

The meeting was called to order at 9:02 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

SB 541 Provides for determination of mental competency of juvenile offenders.

Senator Hernstadt remarked that they were going to send this bill to Finance.

Senator Close said he thought they should go over it and see what needs to be amended first. For instance, on line 7, to strike the word "private" in "outside private facilities". He added that another problem is in section 3, where the court comes in and has jurisdiction just because someone comes before him, not charged with a crime.

Senator Dodge commented that he would think that the Mental Health Division would come in and have authority where it is not a criminal situation.

Senator Raggio stated that this is involuntary commitment, so they might not know.

Senator Sloan said that they had better make sure that the Mental Health Division gets into it.

Senator Close suggested referring the bill to Finance; and, if they pass it, to amend the word "private" out. He went on to mention the terms "competent", "emotionally disturbed", and all the different words included.

Senator Ford commented that she thought they were all right.

Senator Ford moved that SB 541 be passed out of Committee with a "do pass and refer to Finance" recommendation.

Seconded by Senator Sloan.

Motion carried, Senator Don Ashworth abstaining.

1130

AB 389

Provided penalty for stopping payment on a check under certain circumstances.

Senator Dodge said there was a need to write in a provision in this bill along with A & B about the legitimate excuse situation.

Senator Raggion suggested a look at the Uniform Commercial Code to see if there is some language in it about things that have to be returned and they could utilize it in this instance. He added they don't want a situation where a person stops payment when the goods could have easily been returned.

Senator Close commented that a demand should probably be made on a person, just as in the bad check law; a demand should be made, a notice sent.

Senator Sloan said some kind of penalty ought to be put in against the business man, if he uses it improperly, so that there would be the same type of term.

Senator Hernstadt observed that it should be equally as strong as the person offending.

Senator Raggio stated that there must be something in other states that is better than this.

Senator Hernstadt asked why can't it be just limited to money.

Senator Close said to see if they can get something on the California statute, if there is one, before they go any further.

SB 510

Limits issuance of search warrants for premises of certain press and broadcasting facilities under certain circumstances.

Senator Sloan commented that some of the press are very concerned about subsection D in the amendment that Attorney General Bryan brought over (see Attachment A). The press stated they would prefer to have C and D out. Cal Dunlap stated that if either one is deleted, he will come over and testify against the bill in the Assembly. Senator Sloan suggested that "alteration or concealment" be taken out and just "in imminent danger of destruction" be left in.

Senator Raggio's feeling is that they are making a special exception to the search warrant rule on this particular situation. He said he didn't see why they want to extend it beyond what they agreed to there.

Library Note:

During the examination of this set of minutes, pages 3 and 4 were found to be missing. They also appear to have been missing at the time this set of minutes was hand numbered, as the numbering does not have a gap where these pages should be. The pages are also missing from the microfiche.

Research Library
October 2010

Senator Sloan moved that AB 598, and AB 599 be reconsidered because of the "second floor" language.

AB 598

Allows Washoe County to issue licenses other than in the county seat.

Senator Ashworth commented that, in fairness to the people, he thought the language should come out. If they want to stick an office up at the Lake, why not let them?

Senator Ford said if Washoe doesn't care, let's get rid of it.

Senator Close remarked that the brackets would stay in then, and the bill would remain the same.

Senator Sloan moved that AB 598 be passed out of Committee with a "do pass" recommendation.

Seconded by Senator Hernstadt.

Motion carried unanimously.

AB 599

Abolishes office of marriage commissioner and allows police judges to perform marriages.

Senator Close stated that the change here would be on line 12, page 2; they can operate anytime they sell wedding licenses.

Senator Dodge said he would just like to ask about the separate building thing; as far as Washoe is concerned, can the county have any particular problem of locating some space in downtown areas to accommodate people? He said he didn't want it out there at the new courthouse complex at the fairgrounds.

Senator Raggio said the county commissioners had stated to him that if that is going to cause a problem in other areas, they will concede on it.

Senator Sloan moved that AB 599 be passed out of Committee with the language on lines 7 and 8 as it presently appears in the first reprint of the bill, with an "amend and do pass" recommendation.

Seconded by Senator Dodge.

Senator Raggio voted nay.

Motion carried.

Senator Hernstadt absent.

AB 389
(Cont.)

Senator Raggio said the parameters are hard to define on this bill.


Senator Dodge asked why didn't they just limit it to money only.

