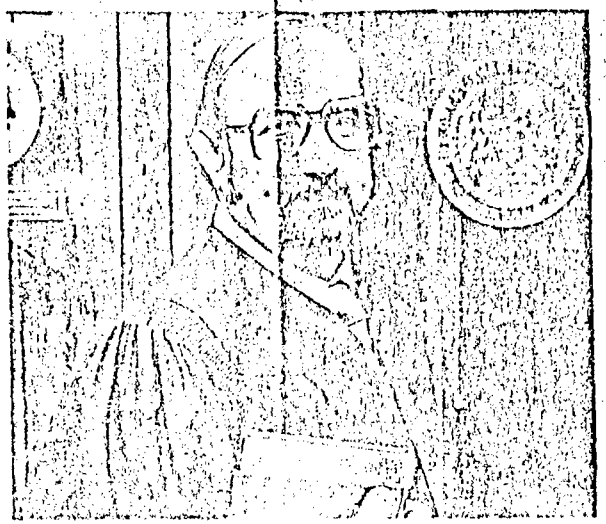
One court official remembered this case: "A kid was arrested for the first time on some offense for which the bond was $5,000. He called his dad and said to get him out.

"His dad went to a bondsman with $5,000. The bondsman took the $5,000, explained that the bondsman's fee is 10 percent, and got dad to cough up another $500 to him. All he did for that $500 was walk across the street and deposit the $5,000.

"He did not risk $5,000 of his own money, which is what he's supposed to do for that $500 up-front fee. An honest man would have told the father that he could put that $5,000 up himself, and if the boy showed up for court he'd get it all back—without paying that $500."

Such episodes are more common in legend than actuality. One ex-drug addict said, "I never felt my bondsman took advantage of me; I never heard much about any bondsman doing that to anybody, though I was pretty stoned all the time back then. But I regarded my bondsman as my best friend. He got you out of jail, man."

She added, "I remember that the guy I was going with put up a house to guarantee our bond once. We lost the house as a result. But the point is, the bondsmen tried every way he could think of to make it possible for us to keep the



SEYMORE BROWN
...bondsman's bargain

outright bribes or loans that were not paid back. What the bondsmen allegedly got for their money was favorable treatment on bond matters—exonerations of bonds which a stricter judge might have collected, for example.

But the Mullen case was only the most recently exposed in a long series of sweetheart relationships between Las Vegas bondsmen and local judges.

Robert Reid, a Las Vegas township justice of the peace, was voted out of office in 1972 following a series of unfavorable revelations. These included accusations that Reid had a more than casual interest in the operations of a local bonding company whose profits he could himself affect by exonerating bonds the company normally would have had to pay.

On his last day in office, Reid exonerated about $25,000 worth of bonds to Burton Bail Bond Co. Roy Woofter, then Clark County District Attorney, claimed Reid did that without consulting the district attorney's office, which is supposed to get a chance to argue against exoneration.

In 1971 a Henderson justice of the peace, Delwin Potter, was accused of harassing four police officers when they tried to serve warrants in a west Las Vegas bar. The bar was owned by Elbert Lyles, a Las Vegas bondsman who was also involved in the incident.

That incident blew over, but Potter was later removed from office after being convicted of income tax evasion.

In other jurisdictions, bondsmen often pay police officers to recommend their bonding companies to arrested prisoners. Jail intake personnel sometimes become so involved in supporting their favorite bondsmen that a prisoner, guaranteed the opportunity to make one phone call, finds it far easier to make if that call is to the bondsman of the jailer's choice.

"We kept getting reports that this was going on here too," said a policeman formerly stationed in the Clark County jail. "We investigated as thoroughly as we knew how and were never able to prove it. It is very much against the rules for a Las Vegas Metropolitan Police officer to make a recommendation, even if he is doing it because he thinks that particular bondsman is the best.

"The rule exists to avoid the appearance of corruption, which is harmful in itself even where actual corruption doesn't exist."

Furthermore, the commercial bond lobby is a potent political force whose muscle, even when wielded in a fair and legal manner, may bring about decisions not necessarily in the public interest.

Municipal Judge Seymore Brown, for example, has caused some lifted eyebrows with his practice of demanding that a bondsman forfeit only the amount a defendant would be fined on a traffic violation—say $50—rather than the full amount of a defendant's bond, which might be as much as $250.

Brown said the practice was not exactly a campaign promise, but does remember stating "that if I were going to fine a defendant only a certain amount for something, I wouldn't charge a bondsman five times that amount because he didn't show up."

In a traffic case, said Brown, a moderate bond forfeiture serves the interests of justice. "It isn't done that routinely, and it isn't done that often," he added.

But when it is done, it costs the public money which technically is supposed

GEORGE HOLT
...reform pressure

THALIA DONDERO
...can we afford it?

ute up to $500 each without the candidate being required to report it under Nevada's contribution law.

How much influence such contributions buy is uncertain. But the suspicion exists that it a considerable amount.

"A single bondsman contributed approximately $5,000 to the campaign of one candidate for justice of the peace," said one politician. "That is one huge amount from a single businessman and you have to consider that the guy is going to expect something for his money. Fortunately, the candidate wasn't elected."

Bondsmen contributed to the campaigns of those county commissioners who voted down the pre-trial release program; they have figured behind the scenes in races for district attorney and for district judgeships.

The conflict of interest is obvious, and when Sen. William Hernstadt introduced to the 1977 Nevada Legislature a bill which would have outlawed such contributions in judges' races, it passed the senate with flying colors.

But because the bail bond industry is private enterprise, the bill was referred to the Assembly Commerce Committee—and died there.

"I don't really hold much hope for significant reform as long as the Commerce Committee is headed by Assemblyman Harley Harmon," remarked Hernstadt bitterly. "The bondsmen have too strong a hold on him."

