

The meeting was called to order at 9:00 a.m. Senator Close was in the Chair.

PRESENT: Senator Close  
Senator Hernstadt  
Senator Dodge  
Senator Raggio  
Senator Sloan  
Senator Ford  
Senator Don Ashworth

ABSENT: None

SB 107 Prohibits making of untrue or misleading statement to another with intent to induce payment or obligation.

Peter Smith, Consumer Affairs Division, Department of Commerce testified in support of this measure. He stated that his office was in favor of the increased criminal penalties, however, they felt that an amendment was necessary for clarification on the deceptive trade practices.  
(See attached Exhibit A)

Stan Warren, Nevada Bell, testified in opposition to this bill. He felt that the provisions of this measure were already covered under NRS 207.171 (False Advertising). He stated that under this bill, a salesperson who unintentionally quoted an incorrect rate could end up with a criminal conviction.

Gene Milligan, Nevada Association of Realtors, stated that they were opposed to this measure. He stated that Nevada has the toughest real estate license law in the nation. SB 107 would put them into another regulatory area which is not necessary. He informed the Committee that they are presently regulated by the state license law, disclosure acts, and truth in lending laws.

Michael Malloy, Assistant District Attorney, testified in opposition to this bill. He informed the Committee that from a prosecutor's standpoint, this bill is not needed. He also pointed out that the criminal penalties of NRS 598.410 would be removed by this bill.

Senator Dodge moved that SB 107 be indefinitely postponed.

Seconded by Senator Hernstadt.

The motion carried unanimously.

AJR 21 of the Proposes to amend Nevada constitution to expand  
59th Session classification of crimes for which bail may be denied.

Michael Malloy, Assistant District Attorney, Washoe County, stated that this amendment to the constitution is something that is very much needed to protect the people. He stated that his office has been frustrated many times by the legal fact that bail is not to be denied even in cases where the proof is evident and the presumption great.

Senator Hernstadt moved that AJR 21 of the 59th Session be passed out of Committee with a "do pass" recommendation.

Seconded by Senator Raggio.

Motion carried unanimously.

SB 155 Authorizes state legislators to inspect county and city jails.

For testimony on this measure, see the minutes for the meeting of Tuesday, February 6, 1979.

Senator Dodge stated that he felt legislators had enough to do without imposing themselves on the counties and cities especially if they could not offer any solutions or money to alleviate poor conditions.

Senator Dodge moved that SB 155 be indefinitely postponed.

Seconded by Senator Raggio.

Motion carried unanimously.

SB 154 Limits permissible delay between arrest, arraignment and filing of criminal complaint.

For testimony on this measure, see the minutes for the meeting of Tuesday, February 6, 1979.

Senator Raggio stated that he had no problem with requiring that an individual be brought before the magistrate within 72 hours but that he was opposed to requiring the formal complaint also be brought within that time. He felt that by doing that, the district attorney would be forced to file any kind of complaint and that most likely, he would file the most serious charge he could. With that on the court record, there is a general reluctance on the part of the prosecutor to lower the charges even though an investigation or evaluation of the evidence may warrant it.

It was the decision of the Committee to obtain the federal law in this area and draft an amendment.

No action was taken at this time.

The following items were unanimously approved for Committee introduction:

BDR 4|-293 Resolves conflict concerning authority of political subdivisions to regulate greyhound racing. (SB 193)

BDR 14-1054 Prohibits plea bargains or probation where deadly weapon is used. (SB 192)

SB 99 Consolidates various provisions relating to wrongful death actions.

For testimony on this measure, see the minutes of the meeting for Wednesday, January 31, 1979.

Peter Neumann, Nevada Trial Lawyers Association, appeared before the Committee on this measure. For his testimony, see attached Exhibit B.

At the request of the Committee, Mr. Frank Daykin, Legislative Counsel Bureau, discussed Judge Thompson's proposed amendment to SB 99. (see attached Exhibit C)

Senator Close stated that the Committee was not clear as to who may bring an action.

