

MEMBERS PRESENT: Chairman Stewart
Vice Chairman Sader
Mr. Thompson
Ms. Foley
Mr. Beyer
Mr. Price
Mr. Chaney
Mr. Malone
Mrs. Cafferata
Ms. Ham
Mr. Banner

MEMBERS ABSENT: None

GUESTS PRESENT: Pete Zadra; DMV, Highway Patrol
Michael Long; DMV, Highway Patrol
Donna Sheehan; DMV, Director's Office
John Borda; NV Motor Transport Association
Mike Brown; Court System
G. R. Tackett; Nevada Bell
Joe Cathcart; City of Las Vegas
Michael A. de la Torre; Director, Dept. of
Law Enforcement Assistance
George Wendell; Director, Investigations
and Narcotics, Dept. of Law Enforcement
Assistance

Chairman Stewart called the meeting to order at 8:07 a.m. and indicated that testimony on AB 33 would be heard first.

AB 33: Extends jurisdiction of justices' courts over traffic citations.

Mr. Zadra testified that the DMV Highway Patrol has asked for this legislation because the particular statute involved has been on the books for several years but refers to arrests only; the Highway Patrol would like to have reference to citations added. Mr. Zadra noted that upon introduction of this legislation, Clark County focused on the original statute and has expressed concern about its effects upon the court system in that county. Mr. Zadra then handed out a copy of a suggested amendment to the legislation, EXHIBIT A.

Mr. Zadra went on to explain that the reason for this particular statute is because the NV Highway Patrol, in remote areas, has occasion to stop people a distance from justice courts. For example, a portion of roadway in the Lake Tahoe area falls under the jurisdiction of Carson County; previously, an individual arrested on this particular portion of road would be required to appear in court in Carson City. The statute facilitated matters for the motoring public.

Mr. Zadra noted that the way the present law is written, it apparently enables Justices of the Peace and other judges to call for a case which has been assigned to another court. EXHIBIT A is an attempt to remove that loophole. Mr. Zadra then solicited questions.

Mr. Banner asked if he was interpreting the bill correctly by assuming that, if stopped by a Highway Patrolman, normally an individual is either arrested or issued a citation; and the new bill would allow an individual who was stopped and issued a citation--but not arrested--in a county outside his county of residence to opt for having the case handled either in the county wherein he was stopped or in his home county. Mr. Zadra assured Mr. Banner that was precisely the intent of the proposal.

Mr. Banner then questioned Clark County's problem with the bill: was it the possibility of losing revenues? Mr. Zadra noted this might be one of the issues involved, but additionally Clark County possibly fears that if one of the justices in a particular court was not making decisions which the Highway Patrol considered proper, then they would take all of their cases into another court. Mr. Zadra stated this was not the Highway Patrol's intent. He further noted that the decision as to where the matter would be handled was, within the limits defined in the bill, up to the individual being cited. Mr. Banner stated he could not understand Clark County's objections to the bill.

Mr. Zadra then said it was his understanding that Clark County was considering an amendment to the effect that an individual would be cited into the immediate court of jurisdiction or the court in their home county or city. He noted this would not work with the non-resident, nor, for example, with the Clark County resident cited in Reno as it would require sending troopers to Las Vegas to testify, and would involve considerable expense. This problem was not at first visible to the Highway Patrol, but was brought to their attention. All the Highway Patrol wanted to do was add citation along with arrest in the bill.

Mr. Price wondered if moving the hearing for a violation from one court to another would have a financial impact upon that court. He also questioned how court assignments would be made; in the past, if any question existed, the officer made the decision. Mr. Zadra replied that the decision would be based upon a discussion between the trooper and the violator. The trooper would consider where the individual resided, the individual's preferences as to place of assignment, etc. prior to citing a court of jurisdiction. Mr. Price then pointed out that an individual who was well known in his home town might opt for handling of his case back there, and this could lead to more dismissals, etc. Mr. Zadra agreed this was a possibility.