But Harmon snorted, "The bondsmen were actually for Hernstadt's bill. We didn't pass it for a lot of other reasons. In the first place, it set a bad precedent. If you say bail bondsmen can't contribute to a judge's campaign, are you going to say that lawyers can't either? After all, lawyers have an even bigger interest in a judge's decisions.

"And in the second place, how are you going to enforce the law? I think there is an obvious need for laws to clean up the industry, and I'll support laws—but only laws that I think will work."

Hernstadt suggested Harmon will get his chance in the 1979 Legislature. He'll offer a more complete bill early in the session, when there's plenty of time to amend it into something Harmon deems "workable."

Most of the pressure for reform has come from District Attorney George Holt, who claims that for whatever reason, far too many bonds are exonerated by judges.

Holt has assigned a specific assistant district attorney—Ernest Roark—to argue all bond forfeitures, and now keeps records of how many of these motions for forfeiture are granted.

The records show that from January to November of 1977, certificates of intention to forfeit were filed on bonds amounting to $1,046,850, and judges denied forfeiture or exonerated $684,950 worth of them, while granting forfeitures on only $42,100.

The justices reinstated bonds worth $228,900 on defendants who did not show up for an appointed court date at least once.

The main thing the records prove is the amount of money involved.

They do not prove much else. Because of the peculiarities of a court record-keeping system which was designed to produce other kinds of information, the figures for forfeitures the judges have specifically denied have been lumped together with those that have been exonerated in a routine and proper manner. Nor are reinstatements broken down as to the circumstances for reinstatement.

County Commission Chairman Thalia Dondero said there has been some discussion in county government of setting up a record keeping system which would give decision-makers more meaningful data. But doing that will cost money, and no firm action has been taken.

Fatal Glass of Beer," Centerama Theater, 2 and 8 p.m.

College Basketball

New Mexico at UNLV, Convention Center, 8:15 p.m.

SUNDAY

Art Exhibit

Multi-media exhibits by Clark County Art Specialists, Las Vegas Art Museum, through Feb. 3.

Film

"Herbie Rides Again," (for the deaf), Flamingo Library, 2 p.m.

Awards Show

Entertainers of the Year awards, Caesars Palace, 4 p.m., doors open at 3:30 p.m.

TUESDAY

Concert

Young Audiences Concert, Moapa Valley Elementary, noon.

High School Basketball

Western at Basic, Eldorado at Rancho, Chaparral at Vo-Tech, Valley at Gorman, Clark at Bonanza, all games 7:30 p.m.

Lecture

Lungs, Asthma, and Emphysema, by Roger P. Ward, D.C., UNLV Wright Hall, Room 103, 7:30 p.m.

THURSDAY

Play

"Finishing Touches," The Meadows Playhouse, 8 p.m.

Play

"Gingerbread Lady," Little Theater, Grant Hall, UNLV, 8 p.m.

Sen. Lamb 'satisfactory' after surgery

State Sen. Floyd Lamb is resting comfortably after an emergency appendectomy at Sunrise Hospital Thursday, a hospital spokesman reported.

The senator, brother of Clark County Sheriff Ralph Lamb, was reported in satisfactory condition after surgery about 12:15 p.m. Thursday.

According to the spokesman, Lamb was rushed to the hospital about two hours before surgery. Emergency room doctors diagnosed his symptoms as an appendicitis attack.

The spokesman said the surgery was successful, and there were no complications.

...Clark County School District Trustees Monday?

That was the question asked Thursday by some members of the Clark County School District Trustees in a 20-minute debate about tennis balls.

Trustee Janet Sobel first questioned the need for the $5,900 purchase for 800 dozen balls.

The item was included in a routine list of purchase orders. Associate Superintendent of Business Edward Greer explained that the balls are used by junior and senior high school students in physical education classes and in competitive sports.

Board President Helen Cannon, a sports enthusiast herself, stated, "Actually, this is a very cheap price for tennis balls."

Vice President Connie Larsen felt the large number of students should be required to purchase their own equipment.

And finally, Deputy Superintendent John Paul assured trustees that he would look into the matter along with Greer.

"Perhaps someone will have to pass judgment on this," he added.

Bond system elimination unlikely

(Editor's Note: This is the last in a six-part series exploring the controversial bail bond system.)

By A.D. Hopkins
R-J Staff Writer

Which way should Nevada go for bail reform?

Should it follow the lead of Kentucky and eliminate the professional bondsman entirely? Or should it seek a less drastic solution to the inequities, corruption and brutality of the present system?

"Eliminating the professional bondsman may be a worthwhile goal, but in Nevada I don't think it is a realistic one," said Deputy District Attorney Tom Beatty.

That statement, coming from Beatty, should be given great weight, for Beatty has been one of the leading local advocates of bail reform and helped author reform bills for the 1977 Legislature (which didn't pass them.)

Unlike Kentucky, Beatty noted, southern Nevada has a highly transient population, while traditionally-stable northern Nevada is now acquiring the same characteristic.

And a certain percentage of the people who get in trouble in this tourist town don't even live here. So the professional bondsman's services will continue to be necessary, at least for these cases, said Beatty.

There are strong arguments for utilizing as much of the commercial system as can be incorporated in a reformed system.

"There is no question that a system of depositing money with the court, like we use in the federal courts, takes money out of the economy," said Carol Fitzgerald, clerk of the U.S. District Court in Las Vegas. "We may have as much as $150,000 in our bank accounts at a time, and this is not a large court. When you start talking about all the courts in the state using this system, you're talking about a significant amount of money."

That comment, too, comes from a person who believes the federal system works.

But money on deposit isn't really out of circulation in the sense that it would be if it were buried in the judge's backyard, one legislator noted. It is deposited in the court's accounts and produces interest to offset the expenses of justice; it constitutes an asset for the bank, which can make the money available to borrowers.

The administration of a deposit system, said Fitzgerald, shouldn't be beyond the capabilities of even the smallest county in Nevada.

