

Date: April 17, 1979

Page: 1

The meeting was called to order at 10:00 a.m. Senator Close was in the Chair.

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

ABSENT: None

SJR 18 Proposes to amend Nevada constitution to permit legislature to authorize inferior courts to suspend sentences and grant probation.

For further testimony on this measure, see the minutes of the meeting for April 16, 1979.

Senator Sloan expressed concern that by submitting a constitutional amendment, implicit in that is the recognition that the presently do not have that authority. In Las Vegas, they are presently granting deferred sentences.

Senator Raggio felt that the inferior courts should have the same authority that presently exists with the district courts. He further stated that the public should be educated as to the need for this.

Senator Close stated that he would get an opinion from Frank Daykin, Legislative Counsel, regarding Senator Sloan's concern.

No action was taken at this time.

SB 352 Prescribes form of affidavit required to obtain possession of assets of estates valued at less than \$5,000.

For testimony and action on this measure, see the minutes of the meetings for March 29, and April 2, 1979.

Senator Close stated that he felt this was a very burdensome notice requirement considering the estate is less than \$5,000. He suggested omitting the notice.

Senator Raggio concurred but suggested that rather than omitting the notice altogether, that notice should be give to someone with an equal or superior right of succession. If there is none, then no notice would be required.

No action was taken at this time.

SB 354 Limits certain actions against estates for which no letters of administration have been issued.

For testimony on this measure, see the minutes of the meeting for April 2, 1979.

Senator Close stated that what was agreed to in the previous meeting was that the notice should be published as in regular probates.

If it is a trust situation, then the claim must be filed with the trustees; if it is a joint tenancy, then the other joint tenants must be notified.

Also, if there is no probate, notice still must be published to the creditors.

Senator Hernstadt moved to report SB 354 out of committee with a "do pass" recommendation.

Seconded by Senator Ashworth.

Motion carried unanimously.

SB 305 Prohibits solicitation of minor to engage in acts which would constitute infamous crime against nature if performed by an adult.

Senator Ashworth moved that SB 305 be reported out of committee with a "do pass" recommendation.

Seconded by Senator Dodge.

Motion carried unanimously.

SB 366 Transfers to state responsibility of payment of salaries of justices of peace and police judges.

For testimony on this measure, see the minutes of the meeting for April 5, 1979.

It was the decision of the committee to recommend this matter for an interim study.

Senator Hernstadt moved to indefinitely postpone SB 366.

Seconded by Senator Ford.

Motion carried unanimously.

AB 497 Creates committee on standards and training for peace officers.

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

Senator Ford moved that AB 497 be reported out of committee with a "do pass" recommendation.

Seconded by Senator Raggio.

Motion carried unanimously.

SB 185 Permits interception of communications and use of evidence derived from such interceptions in certain circumstances involving gaming violations.

For testimony and further discussion, see the minutes of the meetings for February 28, March 1, 13 and 26, April 6, and 11, 1979.

Senator Hernstadt stated, that although he had a great deal of respect for the gaming authorities and recognized that this would be an effective tool for them, he could not, in good conscience vote for this measure.

Senator Dodge stated that in balancing the right of privacy and the responsibility of strong enforcement of gaming in Nevada, he felt the bill was justified. He further stated that he had great faith in the Control Board and Gaming Commission and did not believe that this would be abused by them.

Senator Raggio stated that his concern over the abuse of this was not with the Board and Commission members. His experience as a prosecutor has shown him that the abuse can occur at the lowest levels of the investigative process and therefore, he would have to oppose the measure.

Senator Sloan stated that he believed that the safeguards that have been incorporated in this would eliminate the possibility of abuse at the lower levels.

He suggested that those opposed to the measure look at the record of the Control Board and Commission. It has not been a record of abuse.

He felt that the people who have been given the responsibility for gaming control and enforcement should also be given the necessary tools for that enforcement.