Mr. Price then asked what the real purpose behind the entire proposal was. Mr. Zadra explained that the original bill, which was passed prior to the time the Highway Patrol had the authority to issue citations, was an effort to facilitate matters for the tourist who might be stopped on the edge of a county line, arrested, and required to travel a rather long distance in order to appear in court. The bill permitted the trooper to arrest into the nearest court. Citation, however, was not addressed at that time. This bill is an attempt to do so.

Mr. Price noted that the large majority of tourists driving through the State undoubtedly post bond or sign the citation document and then simply drive away. He wondered if many, perhaps 50-55 percent, jumped bail or bond. Mr. Zadra stated the figure was no way near that high. Mr. Price then cited the State of Kansas, which allows the citing officer to hand the individual an envelope, in which the individual places the cash for the fine, and then the officer follows the individual to the nearest mailbox and watches him mail the money. Mr. Zadra stated Nevada Highway Patrol had tried this system, but had found it unsatisfactory; there were claims of collusion between the courts and the officers, and a great deal of bad publicity. Mr. Price then raised the point that not that many people go to court and contest their citations, so why is the proposal necessary? He further noted that some towns receive a substantial part of their revenues from such citations and assignment to another court could harm these towns. Mr. Zadra agreed that monies received from guilty pleas and from fines do go into the county, but bail forfeitures do not, they go to the State school system.

Mr. Chaney also raised the issue of revenues, feeling transferral of the case to be unfair to the county in which the offense occurred, especially since the majority of individuals simply pay their fines without contesting them.

Ms. Ham then asked about the increased cost to the State to send the arresting officers to the city or town to which the case was transferred, and whether a fiscal note should be appended to the bill. Mr. Stewart asked if Mr. Zadra had any estimate as to these costs, and as Mr. Zadra did not, the Chairman asked that this information be provided to the Committee as soon as possible, preferably by 2 February 1981. Mr. Zadra did feel, however, that the cost would be minimal if cited into an adjoining court and considerably higher if cited into the county of residence. Mr. Zadra was not certain there would be any major difference between what the Highway Patrol is currently doing and what they would be doing if the new legislation were passed. He noted that courts are held during the day, and a trooper can go out to the adjoining county during his regular tour of duty and at most the State would owe him one meal, if it extended over a period of time.

Ms. Foley then asked about the current situation in Las Vegas, where court is held at night, and its effect upon the officers from other counties who must appear to testify. She noted that currently people have an excellent chance of having their case dismissed because the officer and/or witnesses failed to appear, and she felt the new legislation would accentuate this problem. Mr. Zadra stated that an officer must appear any time he has a subpoena. The officer is not present at the original appearance of a violator because he is only going to enter a plea; but if a trial is scheduled and a subpoena is issued, the officer has to appear, it is mandatory. Mr. Zadra then added that in Clark County there has been a condition for years in which cases are continually postponed by a good defense attorney until the officer doesn't appear, and then the attorney is ready for trial.

Mr. Malone said he could see where this bill would be beneficial to the person who receives the citation, however, like Ms. Ham, it could cause an impact on the Highway Patrol; e.g., the cost of additional gasoline for travel, etc. Mr. Zadra agreed there is an impact involved, however, he does not know how great it is; he believes it would be very small.

Chairman Stewart asked if it would be less expensive to cite an individual into a neighboring county if it were closer, and if this were frequently done. Mr. Zadra answered that it is done, and would be cheaper if the person were going to court, a not guilty plea, and a trial.

Ms. Cafferata asked how much money was involved in the various counties, as this could be a major issue. Mr. Zadra did not feel it would be a major issue, as he believes it to be a balancing operation in most cases.

Mr. Beyer then asked if, since very few citations actually go to trial, could these two not be separated so that citations go to the county of jurisdiction but in the case of arrests, allow the jurisdiction to go to the neighboring county if appropriate. The travel involved would be a deterrent to fight a citation, and the revenues would stay in the county in which the citation was issued. He added he didn't feel it was appropriate to make things easier for the motorist in such instances.