Mr. Daykin responded that who the heir is, is dependent upon the particular situation of the decedent. For example, if he left a wife and no children, it would be the wife and his parents; if he left a wife and children, it would be the wife and children; and so on according to the degrees of consanguinity.

Senator Dodge stated that Mr. Neumann had indicated that inasmuch as the present statute had been in existence for many years and had been construed extensively by the courts, that it would be safer to use the same language.

Mr. Daykin responded that in that respect, Mr. Neumann was correct. However, the purpose of this bill was to distinguish between two situations:

- 1) Where the heir or his personal representative brings an action for his own damages, i.e., loss of probable support, companionship, etc.

2) An action by the executor or administrator on behalf of the estate for the actual expenses incurred.

Mr. Daykin stated that it would be a policy decision for the Committee as to whether they wanted to distinguish between the two situations or to retain the present wrongful death language.

Senator Dodge stated that the intent of the Committee was to restrict this to people who were, in fact, dependents, or at least within a degree of consanguinity that would not allow just anyone to bring an action.

Mr. Daykin responded that that could be done by restricting it to persons who were within a specified degree of consanguinity and then further restricting it to those who were, in fact, dependent upon the decedent.

Senator Dodge asked if it would be possible to retain the definitions in the existing wrongful death statute and then distinguish the types of damages that an heir or personal representative would be entitled to recover.

Mr. Daykin responded that it would.

Senator Close asked what the present wrongful death statute was in California.

Mr. Daykin replied that he did not know off-hand but that he would check into it.

No action was taken at this time.

Senator Dodge moved that the following minutes of meetings be approved, subject to reading them:

January 17, 1979  
 January 18, 1979  
 January 23, 1979  
 January 24, 1979  
 January 25, 1979  
 January 26, 1979  
 January 29, 1979  
 January 30, 1979  
 January 31, 1979

Seconded by Senator Raggio.

Motion carried unanimously.

There being no further business, the meeting was adjourned.

Respectfully submitted,

APPROVED:

*Cheri Kinsley*  
 \_\_\_\_\_  
 Cheri Kinsley, Secretary

\_\_\_\_\_  
 Senator Melvin D. Close, Jr., Chairman

TO Mary Van Kirk, Deputy Commissioner of Consumer Affairs

Memo

FROM Peter J. Smith, Assistant to the Director of Commerce

DATE 2-7-79

SUBJECT S. B. 107

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I would amend the proposed language for S. B. 107 so that it would read, at Section 1, line 12,....."which is untrue or misleading, including but not limited to the deceptive trade practices listed in NRS 598.410 and which he knows, or by the exercise of reasonable care should know, to be true or misleading, shall be punished as provided in subsections 2 and 3."

I believe that the deceptive trade practices are covered by the new language in S. B. 107, but it could be argued that the Legislature meant to eliminate the specific acts which presently constitute crimes and only have the general language, this would made it harder to prosecute some cases.

jc .



Barbara Bailey, Executive Director  
100 North Arlington, Reno, Nevada 89501, Phone [702] 786-1858

February 5, 1979

Hon. Mel Close  
Nevada State Legislature  
Capitol Complex  
Carson City, Nv. 89710

Re: SB 99

Dear Senator Close:

In response to Judge Thompson's letter of February 2nd, in which he enclosed the jury instructions from California, I would like a chance to respond.

The traditional rule in Nevada is entirely different from that of California, with respect to grief or sorrow of their heirs. As I pointed out in my letter to you of last week, Nevada's Death Statute has a great deal of historical background, some of which is very well outlined in Judge Roger Foley's Opinion in McGarry v. U.S., 370 F.Supp. 525.

The District Judges in Washoe County have traditionally been instructing on grief or sorrow of the survivors of a decedent. For example, I enclose herewith a jury instruction given by Judge Guinan in a recent case, as well as a Memorandum of Supporting Authorities for the proposition that such an instruction is proper under our law.