"The main thing you had better have is a good system of checks and balances, because you handle a lot of cash," she said. "If the bookkeeping of the court clerk's office isn't so sophisticated, the county clerks ought to be able to handle it."

Without such safeguards, it seems a lead pipe cinch that any reformed system involving cash deposits would sooner or later be racked by scandals equal to those which have discredited the present bail system.

A great deal can be accomplished without major DA's office, said, "We feel a statute should give definite guidelines as to what bonds can be exonerated. We feel it should eliminate hardship as a reason for exoneration, unless that hardship results from some unforseeable circumstance."

The law should also provide a definite limit to the length of time a bond can be continued unforfeited once a defendant has failed to keep a court date, said Roark.

"I would think that 30 days would be plenty of time for a bondsman or co-signer to produce the defendant if they were ever going to do it. I used to practice in Oklahoma, and they allowed us only 10 days there."

Some conditions, he added, can be improved merely by reopening dialogue between judges, bondsmen, and the district attorney's office.

"It sometimes happens that a bench warrant will be issued for a defendant, and the defendant will show up a couple of days later and fill out a motion to quash that order, and the judge will grant it. We feel the bond should still be in effect.

"But at the same time the bondsmen have a legitimate argument that they ought to be notified about that motion to quash before it is granted, so that they have the opportunity to surrender the defendant or at least re-establish contact with him.

"After all, he has missed his court date, and if the bondsman knows it wasn't for good reason, he should have the right to reconsider whether he wants to stay on the guy's bond."

MIKE SLOAN
...push for change

Procedures to settle that problem are to be ironed out in a meeting which should have taken place by the time you read this.

Insurance Commissioner Dick Rottman some two months ago assigned a "task force" of Nevada Insurance Commission personnel to audit the state's 25 bail bonding agencies. Since the Municipal Judge Robert [illegible] tax evasion/bribery trial, he has issued show cause orders aimed at yanking the licenses of three bondsmen who admitted making gifts or loans of cash to the judge.

The investigation has actually been in progress for more than a year, Rottman said in an interview. He is concerned that non-licensees may be selling bonds, which makes it hard to regulate," he said. "And there has been tremendous abuse of collateral— a car or a ring which is taken and used by the bondsman and in some instances disposed of before the bond has been exonerated."

Pat Rottman is no longer a hardnock advocate of the 10 percent system.

"If you'd asked me five years ago, I would have advocated it, and one reason I would have is that it would get rid of professional bondsmen. But now we've seen some of these deposit systems develop problems of their own. And if you do get rid of bondsmen, you must set up some system associated with the courts themselves. I'm not sure the Legislature is going to buy that."

Las Vegas City Attorney Mike Sloan asked for and got authorization from the Las Vegas City Commission to appoint a panel of citizens to look at the bond issue and seek solutions.

Despite the bondsmen's expressed wish that they be included in such a panel, they will not be.

"I may be criticized for that, but I feel when you're looking a somebody's practices that person is not going to be objective enough to be on the panel," Sloan said. "This group is going to be subject to the open meeting law anyway, so they can be there, and they will have all the opportunity they want to present their viewpoints."

Sloan added, "I don't have the answers to the bail bond question. If I did I wouldn't be appointing a panel. But I could suggest that a ceiling on campaign contributions is not as useless as some have depicted it. Or you might require judges to report any contribution over $50. This would remove one of the excuses they can use to camouflage bribes: They can't call them campaign conributions if they don't report them."

Sloan said the committee might also want to look at Municipal Judge Seymore Brown's proposal for a "drivers license bond" system.

"Our biggest failure-to-appear problem in this court is with traffic offenders on traffic charges. They're more scared than other defendants, you see. But just because they are higher risks, you can't very well haul every traffic offender downtown and book him and bond him. What the police have been doing is citing them and getting their signature on an agreement to appear.

"But what they're doing in some jurisdictions is taking the guy's driver's license. If he doesn't show up, you still issue a bench warrant, and you also send his driver's license to the state Department of Motor Vehicles. That's so they won't issue another.

"In a day when you use a driver's license for everything from cashing a check to buying beer, this is effective. It may not be foolproof, but it is enough trouble to get around it that most people had rather show up in court."

One problem that Nevada almost certainly cannot solve—and one most Americans seem to find most offensive—is shared by both traditional and reform methods of bonding.

Too many defendants commit other crimes while free on bond.

Courts have held repeatedly that a person is entitled to be released pending trial. The court decisions are rooted firmly in constitutional law.

"I think the whole country needs to look at the whole concept of bail," said U.S. Attorney Mahlon Brown. "I'm not so sure there should be a constitutional right to bail. Our system has grown so violent that we may not be able to afford it in many cases.

"And if public opinion continues to change according to the present trend, a constitutional amendment will soon be politically feasible."

That decision will be made in Washington. But whatever decision is made in Nevada, the days of the present bail bond system seem numbered.

A recent decision of the U.S. Court of Appeals, Fifth Circuit, held that system illegal because it discriminates unfairly against indigent defendants. The case at that involved a reformed system in which professional bonding was not necessarily the only option available to the defendant.

The court held the system unfair specifically because it did not establish any leads as the last resort to which a judge might turn.

At least one Las Vegas attorney is ready to boost reform along by giving Nevada its own bail bond lawsuit. "We are not required to design a system just like the federal one," said Alan Andrews, a former assistant U.S. attorney. "But we are required to devise a system which treats rich and poor alike. And the next time I have a client who has been kept in jail because he couldn't afford bail, I'm going to file."

Not only law, but public opinion, pushes for change. Legislators seem ready to listen.

"The free enterprise system is what made this country great," said an Assembly veteran. "But I don't think its place is in the justice system. Justice isn't supposed to depend on the profit incentive."