At this point Mr. Stewart asked that Mr. Zadra also include an indication of where monies forfeited go along with the other information previously requested by the Committee. Mr. Zadra reiterated that the forfeitures go to the State school fund and the fine money goes to the county general fund.

Mr. Banner had one final comment: the current situation makes it extremely difficult for the person receiving a citation a long way from home to contest that citation; the new legislation would encourage justice.

As there was no further testimony, Chairman Stewart declared the hearing on AB 33 to be closed.

The next bill to be heard was AB 41.

AB 41: Provides penalty for failure to obtain permit for flashing amber warning lights.

Once again testimony was offered by Mr. Zadra, who noted that at the present time there is no law which controls the installation of amber lights on vehicles. There is a great deal of legislation concerning these lights on vehicles: the Highway Patrol has the authority to grant permits for these lights, the types of vehicles which can have such lights has been designated, but no where in the statutes does it say it is unlawful to run an amber light without a permit. This bill is an attempt to cover this loophole.

Mr. Price asked if there was much of a problem in this area, and with whom. Mr. Zadra explained that it is a continuing problem, but one which is relegated to a small fringe group which feels an amber light is a status symbol.

Mr. Beyer asked if this bill would also cover the amber automobile lights which one sees mounted on cars and which flash, to which Mr. Zadra replied in the affirmative. Mr. Zadra then passed out EXHIBIT B, which would exempt amber lights in electric turn signal lamps, and noted it undoubtedly covered the situation to which Mr. Beyer was referring.

Mr. Price said he had a small amber light which plugs into a cigar lighter for use when his automobile broke down, and he wondered if this type of light would also require a permit. Mr. Zadra replied that this bill was concerned with installed lights, and that Mr. Price's light is an example of something about which the officer would have to make a decision after looking at it at the time. He did note, however, that that type of light and situation was an example of common sense, and the officer would probably not do anything about it.

Mr. Chaney pointed out that the type of light Mr. Price referred to could be used by anyone, for any purpose, and he failed to see any real difference between that light and a mounted one. He also wondered if such vehicles as tow trucks had to obtain permits to operate their flashing amber lights. Mr. Zadra said tow trucks did require permits and referred Mr. Chaney to the list of vehicles for which amber light permits were required (see EXHIBIT B).

Ms. Foley asked if Mr. Price's light would actually be illegal, since the bill refers to display or mount. Mr. Zadra said it would be illegal. Ms. Foley then questioned Mr. Zadra's statement that this type of situation would be up to the discretion of the patrolman as to whether or not to cite,

since it was just as illegal. Mr. Beyer then suggested insertion of the words "moving vehicle", which might solve both problems: the one the Highway Patrol is trying to eliminate, and the question of lights similar to the one noted by Mr. Price. Mr. Zadra agreed this was a good suggestion, with a little reworking of the wording.

In reply to Mr. Thompson's question, Mr. Zadra explained that while there are a great many people who have a legitimate use for the light, there is a small fringe group which has no use for it and it is this group which goes to extremes to get these lights mounted on their vehicles. He could not explain why they did this.

Mr. Chaney asked if it was a specific group which was causing the problem. Mr. Zadra said no, there were a lot of legitimate groups running amber lights and they are no problem, it is individuals who are causing the trouble. The organized groups have permits to operate these lights.

Mr. Malone noted that there is a statute similar to the proposed bill which covers red lights, and he felt this bill would be complementary to that law. He added that that law had been passed to prevent confusion of private vehicles with emergency vehicles, but now a lot of the emergency vehicles use amber lights instead of red to clear the way in certain instances.

To Chairman Stewart's comment that people could simply switch to orange lights, Mr. Zadra explained that most colors can be eliminated, as there are currently statutes which determine what colors can show to the front, back, or sides of private vehicles. The basis for the current problem is that the amber turn signal to the front is permitted.