In the event that the Legislature is truly interested in modifying the Death Statute, I enclose a proposed amendment to SB 99 which I think would solve the problem of cleaning up the statute into one act, without destroying the spirit of the statutory and case law surrounding this important area of litigation.

The United States Supreme Court, incidentally, has recently ruled that the right to damages for wrongful death is not simply statutory -- it is also a common law right. I refer to the case of MORAGNE vs. STATES MARINE LINES, INC., 398 U.S.375, 26 L.Ed.339, 90 S.Ct.1772. I enclose a copy of that decision.

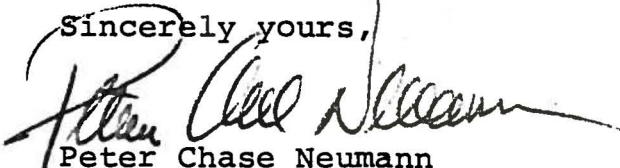
Frankly, I don't really believe that the present Wrongful Death Statute of Nevada is so problematic as to require examination and modification by the Legislature. I'm afraid that if

Hon. Mel Close  
Page Two  
February 5, 1979

we start tampering with it, the special interests may become involved and we will have a very large controversy on our hands. For that reason, NTLA would prefer to leave the present statute as is and trust the wisdom of the Nevada Supreme Court and our District Courts in interpreting it on a case-by-case basis. In that way the subject gets much more thought and attention put into it than the Legislature can afford to give it at the present time. For example, the recent case of Sarah Allen v. Estate of Ruark, 93 Nev. Adv. Opn. 72 (4/7/77) held that the estate of a deceased defendant could not be held liable for punitive damages, because the defendant had been punished enough by his own demise. Thus, the suggested change by Judge Thompson with respect to that issue is no longer necessary because the Court has already decided it.

Thank you very much for your consideration to this important matter.

Sincerely yours,



Peter Chase Neumann

PCN:lj

cc: Judge Thompson  
Kent Robison, Esq.

SENATE BILL NO. 99 - AS AMENDED

1 SECTION 1. Chapter 41 of NRS is hereby amended by adding  
2 thereto a new section which shall read as follows:

3 1. When the death of a person is caused by the wrongful act  
4 or omission of another, the personal representative of the former  
5 may maintain an action therefor against the latter, if the former  
6 might have maintained an action, had he lived, against the latter  
7 for harm or injury or damage done by the same act or omission. The  
8 action shall be commenced within two years after the death, and  
9 the damages therein shall be such damages as the court or jury may  
10 consider fair and just. The amount recovered, if any, shall be  
11 exclusively for the benefit of the decedent's spouse and children,  
12 or other dependents who survive him. When the decedent leaves no  
13 spouse, children or other dependents, the amount recovered shall be  
14 administered as other personal property of the deceased person, and  
15 the District Court shall determine the allowable costs and expenses  
16 of the action, and may, in its discretion, require notice and  
17 hearing thereon. The amount recovered shall be distributed according  
18 to the order of the District Court, after payment of all costs and  
19 expenses of suit, and debts and expenses of administration.

20 2. The damages recoverable under this section shall be  
21 limited to those which are the natural and proximate consequence  
22 of the wrongful act or omission of another.

23 3. In fixing the amount of damages to be awarded under this  
24 section, the court or jury shall consider all the facts and  
25 circumstances and from them fix the award at a sum which will  
26 fairly compensate for the injury, loss or harm resulting from the  
27 death. In determining the amount of the award, the court or jury  
28 shall consider at least the following elements of damage:

29 (a) deprivation of the expectation of pecuniary benefits  
30 to the beneficiary or beneficiaries, without regard to the age  
31 thereof, that would have resulted from the continued life of the  
32 deceased and without regard to probable accumulations of what the



- 1 deceased may have saved during his lifetime;
- 2 (b) loss of contributions for support;
- 3 (c) loss of assistance or services irrespective of age or  
4 relationship of decedent to the beneficiary or beneficiaries;
- 5 (d) loss of companionship, society and comfort;
- 6 (e) loss of prospective training and education;
- 7 (f) medical and funeral expenses.