Senator Raggio stated that they are running against the Uniform Commercial Code on sales; and if it limited to money, are they ready to open it up to all the gaming situations. The industry is split on this, he said, as there are some people who want it and others who are violently opposed. Harrah's doesn't want it; and Senator Raggio didn't know where to draw the line because John Ascuaga does want it.

Senator Close proposed to hold the bill until the Committee can get some more testimony on it.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Virginia C. Letts, Secretary

APPROVED:

Senator Melvin D. Close, Jr., Chairman

SUMMARY--Limits issuance of search warrants for the searching or seizing of work product materials of journalists under certain circumstances.

Fiscal Note: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

AN ACT relating to search warrants; limiting the issuance of search warrants for the searching or seizing of work product materials possessed by journalists 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:

Section 1. Chapter 179 of NRS is hereby amended by adding thereto a new section which shall read as follows:

Section 2. Notwithstanding the authority by which a search warrant may be issued in accordance with the provisions of NRS 179.015 to 179.115, no warrant may be issued for the purpose of searching for or seizing any work product materials obtained or prepared by a journalist in such person's professional capacity in gathering, receiving, or processing information for communication to the public, except that nothing in this provision shall impair or affect the ability of a magistrate of the State of Nevada to issue a warrant to search for or seize such materials in the following circumstances:

a. Whenever there is probable cause to believe that the person possessing the materials has committed or is committing any criminal offense for which the materials are sought, except if such offense consists of the receipt, possession, communication, or withholding of such materials or the information contained therein;

b. Whenever there is probable cause to believe that the materials constitute material evidence of any criminal offense alleged to have been committed by a journalist, except an offense consisting of the receipt, possession, communication, or withholding of such materials or the information contained therein;

EXHIBIT A

c. Whenever there is reason to believe that the immediate seizure of the materials is necessary to prevent the death of or serious bodily injury to a human being;

d. Whenever there is probable cause to believe the materials are in imminent danger of destruction, alteration, or concealment prior to the time notice can be given pursuant to a subpoena duces tecum.

3. Within the meaning of this section, the following terms shall be defined to mean:

a. "Journalist" shall mean any reporter, former reporter or editorial employee of any newspaper, periodical or press association or employee of any radio or television station.

b. "Work product materials" shall mean any documentary materials or other materials upon which information is recorded, including without limitation written or printed materials, photographs, videotapes, negatives, films, outtakes, interview files, research memoranda, correspondence, reports from investigators and any other form in which information is recorded, which is gathered or obtained by a journalist in his professional capacity for communication to the public, except such work product as constitutes contraband or the fruits or instrumentalities of a crime.

ASSEMBLY: Proposed Amendments to SB 294.

02 MAY 1979

1. Page 3, Line 15; add a new subsection as follows:

(f) He and the child's natural mother were cohabitating for six months prior to and during the period of conception.

2. Page 3, Line 25/26; strike entire sentence starting with "The presumption is...", ending with "...by another man".

3. Page 5, Line 47/49; Strike subsection 2 as written, and modify to read:

"If any party refuses to submit to a bloodtest, the court shall consider that refusal together with other evidence as to paternity."

AGENCY NOTE: original UPA read, "shall resolve against"; Senate changed to "may". Now we are dropping this requirement altogether.

4. Page 7, Line 13; Delete sentence at subsection 2 and substitute:

"Testimony relating to sexual access to the mother by any man at a time other than the probable time of conception of the child, is inadmissible as evidence unless offered by the mother."

5. Page 7, Line 49;

Strike the word, "all"; would read: "shall consider relevant facts."

6. Page 9, Line 35:

Misspelled word, "it".

*Sen. Chase,
These are the requested changes
for Assembly - for you
- [unclear] -
Thank you
X 4680
136
M. J. [unclear]*

SENATE BILL NO. 541—COMMITTEE ON JUDICIARY

APRIL 28, 1979

Referred to Committee on Judiciary

SUMMARY—Provides for determination of mental competency of juvenile offenders. (BDR 5-1982)

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



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

AN ACT relating to the Juvenile Court Act; providing for the determination of the mental competency of juvenile offenders; providing for the involuntary placement of certain mentally incompetent children in private, out-of-state facilities; charging the mental hygiene and mental retardation division of the department of human resources with the costs thereof; 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 62 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 and 3 of this act.