EXHIBIT B

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU
LEGISLATIVE BUILDING
CAPITOL COMPLEX
CARSON CITY, NEVADA 89710

ARTHUR J. PALMER, *Director*
(702) 885-5627

LEGISLATIVE COMMISSION (702) 885-5627
DONALD R. MELLO, *Assemblyman, Chairman*
Arthur J. Palmer, *Director, Secretary*

INTERIM FINANCE COMMITTEE (702) 885-5640
FLOYD R. LAMB, *Senator, Chairman*
Ronald W. Sparks, *Senate Fiscal Analyst*
William A. Bible, *Assembly Fiscal Analyst*

FRANK W. DAYKIN, *Legislative Counsel* (702) 885-5627
JOHN R. CROSSLEY, *Legislative Auditor* (702) 885-5620
ANDREW P. GROSE, *Research Director* (702) 885-5637

January 30, 1979

TO: Senator William H. Hernstadt

FROM: Donald A. Rhodes, Chief Deputy Research Director

SUBJECT: States Permitting Banks To Remain Open On Weekends

This is in response to your request for a listing of states which permit banks to remain open on weekends.

I spoke with Eric Oxfeld, Assistant State Legislative Counsel for the American Bankers Association, who advised me that only Nevada and Idaho require banks to close on Saturdays. In all the other states, banks have the option to close or remain open either a half day or full day.

The matter of Sunday closing appears to be less certain. According to Mr. Oxfeld:

10 states have laws expressly requiring banks to close on Sunday.

Another 18 states have laws prohibiting anyone from working or transacting business on Sunday; these laws are riddled with exceptions, but none exempt banks. Four of the 18, however, give counties the option to waive the Sunday closing law.

1 additional state requires banks to close on Sunday, in specific parishes only - Louisiana.

2 states permit banks to open on Sunday - Alaska and Michigan.

In the remaining states, the law is fairly murky. In these states there are no statutes requiring banks to close on Sunday, or prohibiting working or business in general on Sundays. As a general legal principal any action that would be lawful if performed on a week day is lawful if performed on Sunday, absent the statute to the contrary.

Jordan Crouch, of the Nevada Bankers Association, also communicated with Mr. Oxfeld and will be receiving the information on other states'bank closing laws by letter. We did not want to wait for the mail and, therefore, Mrs. Payne, Research Secretary, took down a dictated version of the letter being sent to Mr. Crouch over the telephone. A copy of the letter, which details other states' weekend closing laws, is enclosed.

DAR/llp
Enc.

January 30, 1979

This is in response to your inquiry concerning Saturday and Sunday closing laws.

According to information in our files, only Nevada and Idaho require banks to close Saturdays. In other states, banks have the option to close or remain open either a half day or whole day.

On Sundays, the procedures is less certain since we have no information on Sunday closings. I have prepared a "quick and dirty" survey of the 50 states' codes. Although this survey cannot be considered exhaustive it does reflect the general status of state laws at this time.

The survey does not cover (1) state law on the validity on instruments drawn on Sunday, or (2) state law prohibiting banks from remaining closed for three consecutive days. My findings may be summarized as follows:

10 states have laws expressly requiring banks to close on Sunday.

Another 18 states have laws prohibiting anyone from working or transacting business on Sunday; these laws are riddled with exceptions, but none exempt banks. Four of the 18, however, give counties the option to waive the Sunday closing law.

1 additional state requires banks to close on Sunday, in specific parishes only - Louisiana.

2 states permit banks to open on Sunday - Alaska and Michigan.

In the remaining 19 states, the law is fairly murky. In these states there are no statutes requiring banks to close on Sunday, or prohibiting working or business in general on Sundays. As a general legal principal any action that would be lawful if performed on a weekday is lawful if performed on Sunday, absent the statute to the contrary.

> Although it has been said that the common law received the sanctity of the Lord's Day, at common law, the observance of Sunday is a duty of imperfect obligation; all prohibition of ordinary business on the day comes from statute, and, aside from judicial transactions, will act not otherwise unlawful and not prohibited by statute may be lawfully done.
>
> 83 CJS 797 Sunday Section 4, @ 803 (footnotes omitted).

It must be cautioned, however, that state practices may not follow this precept. Also, state law governing the validity on contractural agreements reached on Sunday may effectively prohibit banks from staying open on Sunday. For example, in Arkansas, business transacted on a Sunday is not considered binding unless ratified on a business day. (Arkansas Banking Department Manual 116.)

Several states that require banks or businesses to close on Sunday do provide limited exceptions for unmanned machines - Alabama, Maine and Texas.

I hope this information is helpful in reviewing the subject of Saturday and Sunday closing laws. Please let me know if I may be of any further assistance.

Eric Oxfeld
Asst. State Legislative Counsel
American Bankers Assn.
1130 Connecticut Avenue, N.W.
Washington, D.C. 20036

January 26, 1979

SUNDAY CLOSING LAWS FOR BANKS

I. BANKS REQUIRED TO CLOSE ON SUNDAY:

Alabama
Georgia
Idaho
Maryland
Nevada
Pennsylvania
South Carolina
Texas
Vermont
Wisconsin

II. BANKS IN CERTAIN LOCALITIES REQUIRED TO CLOSE ON SUNDAYS.

Louisiana (enumerates parishes - Sunday is legal holiday)

III. TRANSACTIONS OF BUSINESS IN GENERAL PROHIBITED ON SUNDAY AND NO EXCEPTIONS FOR BANKS

Connecticut
Kentucky
Maine
Massachusetts
Minnesota
Mississippi
Nebraska
New Jersey
New York
North Dakota
Oklahoma
Rhode Island
South Dakota
Tennessee

IV. SAME AS III BUT COUNTIES HAVE THE OPTION TO PERMIT BUSINESS ON SUNDAYS

New Hampshire
North Carolina
Virginia
West Virginia

(Closing on legal holidays permissive in North Carolina and Virginia but Sunday not enumerated legal holiday.)