8 4. The death of a beneficiary or beneficiaries before judgment  
9 does not affect the amount of damages recoverable under this section.

10 5. The right of action granted by this section is not abated  
11 by the death of a person named or to be named as a defendant, and  
12 all causes of action by one person against another, whether arising  
13 on contract or otherwise, survive to the personal representatives  
14 of the former and against the personal representatives of the  
15 latter. The death of a party who would otherwise be a plaintiff or  
16 a defendant in an action for wrongful death, whether the death  
17 occurs before or after judgment, shall not abate the right of  
18 action. A personal representative may maintain an action against  
19 the party against whom the cause of action accrued, or after his  
20 death, against his personal representative.

21 6. The provisions of this section shall not prevent subrogation  
22 suits under the terms and conditions of an uninsured motorists'  
23 provision of an insurance policy.

24 SECTION 2. NRS 12.090, 41.080, 41.090, 41.100, 41.110 and  
25 41.120 are hereby repealed.

26 SECTION 3. NRS 698.180 is hereby amended to read as follows:

27 698.180 "Survivor" means a spouse, child or dependent of the  
28 decedent and a personal representative of the decedent who is  
29 entitled to receive benefits by reason of the death of the decedent.

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Peter Chase Neumann  
Lawyer  
136 Ridge St.  
Reno, Nevada 89501  
Tel. 736-3750



EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY  
LAS VEGAS, NEVADA 89101

J. CHARLES THOMPSON  
DISTRICT JUDGE

DEPARTMENT ONE  
(702) 386-4011

February 2, 1979

The Honorable Mel Close  
State Senator  
Nevada State Legislature  
Carson City, Nevada

Dear Senator Close:

As promised, I enclose a copy of California Jury Instructions on the measure of damages in wrongful death actions. The portion that you are interested in is marked in red.

I have made an addition to my January 29 revisions. Despite the measure of damages which the Committee ultimately decides upon, the following changes should be made in S.B. 99:

1. At line 7 on page 1 delete the second "or" and insert in its place "and the".

2. At line 8 on page 1 delete "on their behalf" and insert in its place "of the decedent".

3. Also at line 8 on page 1 insert "each" after "may".

4. At line 19 on page 1 delete ", or personal representatives on their behalf,".

5. At line 22-23 delete "to which it considers him entitled, including without limitation damages".

6. At line 23 on page 1 delete "future" and insert in its place "support".

7. At line 6, page 2 delete "without limitation".

8. At line 7, page 2 add "funeral and" before "medical expenses".

9. At line 12, page 3 delete "or" and insert in its place "and".

10. At line 12-13 page 3 delete "on behalf of an heir" and insert in its place "of the decedent".

As you are aware the Trial Lawyers Association wants to add the heirs grief and sorrow and the deceased's pain and suffering as items of damage to wrongful death cases. They also wish to add the deceased's pain and suffering and loss of future companionship to actions, other than wrongful death actions, which survive.

If the Committee wishes to make those changes you would make the following additional amendments to the bill:

11. At line 23, page 1, insert "their grief and sorrow," after "damages for".

12. At line 1, page 2, delete "but not".

13. At line 2, page 3, delete "but not to include" and insert in its place "including".

14. At line 3, page 3, delete "or damages for" and insert in its place "and".

If you adopt the proposed changes 11 through 14, the law would read as per the attached.

I am enclosing copies of this letter and attachments for each member of this committee.

Thank you again for your courtesy.

Sincerely,



J. Charles Thompson  
District Judge

JCT/jw

Encls.

cc: Kent R. Robison, Esq.  
Peter Chase Neumann, Esq.