3 SEC. 2. *The mental competency of a child charged with a delinquent*
4 *act must be determined in the same manner as the competency of an adult*
5 *offender is determined pursuant to chapter 178 of NRS except that:*

6 1. *The court may order the involuntary placement of a mentally*
7 *incompetent child in a private, out-of-state facility for the treatment of*
8 *mental disorders when it finds that state and local facilities are insufficient*
9 *to provide that treatment.*

10 2. *All costs of the care and treatment of a child committed to an*
11 *out-of-state facility pursuant to subsection 1 are charges against the*
12 *mental hygiene and mental retardation division of the department of*
13 *human resources. The division is entitled to and shall seek reimburse-*
14 *ment of these costs by action or otherwise from any responsible relative*
15 *of the child.*

16 SEC. 3. *If the mental competency of a child who is before the court*
17 *on a matter other than one involving the commission of a delinquent act*
18 *is questioned and an examination reveals that he requires treatment in a*
19 *mental health facility, the court shall suspend further proceedings on*
20 *the matter and may order an involuntary commitment pursuant to chap-*
21 *ters 433 and 433A of NRS.*

22 SEC. 4. NRS 62.197 is hereby amended to read as follows:

Original bill is 4 pages long.
Contact the Research Library for
a copy of the complete bill.

S. B. 510

SENATE BILL NO. 510—SENATORS SLOAN, WILSON, DON
ASHWORTH, FORD, KOSINSKI AND HERNSTADT

APRIL 23, 1979

Referred to Committee on Judiciary

SUMMARY—Limits issuance of search warrants for premises of certain press and
broadcasting facilities under certain circumstances. (BDR 14-1917)

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 search warrants; limiting the issuance of search warrants for
the premises of certain press and broadcasting facilities under certain cir-
cumstances; 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 179 of NRS is hereby amended by adding
2 thereto a new section which shall read as follows:
3 *No warrant may be issued for the search of the premises of a news-*
4 *paper, periodical, wire service, press association or broadcasting facility,*
5 *or of any offices used by their editorial employees, except where:*
6 1. *The party requesting the issuance of the warrant demonstrates a*
7 *strong probability of the imminent destruction of the material sought in*
8 *the warrant; or*
9 2. *A subpoena has been issued by a magistrate, the party from whom*
10 *the material is sought has refused to comply with the subpoena and, after*
11 *an opportunity for an adversary hearing, it has been determined by a*
12 *magistrate that the subpoena should not be quashed.*

ASSEMBLY BILL NO. 598—COMMITTEE ON
GOVERNMENT AFFAIRS

MARCH 22, 1979

Referred to Committee on Government Affairs

SUMMARY—Provides for issuance of marriage licenses by certain
wedding chapels. (BDR 11-1152)

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 marriage; providing for certain wedding chapels to issue marriage licenses; requiring that in certain counties the offices or chapels issuing marriage licenses remain open to the public during certain hours and requiring the county commissioners in other counties to fix such hours; 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. NRS 122.040 is hereby amended to read as follows:
2 122.040 1. Before persons may be joined in marriage, a license
3 [shall] *must* be obtained for that purpose from the county clerk of any
4 county in the state [. Licenses] *or from a person authorized by the*
5 *clerk to issue marriage licenses pursuant to section 3 of this act. The*
6 *license may be obtained:*
7 (a) At the county seat; [and
8 (b) In counties having a population of 100,000 or more, but less than
9 200,000 as determined by the last preceding national census of the
10 Bureau of the Census of the United States Department of Commerce, at
11 one place within the county in addition to the county seat if the county
12 clerk designates such additional place.] *or*
13 (b) *At a commercial wedding chapel where issuance of the licenses has*
14 *been authorized by the county clerk.*
15 2. Before issuing a marriage license, the county clerk *or other person*
16 *authorized to issue the license* may require evidence that the [person
17 applying] *applicant* for the [marriage] license is of age. The county
18 clerk [may also require] *or other person authorized to issue the license*
19 *shall accept* a statement under oath by the [person applying for the mar-
20 riage license and the person's] *applicant and the applicant's parent, if*
21 available, that the [person] *applicant* is of age.

ASSEMBLY BILL NO. 599—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 22, 1979

Referred to Committee on Government Affairs

SUMMARY—Abolishes office of commissioner of civil marriages and allows police judges to perform marriages. (BDR 11-1151)

FISCAL NOTE: Effect on Local Government: Yes. 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 marriage; abolishing the office of the commissioner of civil marriages; authorizing police judges in certain counties to perform civil marriages and excluding performance of marriages by justices of the peace in those counties; increasing certain fees for marriage licenses; and providing other matters properly relating thereto.