He further stated that, to a degree, by not passing this legislation, the State is inviting federal intervention in this area.

Senator Hernstadt moved to indefinitely postpone SB 185.

Seconded by Senator Ashworth.

Motion carried. The vote was as follows:

AYE: Senator Close	NAY: Senator Dodge
Senator Ashworth	Senator Sloan
Senator Ford	
Senator Hernstadt	
Senator Raggio	

AB 483 Revises method of selecting grand juries in larger counties.

For testimony on this measure, see the minutes of the meeting for April 16, 1979.

Senator Ashworth moved to report AB 483 out of committee with a "do pass" recommendation.

Seconded by Senator Ford.

Motion carried unanimously.

Senator Close informed the committee that it would be necessary to have a Senate Concurrent Resolution drafted which would authorize the travel, subsistence and honorarium to Professor Jessie Choper for his appearance before a joint meeting of the Senate and Assembly Judiciary Committees.

Professor Choper is an expert on take-over bids in corporations.

Senator Dodge moved for the drafting of the resolution.

Seconded by Senator Ashworth.

Motion carried unanimously. Senators Hernstadt and Sloan were absent from the vote.

The following was approved for committee introduction:

BDR 41-1639 Makes certain changes in provisions for gaming licensing and control which affect publicly traded corporations. (§§ 477)

Russ MacDonald presented a letter from the Washoe County District Attorney (see attached Exhibit A) requesting a bill be drafted.

The committee approved the request.

Senator Sloan requested that the committee consider an interim study on the continuing responsibility of the state in the area of gaming control, the improvement of the enforcement mechanism, the up-grading of personnel, and review of the adequacy of the tax structure.

Senator Raggio further suggested that it include review of gaming control at the local level.

Senator Sloan moved for the adoption of an interim study request.

Seconded by Senator Raggio.

Motion carried unanimously.

There being no further business, the meeting was adjourned.

Respectfully submitted,

APPROVED:



Cheri Kinsley, Secretary

Senator Melvin D. Close, Jr., Chairman



Washoe County District Attorney

Washoe County Courthouse
South Virginia and Court Streets
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CALVIN R.X. DUNLAP
District Attorney

MEMORANDUM

TO: STAN PECK

FROM: JOHN CONNER

RE: Proposed Amendments to NRS Chapter 433A

DATE: April 4, 1979

You will note that I have recently submitted proposed amendments to Chapter 178. Those amendments are designed to bring Nevada's statutory scheme for pretrial commitment of those found incompetent to stand trial within the constitutional guidelines announced in Jackson v. Indiana, 406 U.S. 715 (1972). Should the Chapter 178 proposals be adopted, Nevada will face a situation in which an individual charged with a violent crime, who enjoys no substantial likelihood of regaining competency, cannot be held on the basis of a pretrial criminal commitment. We would thus be faced with the immediate practical question of how best to deal with a person who is proven dangerous but yet is not subject to prosecution in the criminal justice system.

Accordingly, I have also included proposed amendments to Chapter 433A, which Chapter deals in part with involuntary civil commitment. I have provided amendments to that chapter which would allow the committing judge to specify that an individual found to be dangerous is to be held in a secure mental health facility. In response to those who question a need for such amendments, I would point out that we now have in custody in Lake's Crossing at least two individuals charged with serious violent crimes. Both have filed petitions for writ of habeas corpus. Both are suggesting that they enjoy no substantial potential for obtaining criminal competency and are seeking to have their criminal commitments terminated. Our only alternative as to these individuals will be to seek involuntary civil commitment. Unless we can insure that this type of individual is held in a secure facility, I would suggest that we are running a very serious risk to the

Stan Peck
April 4, 1979
Page Two

safety of the general populace. It is for that reason that I think we must seek amendments to Chapter 433A that will complement the constitutionally compelled revision of the Chapter 178 criminal commitment procedure.

Respectfully submitted,



JOHN L. CONNER

JLC:ph