## (e) Wrongful Death

*Analysis*

	Inst. No.
Measure of Damages—Death of Adult (1977 Revision) .....	14.50
Death of Adult—Damages Not to Be Allocated (1977 Revision) ..	14.51
Measure of Damages—Death of Minor (1977 Revision) .....	14.52

## BAJI 14.50 (1977 Revision)

## MEASURE OF DAMAGES—DEATH OF ADULT

The heirs of . . . . ., deceased, are [the real parties in interest in this action; they are] . . . . ., the widow, [and . . . . ., the child[ren]] of the deceased.

If, under the court's instructions, you find that plaintiff[s] [is] [are] entitled to recover against the defendant, you will award as damages such sum as, under all the circumstances of the case, will be just compensation for the loss which each heir has suffered by reason of the death of . . . . ., deceased.

In determining such loss, you may consider the financial support, if any, which each of said heirs would have received from the deceased except for his death, and the right to receive support, if any, which each of said heirs has lost by reason of his death.

[The right of one person to receive support from another is not destroyed by the fact that the former does not need the support, nor by the fact that the latter has not provided it.]

You may also consider:

1. The age of the deceased and of each heir;
2. The health of the deceased and each heir immediately prior to death;
3. The respective life expectancy of the deceased and of each heir;
4. Whether the deceased was kindly, affectionate or otherwise;
5. The disposition of the deceased to contribute financially to support said heirs;
6. The earning capacity of the deceased;
7. His habits of industry and thrift; and
8. Any other facts shown by the evidence indicating what benefits each heir might reasonably have been expected to receive from the deceased had he lived.

With respect to life expectancies, you will only be concerned with the shorter of two, that of an heir or that of the decedent, as one can derive a benefit from the life of another only so long as both are alive.

Also you will award reasonable compensation for the loss of love, companionship, comfort, affection, society, solace or moral support, [any loss of the enjoyment of sexual relations], [any loss of the physical assistance to a spouse in the operation or maintenance of the home].

In determining the loss which each heir has suffered, you are not to consider:

1. Any pain or suffering of the decedent;

2. Any grief or sorrow of his heirs; or
3. The poverty or wealth of any heir.

[Also, you shall include in your award an amount that will compensate for whatever reasonable expense was paid out or incurred for funeral services in memory of the decedent and [or] for burial [disposition] of the body. In determining that amount, you shall consider the decedent's station in life and the financial condition of his estate, as these circumstances have been shown by the evidence.]

#### USE NOTE

Do not use this instruction in actions under the Federal Employers' Liability Act. See Instructions 11.41-11.45.

The first bracket is for use when the action is brought by the personal representative of the deceased.

Other bracketed matter is to be stricken if not applicable.

This instruction should be supplemented by Instruction 14.69, life expectancy.

If a special verdict is used, in computing damages of the heirs, the proportion of the contributory negligence, if any, of the heirs must be increased by the proportion of the contributory negligence, if any, of the deceased.

#### COMMENT

4 Witkin, Summary of Calif.Law (8th ed.), Torts, §§ 891-894.

In an action for wrongful death recovery may be had for non-pecuniary damages arising from loss of society, comfort, care and protection. *Krouse v. Graham*, 19 Cal.3d 59, 137 Cal.Rptr. 863, 562 P.2d 1022.

Evidence of the probability or fact of widow's remarriage as basis for mitigation of her damages is irrelevant and inadmissible. *Benwell v. Dean*, 249 Cal.App.2d 345, 57 Cal.Rptr. 394; *Wood v. Alves Service Transportation, Inc.*, 191 Cal.App.2d 723, 13 Cal.Rptr. 114; *Cherrigan v. City, etc. of San Francisco*, 262 Cal.App.2d 643, 69 Cal.Rptr. 42.

In an action for the wrongful death of an adult son, evidence of the subsequent marriage of the mother, a widow, is not admissible. *Riley v. California Erectors, Inc.*, 36 Cal.App.3d 29, 111 Cal.Rptr. 459.