V. BANKS EXPRESSLY PERMITTED TO OPEN SUNDAYS

Alaska (Sunday is legal holiday; closing on legal holiday is permissive)

Michigan (Op. A.G. Permits Sunday Business By Banks)

VI. SUNDAY IS A LEGAL HOLIDAY BUT STATUTES ARE SILENT WHETHER BANKING OR GENERAL BUSINESS ON SUNDAY OR ON LEGAL HOLIDAYS IN GENERAL

Arizona
California
Florida
Indiana
Montana
Oregon
Utah
Washington

VII. BANKS PERMITTED TO REMAIN OPEN ON LEGAL HOLIDAYS, BUT SUNDAY IS NOT ENUMERATED LEGAL HOLIDAY

Arkansas (Transactions on Sunday must be ratified on next business day)
Wyoming
Delaware
Ohio

VIII. SUNDAY IS NOT ENUMERATED LEGAL HOLIDAY, NO LAW REQUIRING BANKS OR BUSINESS TO CLOSE SUNDAY OR ON LEGAL HOLIDAY IN GENERAL

Colorado
Hawaii
Illinois
Iowa
Kansas
Missouri
New Mexico
(D.C. is in this category also - federal law)

The above totals 50 states.

<u>The following states permit limited Sunday business by banks</u>:

Alabama - Unmanned cash dispenser machines may operate 7 days a week, 24 hours a day.

Maine - Sunday closing law accepts machines that vend . . . money or services.

Nevada - Superintendent has authority to permit "limited services."

Texas - A.G. Opinion - Unmanned cash dispensing machines may operate 7 days a week, 24 hours a day.

Also, New Mexico (see Supra): ATM may be open on holidays. Sunday is not enumerated holiday.

STANDARD SERVICE FEE
(Does not include Limousine service) $ 864.00

PROFESSIONAL SERVICES

Death Call - Personnel & vehicle from place of death (local) to Mortuary	$ 30.00
Initial care of body (Embalming or care with refrigeration).	150.00
Dressing; cosmetic and restoration work; hairdressing	50.00
Funeral arrangement director - Arranging details with family, etc.	60.00
Clerical services - For the extensive necessary paperwork.	35.00
Securing and filing death certificate and burial/transit permit.	20.00
Funeral Directors - Directing chapel, church or graveside funeral.	50.00
	$ 395.00

II. FACILITIES (specific)

Use of reposing room	25.00
Use of chapel (including organist); or, transfer of casketed remains, equipment, personnel, etc., to a church or lodge for funeral service	100.00
	$ 125.00

III. READINESS TO SERVE

The items listed below are constant expenses and contribute heavily to our overall cost of doing business. Since they are constant, they cannot be deleted in any one case (as some of the items of professional service listed above cannot be deleted). $ 344.00

1. SUPPORT STAFF - salaries
   Receptionists, switchboard operators, assistants for Funeral Directors, janitors, management supervisors, special drivers, bookkeepers, clerks, secretaries, assistants to the morticians, plus the cost of group insurance, employers Social Security contributions, unemployment insurance, industrial insurance on these employees as well as the professional employees.
2. EQUIPMENT
   Operating room equipment, funeral paraphanalia, special building furnishings, office equipment, other necessary vehicles, which may include a funeral coach and/or a flower van.
3. GENERAL BUILDING AND FACILITIES (other than Chapel and Reposing Room)
   Initial cost of entire properties and building facilities, general supplies; telephone, electrical and gas services; furnishings and fixtures, taxes.
4. OTHER COSTS
   Accounting fees, office supplies, postage, legal fees, licenses, vehicle maintenance, collection expense, due and subscriptions, business promotion, public information.

BASICALLY, THE STANDARD SERVICE FEE IS THE CHARGE MADE TO RECOVER THE COST OF OPERATING THE MORTUARY AND FOR SPECIFIC PROFESSIONAL SERVICES RENDERED.

(Limousines are optional. If needed or requested, an additional charge will be made.) ($ 35.00)

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU
LEGISLATIVE BUILDING
CAPITOL COMPLEX
CARSON CITY, NEVADA 89710

ARTHUR J. PALMER, *Director*
(702) 885-5627

EXHIBIT C

LEGISLATIVE COMMISSION (702) 885-5627
DONALD R. MELLO, *Assemblyman, Chairman*
Arthur J. Palmer, *Director, Secretary*
INTERIM FINANCE COMMITTEE (702) 885-5640
FLOYD R. LAMB, *Senator, Chairman*
Ronald W. Sparks, *Senate Fiscal Analyst*
William A. Bible, *Assembly Fiscal Analyst*

FRANK W. DAYKIN, *Legislative Counsel* (702) 885-5627
JOHN R. CROSSLEY, *Legislative Auditor* (702) 885-5620
ANDREW P. GROSE, *Research Director* (702) 885-5637

January 30, 1979

TO: Senator William H. Hernstadt

FROM: Donald A. Rhodes, Chief Deputy Research Director

SUBJECT: States Requiring Itemized Listing of Funeral Costs

This is in response to your request for a listing of states which require funeral directors to provide itemized listings of the total cost of funerals.

Based on my communication with the National Funeral Directors Association, (414) 276-2500, and a quick review of certain other states' statutes, it appears as though California, New York, Minnesota and Connecticut require such an itemized listing at the time funeral arrangements are made. Florida requires a listing only if it is requested. Copies of the pertinent statutes are enclosed.

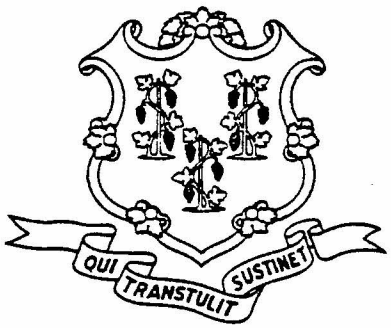
DAR/llp
Enc.