Mr. Sader asked how this bill would prevent those problem individuals from switching to another color light. Mr. Zadra said this is prevented by other statutes which cover those other colors; the amber light, however, is not covered by those statutes because it is used in turn signals. In further explanation to Mr. Sader, who quoted Traffic Law 484.581 section 1: "No person shall display a flashing amber warning light on a vehicle as permitted by this chapter except when an unusual traffic hazard exists", Mr. Zadra said this law did not allow for removal of a light unless it was in operation.

Mr. Price asked how the Highway Patrol determined which vehicles would be granted permits for flashing amber lights. Mr. Zadra replied that these standards were listed on the permit application, and that this list could be altered as needed, in order to cover anyone engaged in a business that creates a hazard on the road.

In reply to another question from Mr. Price, it was stated that the cost of a permit is as listed in EXHIBIT B.

Mrs. Cafferata wondered if perhaps the Committee shouldn't be looking at the laws on the lights, the colors. Mr. Sader noted that there were several laws involved in this.

Mr. Sader then asked how the current bill would relate to Traffic Law 484.581, which allows the operation of an amber light during an unusual traffic hazard. Mr. Zadra said the new bill would require a permit no matter what, and that even with the permit the lights could only be operated when an unusual traffic hazard existed. Mr. Sader then asked if perhaps law 484.581 should be repealed in its entirety. Mr. Zadra said he had considered this, but felt that with the new bill, it would be sufficient to repeal only section 2 of 484.581, incorporate it into 484.579, and let the other stand. In that way, even though a person is permitted to have an amber light, he will not be able to make unauthorized use of it. Mr. Sader noted, and Mr. Zadra agreed, that this would still leave the type of light cited by Mr. Price illegal. Mr. Zadra added, however, that no court would convict Mr. Price if the Highway Patrol did cite him for using that light while broken down on the side of the road. This led Mr. Sader to wonder if the Highway Patrol was asking for a law which it wouldn't enforce. Mr. Zadra explained that every traffic law has to be enforced with reason; e.g., if an individual is going one mile over the speed limit, technically he is breaking the law, but no trooper would cite him for it.

Mr. Malone wished to note that he has seen ambulance chasers, and cited them, and then lost in court, and that the only reason he could cite them was for not giving way to an emergency vehicle.

Mr. Sader asked if amending the proposed amendment to read: "It is unlawful for any person to display or mount flashing amber warning lights on a vehicle except when an unusual traffic hazard exists without a permit from the Nevada Highway Patrol", would include both Mr. Price's situation as well as an apparent problem involving wording of a statute.

Mr. Malone wondered if simply adding the word moving might not be just as effective in solving the problems cited by Mr. Sader.

Mr. Sader replied that it is possible an emergency situation might exist when the vehicle would still be moving. Mr. Chaney agreed, noting he has seen cars with a flat tire and no spare driving very slowly along the side of a road in an attempt to reach a gas station, and that these cars might use amber lights in order to warn other drivers they are moving slowly. Mr. Zadra pointed out that most vehicles today do have built-in hazard warning lights which could legitimately be used in such an instance, although he agreed with Mr. Chaney that some older cars operating on the roads do not have such lights.

Chairman Stewart then read Traffic Law 484.563: Color of

clearance lamps, identification lamps, side marker lamps, backup lamps and reflectors. While Chairman Stewart did not feel this law contained any prohibitions as to what was on top of a car, Mr. Zadra stated that these sections were the only ones the Highway Patrol had to go on, and that based on these they interpreted the law to mean any lights showing to the front or rear.

The next person to testify was Joe Cathcart, who felt the utilities and municipalities should be exempt from having to get and pay for a permit each year; i.e., they should exempt those vehicles listed in Section 2 of the proposed bill.

Chairman Stewart stated, and Mr. Zadra confirmed, that the cities and counties were required to obtain permits on a yearly basis, but did not have to pay for them; whereas public utilities not only had to get permits each year, they also had to pay for them.

As there was no further testimony on this bill, the Chairman declared the public hearing on AB 41 closed.

Chairman Stewart then noted there were two bills for introduction by the Committee, and he asked if this was approved. Mr. Thompson moved the bills be introduced, Mr. Malone seconded the motion, and it was passed by unanimous vote.