A stepchild, in the absence of adoption, is not an heir. *California State Automobile Ass'n v. Jacobson*, 24 Cal.App.3d 850, 101 Cal.Rptr. 366.

Within the wrongful death statute in the absence of adoption, a step-daughter is not the heir of her step-father (*Steed v. Imperial Airlines*, 12 Cal.3d 115, 115 Cal.Rptr. 329, 524 P.2d 801), and a step-father is not an heir of his step-daughter (*California State Auto. Ass'n Inter-Ins. Bureau v. Jacobson*, 24 Cal.App.3d 850, 101 Cal.Rptr. 366).

**Library References:**

West's Key No. Digests, Death ⚡81-89, 104(6).

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Section 1. Chapter 41 of NRS is hereby amended by adding thereto a new section which shall read as follows:

1. As used in this section, "heir" means a person who, under the laws of this state, would be entitled to succeed to the separate property of the decedent if he had died intestate.

2. When the death of any person, whether or not a minor is caused by the wrongful act or neglect of another, his heirs and the personal representatives of the decedent may each maintain an action for damages against the person who caused the death, or if the wrongdoer is dead, against his personal representatives, whether the wrongdoer died before or after the death of the person he injured. If any other person is responsible for the wrongful act or neglect, or if the wrongdoer is employed by another person who is responsible for his conduct, the action may be maintained against that other person, or if he is dead against his personal representatives.

3. An action brought pursuant to subsection 2 and the cause of action of a decedent brought by his personal representatives which arose out of the same wrongful act or neglect may be joined.

4. The heirs may prove their respective damages in the action brought pursuant to subsection 2 and the court or jury may award each person that amount of pecuniary damages for their grief or sorrow, loss of probable support, companionship, society, comfort and consortium, including damages for pain, suffering or disfigurement of the decedent. The proceeds of any judgment for damages awarded under this subsection are not liable for any debt of the decedent.

5. The damages recoverable by the personal representatives of a decedent on behalf of his estate include:



1 (a) Any special damages, such as funeral and  
2 medical expenses, which the decedent incurred or sustained before  
3 his death; and

4 (b) Any penalties or punitive and exemplary damages  
5 that the decedent would have recovered if he had lived, but do  
6 not include damages for pain, suffering or disfigurement of the  
7 decedent. The proceeds of any judgment for damages awarded under  
8 this subsection are liable for the debts of the decedent unless  
9 exempted by law..

10 Sec. 2. NRS 41.100 is hereby amended to read as  
11 follows:

12 41.100 1. Except as provided in this section, no  
13 cause of action is lost by reason of the death of any person,  
14 but may be maintained by or against his executor or administrator.

15 2. In an action against an executor or administrator,  
16 any damages may be awarded which would have been recovered against  
17 the decedent if he had lived, except damages awardable under  
18 NRS 42.010 or other damages imposed primarily for the sake of  
19 example or to punish the defendant.

20 3. Except as provided in this subsection, when a person  
21 who has a cause of action dies before judgment, the damages  
22 recoverable by his executor or administrator include all losses  
23 or damages which the decedent incurred or sustained before his  
24 death, including any penalties or punitive and exemplary damages  
25 which the decedent would have recovered if he had lived, includ-  
26 ing damages for pain, suffering or disfigurement, and loss of  
27 probable future companionship, society, comfort and consortium.  
28 This subsection does not apply to the cause of action of a  
29 decedent brought by his personal representatives for his  
30 wrongful death.

31 4. This section does not prevent subrogation suits  
32 under the terms and conditions of an uninsured motorists'

1 provision of an insurance policy.

2           Sec. 3 NRS 698.180 is hereby amended to read as  
3 follows:

4           698.180 "Survivor" means an heir of the decedent and  
5 a personal representative of the decedent who is entitled to  
6 receive benefits by reason of the death of the decedent.