EXHIBIT D

THE GENERAL STATUTES OF CONNECTICUT

REVISION OF 1958

Revised to January 1, 1979



VOLUME V

Published by Authority of the State

EXHIBIT D

profession of embalming or the sale of funeral merchandise in or on any cemetery or tax-exempt property.

(1949 Rev., S. 4548; 1951, S. 2267d.)

Sec. 20-230a. Price list of available services and merchandise. Purchaser's rights. No licensed funeral director or licensed embalmer shall offer to sell services to arrange for or conduct funerals or offer to sell any merchandise used in connection with a funeral without first providing the purchaser of such services or merchandise with an itemized price list of all available services and merchandise and every such purchaser shall also be informed by such funeral director or embalmer, prior to entering into any sales agreement, of the right to select only such services or merchandise which the purchaser so desires.

(P.A. 77-219, S. 1.)

Sec. 20-230b. Statement of prices for requested services and merchandise. Method of payment. Cash advanced. No person engaged in the business of funeral directing and no licensed funeral director or licensed embalmer shall fail to provide the person making funeral arrangements or arranging for disposition of a dead human body, at the time funeral arrangements are completed and prior to the time of rendering service or providing merchandise, a written statement indicating to the extent then known: (1) The price of the service that the person has selected and what is included therein; (2) the price of each supplemental item of service or merchandise requested; (3) the amount involved for each of the items for which the funeral firm will advance money as an accommodation to the family of the deceased; and (4) the methods of payment. No person engaged in the business of funeral directing and no licensed funeral director or licensed embalmer shall bill or cause to be billed any item that is referred to as a "cash advanced" item unless the net amount paid for such item by the funeral firm is the same as is billed by the funeral firm.

(P.A. 77-219, S. 2.)

Sec. 20-231. Certain practices forbidden. (a) No applicant for an embalmer's license or a funeral director's license shall present to the board any written statement, signed either by himself or any other person, which is misleading or untrue.

(b) No licensed funeral director or licensed embalmer shall, directly or indirectly, offer or give any money or other valuable consideration to any person who is not a licensed funeral director, a licensed embalmer, a registered student embalmer or a registered student funeral director, for soliciting, suggesting, advising, requesting or inducing any person to employ him as a funeral director or embalmer.

(c) No person shall receive, directly or indirectly, any money or other valuable consideration for soliciting, suggesting, advising, requesting or inducing any person to engage, employ or arrange with any licensed funeral director or licensed embalmer for the funeral of any person or burial of any deceased body.

(d) No person, except a licensed funeral director or licensed embalmer, shall advertise on any billhead, sign or card, or orally, or in any other manner, that he is competent, willing or desirous to arrange for or to conduct funerals.

West's
FLORIDA STATUTES ANNOTATED
Official Classification

Vol. 15A
§§ 454 to 472.

Cumulative Annual Pocket Part

For Use In 1979

Replacing prior Pocket Part in back of volume

Including Legislation Enacted Through
The Second Regular Session and
D Special Session Of The
Fifth Legislature (1978)

ST. PAUL, MINN.
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EXHIBIT D

470.23 Repealed by Laws 1976, c. 76-168, § 3, eff. July 1, 1979. [See § 11.61]

470.235 Duty of funeral directors, etc., to provide itemized billing [Repealed by Laws 1976, c. 76-168, § 3, eff. July 1, 1979. See § 11.61]

(1) Every licensed funeral director and funeral establishment shall furnish, upon request at the time funeral arrangements are made for the care and disposition of the body of a deceased person, to the person or family making the arrangements, a list of the services and merchandise to be furnished for such price, with the price of each item of such services and merchandise set forth for every item and a statement of the cash disbursements and expenditures to be advanced. If the amount of any item involving cash disbursements is not known at the time of the arrangements, the list is not required to specify the amount, but the purchaser shall be advised of the amount within a reasonable time after it becomes available.

(2) Such statement shall include:

(a) The name of the deceased and the date of death;

(b) The relationship to the deceased of the person making arrangements; and

(c) The price of the funeral together with a list of the following items, where furnished, for such price, whether such items be known under the following titles, designations or otherwise, with the price for each item set forth for each such item:

1. Professional services including those of the funeral director and his staff and assistants for carrying out all details in connection with services, arrangements, and supervision.
2. Care of the deceased including the embalming or other preparation of the deceased.
3. Facilities and equipment.
4. Automotive equipment.
5. Merchandise, including the casket, outer receptacle, and clothing.

(d) An itemized statement of cash advances and expenditures to be advanced or estimate of such charges if the exact cost is not known.

(3) Every licensed funeral director and funeral establishment is required to quote clearly, conspicuously, and in writing their charges for all merchandise and services offered. The purchaser shall be furnished with a copy of each statement signed and dated by the licensed funeral director and purchaser making arrangements at the time funeral arrangements are made.

Laws 1973, c. 73-143, § 1, eff. Oct. 1, 1973.

Library references
Dead Bodies ⇐3.
C.J.S. Dead Bodies §§ 3, 5.

470.24 Duty of funeral directors, etc., to ascertain name and address of deceased [Repealed by Laws 1976, c. 76-168, § 3, eff. July 1, 1979. See § 11.61]

All funeral directors and undertakers, whether person, firm, or corporation, engaged in the profession thereof in the state and in the counties of such state, are required to ascertain the street and town or city address last known of all persons for whom such undertaker or funeral director shall perform funeral or embalming or undertaking services or rites, at the time of receiving into his custody the deceased body; and shall also at such time ascertain the full name of such deceased person.

Amended by Laws 1974, c. 74-277, § 1, eff. June 25, 1974.

Laws 1974, c. 74-277, § 1, authorized the substitution of the word "profession" for "business".