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

SECTION 1. NRS 122.050 is hereby amended to read as follows: 122.050 The marriage license [shall] must be [substantially] in the following form:

MARRIAGE LICENSE

STATE OF NEVADA } ss. COUNTY OF.....

These presents are to authorize any minister who has obtained a certificate of permission, any supreme court justice or district judge within this state, [or] any justice of the peace within a township wherein he is permitted to solemnize marriages, or any [commissioner of civil marriages or his deputy within a commissioner township wherein they are] police judge within the county wherein he is permitted to solemnize marriages, to join in marriage of (City, town or location) State of State of birth (If not in U.S.A., name of country); Date of birth [Father's name Father's state of birth (If not in U.S.A., name of country) Mother's maiden name Mother's state of birth (If not in U.S.A., name of country) Number of this marriage (1st, 2nd, etc.)] Wife deceased

Original bill is 4 pages long. Contact the Research Library for a copy of the complete bill.

SENATE BILL NO. 548—COMMITTEE ON JUDICIARY

MAY 2, 1979

Referred to Committee on Judiciary

SUMMARY—Makes chairman of state board of parole commissioners its executive officer and provides for his powers and duties. (BDR 16-2024)

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 pardons and paroles; making the chairman of the state board of parole commissioners the executive officer of the board; providing for his powers and duties; 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. NRS 213.108 is hereby amended to read as follows:
2 213.108 1. The state board of parole commissioners is hereby
3 created.
4 2. The board consists of three members appointed by the governor.
5 3. A chairman of the board shall be appointed by the governor. *The*
6 *chairman is the executive officer of the board and shall administer its*
7 *activities and services and be responsible for its management except as*
8 *provided in NRS 213.1085.*

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SENATE JOINT RESOLUTION NO. 25—COMMITTEE ON
JUDICIARY

MAY 2, 1979

Referred to Committee on Legislative Functions

SUMMARY—Proposes to amend Nevada constitution to allow for
municipal courts of record. (BDR C-2019)



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

SENATE JOINT RESOLUTION—Proposing to amend section 9 of article 6
of the constitution of the State of Nevada, relating to municipal courts, to
allow for municipal courts of record.

1 *Resolved by the Senate and Assembly of the State of Nevada, jointly,*
2 That section 9 of article 6 of the constitution of the State of Nevada
3 be amended to read as follows:
4 【Sec:】 *Sec. 9.* Provision shall be made by law prescribing the pow-
5 ers, duties and responsibilities of any Municipal Court that may be
6 established in pursuance of Section One, of this Article; and also fixing
7 by law the jurisdiction of 【said Court so as not to conflict with that
8 of the several courts of Record.】 *that court.*

ASSEMBLY BILL NO. 199—ASSEMBLYMEN HORN, VERGIELS, WESTALL, HARMON, GETTO, PRICE, MALONE, HICKEY, MANN, SENA, HAYES, BRADY, POLISH, BANNER AND COULTER

JANUARY 24, 1979

Referred to Committee on Judiciary

SUMMARY—Prohibits probation for a second or subsequent conviction of any felony. (BDR 14-691)

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 probation; prohibiting probation for a second or subsequent conviction of any felony; 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. NRS 176.185 is hereby amended to read as follows:
2 176.185 1. Whenever any person has been found guilty in a district
3 court of a crime upon verdict or plea, the court, except in cases of:
4 **[capital]**
5 (a) *Capital* murder; **[or murder]**
6 (b) *Murder* of the first or second degree; **[, kidnaping]**
7 (c) *Kidnaping* in the first degree; **[, sexual]**
8 (d) *Sexual* assault; **[, or an]**
9 (e) *A second or subsequent conviction of any felony; or*
10 (f) *An offense for which the suspension of sentence or the granting of*
11 *probation is expressly forbidden,*
12 *may by its order suspend the execution of the sentence imposed and*
13 *grant probation to the convicted person as the judge [thereof] deems*
14 *advisable. The court may grant probation to a person convicted of the*
15 *infamous crime against nature, of indecent or obscene exposure or of*
16 *lewdness only if a certificate of a psychiatrist, as required by NRS [201.-*
17 *190 and] 201.210 to 201.230, inclusive, is received by the court.*
18 2. The district judge shall not grant probation until a written report
19 is received by him from the chief parole and probation officer. The chief
20 parole and probation officer shall submit a written report not later than
21 30 days following a request for a probation investigation from the county

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