7           SEC. 4. NRS 12.090, 41.080, 41.090, 41.110 and 41.120  
8 are hereby repealed.

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SENATE BILL NO. 107—COMMITTEE ON JUDICIARY

JANUARY 24, 1979

Referred to Committee on Judiciary

**SUMMARY**—Prohibits making of untrue or misleading statement to another with intent to induce payment or obligation. (BDR 16-416)

**FISCAL NOTE:** Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.



**EXPLANATION**—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to crimes and punishments; prohibiting the making of untrue or misleading statement to another with intent to induce payment or obligation with respect to property or services; providing penalties; repealing separate criminal penalties for deceptive trade practices; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

- 1 SECTION 1. Chapter 205 of NRS is hereby amended by adding
- 2 thereto a new section which shall read as follows:
- 3 1. *Any person who, with intent directly or indirectly to:*
- 4 (a) *Dispose of real or personal property or perform services, profes-*
- 5 *sional or otherwise; and*
- 6 (b) *Induce one or more other persons to pay or provide money or any*
- 7 *other thing of value or enter into any obligation relating to such property*
- 8 *or services,*
- 9 *makes or causes to be made to the other person or persons any statement*
- 10 *concerning the property or services or any circumstance or matter of*
- 11 *fact connected therewith or with the proposed disposition or perform-*
- 12 *ance, which is untrue or misleading and which he knows, or by the*
- 13 *exercise of reasonable care should know, to be untrue or misleading,*
- 14 *shall be punished as provided in subsections 2 and 3.*
- 15 2. *If the statement was made with intent to induce the other person*
- 16 *or persons to pay or provide, or enter into an obligation to pay or pro-*
- 17 *vide, a value of \$100 or more, the punishment is by imprisonment in*
- 18 *the state prison for not less than 1 year nor more than 10 years, or by a*
- 19 *fine of not more than \$10,000, or by both fine and imprisonment.*
- 20 3. *If the statement was made with intent to induce the other person*
- 21 *or persons to pay or provide, or enter into an obligation to pay or pro-*
- 22 *vide, a value of less than \$100, the punishment is for a misdemeanor.*

Original bill is 2 pages long.  
Contact the Research Library for  
a copy of the complete bill.

**A. J. R. 21 of the 59th Session**

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**ASSEMBLY JOINT RESOLUTION NO. 21—ASSEMBLYMEN  
HICKEY, WESTALL, MAY, PRICE AND DREYER**

FEBRUARY 1, 1977

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Referred to Committee on Judiciary

**SUMMARY**—Proposes to amend Nevada constitution to expand classification of crimes for which bail may be denied. (BDR C-585)

**EXPLANATION**—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

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**ASSEMBLY JOINT RESOLUTION**—Proposing to amend section 7 of article 1 of the constitution of the State of Nevada, relating to bail, by expanding the classification of crimes for which bail may be denied.

- 1 *Resolved by the Assembly and Senate of the State of Nevada, jointly,*
- 2 That section 7 of article 1 of the constitution of the State of Nevada be
- 3 amended to read as follows:
- 4 **[Sec:]** *Sec. 7. All persons shall be bailable by sufficient sureties;*
- 5 *unless for Capital Offenses or murders punishable by life imprisonment*
- 6 *without possibility of parole when the proof is evident [.] or the pre-*
- 7 *sumption great.*

**S. B. 155**

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**SENATE BILL NO. 155—SENATOR NEAL**

**JANUARY 30, 1979**

—○—  
**Referred to Committee on Judiciary**

**SUMMARY—**Authorizes state legislators to inspect county and city jails. (BDR 16-285)

**FISCAL NOTE:** Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.

—●—  
**EXPLANATION—**Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

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**AN ACT** relating to county and city jails; authorizing members of the legislature to conduct an inspection under certain circumstances; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

- 1   **SECTION 1.** Chapter 211 of NRS is hereby amended by adding  
2   thereto a new section which shall read as follows:  
3    *Any member of the Nevada legislature may inspect any county or city*  
4   *jail at a reasonable hour without giving prior notice of the inspection.*

②