470.25 Repealed by Laws 1976, c. 76-253, § 11, eff. July 1, 1976

470.26 Repealed by Laws 1976, c. 76-168, § 3, eff. July 1, 1979 [See § 11.61]

470.27 Repealed by Laws 1975, c. 75-31, § 1, eff. May 28, 1975

EXHIBIT D

McKINNEY'S CONSOLIDATED LAWS OF NEW YORK

ANNOTATED

Book 44

Public Health Law
§§ 2100 to End

With Annotations
From
State and Federal Courts
and
State Agencies

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EXHIBIT D

§ 3440-a. Statement to be furnished by certain licensed persons, funeral directors and funeral establishments when funeral arrangements are made

Every person licensed pursuant to this article, including funeral directors and funeral establishments, shall furnish at the time funeral arrangements are made for the care and disposition of the body of a deceased person, a written statement showing thereon the price of the funeral, which shall include an itemized list of the services and merchandise to be furnished for such price and a statement of the cash advances and expenditures to be advanced.

Added L.1964, c. 427, § 1.

Library References

Health and Environment ⇐31. C.J.S. Health and Environment § 37 et seq.

Notes of Decisions

Index

1. Construction

That violation of this section regulating funeral pricing practices might invite penal consequences did not require that this section be interpreted with eyes averted from its obvious remedial purpose. State v. J. S. Garlick Parkside Memorial Chapels, Inc., 1968, 30 A.D.2d 143, 290 N.Y.S.2d 829, affirmed 23 N.Y.2d 754, 296 N.Y.S.2d 952, 244 N.E.2d 467.

2. Purpose

This section, which, in effect, requires funeral establishments, at time funeral arrangements were made, to furnish written statement of price of each item of service rendered, merchandise furnished and cash advanced, was not designed for revenue purposes but was enacted for purpose of protecting general public against improper pricing policies employed by funeral directors. Parsky Funeral Home, Inc. v. Shapiro, 1975, 83 Misc.2d 566, 372 N.Y.S.2d 288.

Purpose of this section requiring funeral directors and establishments to furnish statements showing price of funeral and itemized list of services and merchandise furnished for such price was to prohibit "package or unit price bills" so that consumer would have knowledge of items furnished for cost thereof. State v. J. S. Garlick Parkside Memorial Chapels, Inc., 1968, 55 Misc.2d 797, 287 N.Y.S.2d 159, affirmed 30 A.D.2d 143, 290 N.Y.S.2d 829, affirmed 23 N.Y.2d 754, 296 N.Y.S.2d 952, 244 N.E.2d 467.

3. Contents of statement

Under this section regulating funeral pricing practices, there was to be shown on written statement furnished by funeral director not only price of funeral but also price of each of items of service and materials appearing on statement. State v. J. S. Garlick Parkside Memorial Chapels, Inc., 1968, 30 A.D.2d 143, 290 N.Y.S.2d 829, affirmed 23 N.Y.2d 754, 296 N.Y.S.2d 952, 244 N.E.2d 467.

That legislature did not enact proposed amendments to this section

EXHIBIT "D"

MINNESOTA STATUTES ANNOTATED

Official Classification

Volume 11

Sections 144 to 159

Cumulative Annual Pocket Part

For Use In 1979

Replacing prior pocket part in back of volume

Includes laws through the 1978 Session

ST. PAUL, MINN.
WEST PUBLISHING CO.

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1974 Amendment. Rewrote the third paragraph. For prior text see main volume.

1975 Amendment. Deleted "On and after July 1, 1969" from the first sentence of the first paragraph and rewrote the second sentence of the third paragraph which prior thereto read: "All such permits shall expire on the dates specified on the permit."

1977 Amendment. Laws 1977, c. 305, § 45, directed that changes in names with relation to officials involved in state health functions be made generally throughout the statutes.

149.09 Statements; prices; cremation without casket

Subdivision 1. Itemized statement to be furnished. Every person licensed or granted a permit pursuant to this chapter, including funeral directors and funeral establishments, shall furnish at the time funeral arrangements are made for the care and disposition of the body of a deceased person, an itemized statement in compliance with rules adopted by the commissioner of health pursuant to chapter 15. The rules shall require a separate listing of cost in the following categories: casket; burial vault; use of facilities for funeral services; use of facilities for reviewal; specifically itemized transportation costs; specifically itemized funeral service merchandise; embalming; preparation of the body; other professional services; and a statement of all anticipated cash advances and expenditures.

Subd. 2. Requiring retail price of casket to be displayed. Every funeral director or operator who offers a casket for sale shall display the retail price of the casket in a conspicuous place on the casket.

Subd. 3. Authorizing cremation or calcination without a casket. A person operating a crematory or calcinatory shall not require that human remains be placed in a casket before cremation or calcination or that human remains be cremated or calcinated in a casket or refuse to accept human remains for cremation or calcination for the reason that human remains are not in a casket. This subdivision does not prohibit the requiring of a container or disposal unit to protect the physical health or safety of any individual. The listing of costs statement required in subdivision 1 shall include the following statement for which a charge is made in conspicuously legible print: Minnesota law does not require that remains be placed in a casket before or at the time of cremation.

Subd. 4. Penalty. Any violation of subdivisions 1 to 3 shall constitute unprofessional conduct within the meaning of section 149.05, subdivision 1, clause (5).

Added by Laws 1973, c. 442, § 1. Amended by Laws 1977, c. 305, § 45, eff. May 28, 1977.

Library references
Dead Bodies ⟸3.
C.J.S. Dead Bodies §§ 3, 5.

149.11 Prearranged funeral plans; contracts; trust funds

Cross References
Trust, defined, see § 524.1-201.