The next order of business was a presentation by the Department of Law Enforcement Assistance and a demonstration of and by the dope sniffing dog. Mr. de la Torre first gave a resume on Jesse James, the dog: five year old black lab; not an attack dog, except if his master is attacked; he is the personal property of his master, Jim Lynsky, an experienced narcotics investigator; worked in the Far East, Middle East, and naval intelligence; and is considered a tool in narcotics work. In 1980 the dog recovered about \$2.5 million, saving the Department about 40 hours of man time in establishing probable cause; the dog has been certified as an expert in court. Two to three arrests per week are averaged behind the dog. There are problems connected with the dog, however: he doesn't testify in court and he doesn't do paperwork; hence, in one night he can recover enough dope to keep the people in the office busy for weeks on end. The dog is also a safety factor, as he eliminates the need for an undercover agent to get involved and build rapport with those involved with drugs in order to establish probable cause. The dog is also poison trained; he will only accept food from his master.

The dog then proceeded to find several stashes which were hidden in the room prior to the meeting.

It was then explained that the training process for the dog takes approximately ten weeks, and that the type of dog which Mr. Lynsky prefers costs approximately \$800. It was noted,

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however, that the Department got Jesse James for free, since he is owned and trained by Mr. Lynsky.

Mr. Sader asked if the Department needed more dogs than just Jesse James, and was told the Department didn't have the manpower to cope with the paperwork which would result from even one more dog since these animals are capable of finding dope much more quickly than a man can and thus can do more in a much shorter period of time. Mr. de la Torre believed other agencies were looking into the possibility of acquiring such dogs, however.

Mr. de la Torre then gave a presentation on the Department of Law Enforcement Assistance and its activities. (Note: A packet containing sample publicity materials, crime prevention publications, and other information relating to the Department is available for your perusal from the Assembly Judiciary Committee Attache.) The Department gives classes around the State, both to the public and to law enforcement agencies. It is heavily involved in education of the public in crime prevention as well as in anti-crime publicity. The Department's main function is to assist in law enforcement, and it does so through such activities as: training enforcement officers; educating the public; producing aids for law officers; keeping records; crime research; providing other agencies with specialized equipment, expertise, and personnel; administering polygraphs; surveillance; etc.

(Exhibit D... all of packet not indicated)

Next Mr. de la Torre showed slides depicting the activities of the Department, particularly the Investigations and Narcotics Section. He provided information concerning the production and smuggling of illegal drugs, and outlined some of the problems encountered by the Department, such as a definite lack of storage space for evidence.

Following Mr. de la Torre's presentation Mrs. Cafferata moved for adjournment, seconded by Mr. Price, and as there was no further business the meeting ended at 10:00 a.m.

Respectfully submitted,

Pamela B. Sleeper

Pamela B. Sleeper
Assembly Attache

Note: Appended as EXHIBIT C is that information requested from and provided by Mr. Zadra concerning AB 33. (not AB 41 as cited in the Exhibit).

5. In the case of any traffic citation issued or arrest made by a member of the Nevada highway patrol pursuant to the duties prescribed by NRS 481.180, or by an inspector or field agent of the motor carrier division of the department of motor vehicles, [the jurisdiction of the justices of the peace extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties] the traffic citation or arrest may be directed to a proper court of jurisdiction in the township where the violation occurred, unless a more proximate court of jurisdiction is available within the limits of the county where the traffic violation occurred or within the limits of a county which has a common boundary with the county in which the traffic violation occurred.

AMENDMENT - NRS 484.579

A.B. 41

ADD:

Section 7. The provisions of subsection 1 do not prohibit the use of amber lights in electric turn signal lamps.

REPEAL: NRS 484.581 Section 2

484.579 Permits issued by Nevada highway patrol for operation of flashing amber lights on certain vehicles.

1. The Nevada highway patrol, upon written application, shall issue a permit for the operation of a flashing amber light for the following:

- (a) Public utility vehicles.
- (b) Tow trucks.
- (c) Vehicles engaged in activities which create a public hazard upon the streets or highways.
- (d) Vehicles of coroners and their deputies.
- (e) Vehicles of Civil Air Patrol rescue units.
- (f) Vehicles of authorized sheriffs' jeep squadrons.