149.12 Deposit of trust funds

Within 15 days after its receipt, any person holding money in trust under section 149.11 shall deposit all of said money in a banking institution, or place the money in an account in a savings, building and loan association, organized under the laws of this state or of the United States of America, the deposits or accounts of which banking institution or association are insured by an instrumentality of the federal government. The money shall be carried in a separate account in the name of the depositor as trustee for the person who will receive the benefit of the property and services upon his death. Minnesota Statutes, Sections 345.31 to 345.60 shall not apply to money deposited or received and held in trust pursuant to sections 149.11 to 149.14. All such money not used for the purpose intended upon the death of the cestui que trust shall revert to and become a part of his estate.

Amended by Laws 1971, c. 24, § 13, eff. March 5, 1971.

1971 Amendment. Correction bill changing the citation of a statute within the text of this section.

Cross References
Trust, defined, see § 524.1-201.

EXHIBIT "D"

West's

ANNOTATED CALIFORNIA CODES

BUSINESS AND PROFESSIONS CODE

Sections 6700 to 7999

Official
California Business and
Professions Code
Classification

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EXHIBIT "D"

Article 5.5

FUNERAL PRACTICES

Sec.

Article 5.5 was added by Stats.1971, c. 1027, p. 1974, § 1.

§ 7685. List of prices of professional services offered. Every funeral director shall provide to any person with whom an agreement is entered for the performance of funeral services, at some time before the person enters such agreement, a written or printed list containing but not necessarily limited to the price for professional services offered, which may include the funeral director's services, the preparation of the body, the use of facilities, and the use of automotive equipment. All services included in this price or prices shall be enumerated. The funeral director shall also provide a statement on such list which gives the price range for all caskets offered for sale.

(Added by Stats.1971, c. 1027, p. 1974, § 1.)

Library References

Licenses ⇐25. C.J.S. Licenses § 35.

§ 7685.1 Display of casket prices. The funeral director shall in a conspicuous manner place the price on each casket. Each casket shall be priced individually, irrespective of the type of service purchased. If a funeral director advertises a funeral service for a stated amount, he shall display in a reasonably convenient location in the showroom and have available for sale, any casket which is used for determining such price.

(Added by Stats.1971, c. 1027, p. 1974, § 1.)

Library References

Licenses ⇐25. C.J.S. Licenses § 35.

§ 7685.2 Written or printed memorandum for furnishing services or property. No funeral director shall enter into a contract for furnishing services or property in connection with the burial or other disposal of a dead human body until he has first submitted to the po-

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tential purchaser of such services or property a written or printed memorandum containing the following, provided such information is available at the time of execution of the contract:

(a) The total charge for the funeral director's services and the use of his facilities, including the preparation of the body and other professional services, and the charge for the use of automotive and other necessary equipment.

(b) An itemization of charges for the following merchandise as selected: the casket, an outside receptacle and clothing.

(c) An itemization of fees or charges and the total amount of cash advances made by the funeral director for transportation, flowers, cemetery or crematory charges, newspaper notices, clergy honorarium, transcripts, telegrams, long distance telephone calls, music and such other advances as authorized by the purchaser.

(d) An itemization of any other fees or charges not included above.

(e) The total of the amount specified in subdivisions (a), (b), (c), and (d).

If the charge for any of the above items is not known at the time the contract is entered into, the funeral director shall advise the purchaser of the charge therefor, within a reasonable period after the information becomes available. All prices charged for items covered under Sections 7685 and 7685.1 shall be the same as those given under such sections.

(Added by Stats.1971, c. 1027, p. 1974, § 1.)

Library References

Licenses ⇐25. C.J.S. Licenses § 35.

Article 6

DISCIPLINARY PROCEEDINGS

Sec.

EXHIBIT "E"

Deceased Name _____ CASE NO. _____

D.O.D. _____ SOC. SEC. NO. _____

OUR SERVICE CHARGE

Includes: Professional services; complete preparational and professional care; use of funeral home, funeral coach, limousine for family, limousine for bearers and all other necessary facilities and equipment.

A. MORTUARY CHARGES

Professional Services	$
Facilities & Equipment	
Motor Equipment	
Sub-Total	

MEMORIALIZATION

Casket Selection	$
Sales Tax	
Clothing	
Receptable Vault)	
Sales Tax (Vault)	
Sub-Total	
Total	$

B. CASH ADVANCES

The following is a list of cash advances to others for services you requested.

HONORARIUMS

Minister	$
Church	
Organist	
Soloist	
Sub-Total	

OTHER ADVANCES

Newspaper, Classified	
Certified Copies of Certificates	
Police Escort	
Transportation	
Telephone	
Others	
Sub-Total	

CEMETERY

Cremation	
Opening & Closing	
Vault	
Marker	
Grave	
Sub-Total	
Total Cash Advances	$

Total of A & B—$_____ Down Payment—$_____ Balance—$_____

Additional Items _____

$_____ Sparks, Nevada _____ 19____

For value received, I promise to pay to Alexander's Pyramid Funeral Home or order at Sparks, Nevada, the sum of

_____ _____ Dollars

_____days after the date

_____monthly payments at $_____

_____monthly payments at $_____

To commence_____

Delinquent payments shall bear interest at the rate of 1% per month. Should default be made in the payment of any installment of principal or interest when due, then the whole sum of principal and interest shall become immediately due and payable at the option of the holder of this note. I agree to pay a reasonable attorney's fee and collection expense incurred for the collection of this note or any part thereof. I hereby waive the Statute of Limitations for all time.

The undersigned hereby authorizes Alexander's to furnish the above services and merchandise and agrees to pay therefor at Sparks, Nevada together with any attorney's fees incurred for the collection thereof. Any promissory note given by the undersigned shall not be in payment thereof until paid but only evidence of the indebtedness and does not constitute a waiver of a right to collect from the estate of decedent or any other person liable therefor, and the filing of a claim against the estate of decedent shall not amount to a waiver of obligation of the undersigned and the obligation of the undersigned, the estate of the decedent, and any other person liable therefor shall be deemed to be joint and several.

_____

Name Address

_____

Name Address