2. Such permits expire on June 30 of each calendar year.

3. The Nevada highway patrol shall charge and collect the following fees for the issuance of a permit for the operation of a flashing amber light:

- (a) Permit for a single vehicle \$2
- (b) Blanket permit for more than 5 but less than 15 vehicles..... 12
- (c) Blanket permit for 15 vehicles or more..... 24

4. Subsection 3 does not apply to an agency of any state or political subdivision thereof, or to an agency of the United States Government.

5. All fees collected by the Nevada highway patrol pursuant to this section shall be deposited with the state treasurer for credit to the motor vehicle fund.

(Added to NRS by 1963, 1267; A 1975, 586)

484.581 Limitations on display of flashing amber lights.

1. No person shall display a flashing amber warning light on a vehicle as permitted by this chapter except when an unusual traffic hazard exists.

2. The provisions of subsection 1 do not prohibit the use of amber lights in electric turn signal lamps.

(Added to NRS by 1963, 1267; A 1969, 1216)—(Substituted in revision for NRS 484.415)

484.583 Display of flashing amber warning lights by public utility vehicles; conditions. Public utility vehicles actually engaged in the construction, removal, maintenance or inspection of utility facilities may display flashing amber warning lights to the front, sides or rear when necessarily parked other than adjacent to the curb in a highway, or when moving at a speed slower than the normal flow of traffic.

(Added to NRS by 1963, 1267)—(Substituted in revision for NRS 484.416)

484.585 Additional lighting equipment.

1. Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare.

January 30, 1981

To: Assemblyman Janson Stewart
Chairman, Assembly Judiciary Committee

From: Colonel Peter J. Zadra, Chief
Nevada Highway Patrol

SUBJECT: CITATIONS ISSUED TO NON-RESIDENTS

A question was asked by your committee regarding the percentage of non-residents who are issued citations and then fail to forfeit the bail or appear in court.

As far as we can determine, in courts with extensive follow-up programs, such as Reno Justice Court, the percentage of "no shows" is around 17%. In courts where no follow-up program exists, such as in Las Vegas, the percentage is as high as 73%.

PJZ:jdh

January 30, 1981

To: Assemblyman Janson Stewart
Chairman, Assembly Judiciary Committee

From: Colonel Peter J. Zadra, Chief
Nevada Highway Patrol

In considering the fiscal impact of AB 41 we looked at the effect it would have both on the State and on the Counties. We concluded that AB 41 would have no fiscal impact on the State. We also concluded that there would be no fiscal impact upon the County School Systems. There will be an impact on the County Treasuries.

When considering the fiscal impact this bill would have on the State, we concluded that the only possible expenses the State would incur would be in the areas of Highway Patrol salaries, per diem, and vehicle operating expenses. Since most Highway Patrol Troopers are assigned patrol areas which encompass numerous Court Jurisdictions, there would probably be a balancing effect brought about by the changing Jurisdictions.

For instance, a Carson City Trooper, based in Carson City, currently issues citations into Washoe, Storey, Lyon, Douglas, and Carson City Counties. If this Trooper issues a citation to a Reno resident who commits a violation in Carson City, then the citation will be written into the Reno Justice Court instead of the Carson City Justice Court. However, this will be offset by him writing a citation to a Carson City resident who commits a violation in Washoe County because the citation will be written into the Carson City Justice Court instead of the Reno Justice Court. In the long run, this will balance out.

The exception to this will be Nye County based Troopers who write citations to people working at the Test Site. There will probably be a large percentage of Beatty Justice Court citations being written into Clark County. However, the costs incurred by this will be minimal. Therefore, we can conclude that there will be no fiscal impact to the State upon the passage of AB 41.

Revenues collected from Highway Patrol citations can be broken down into two (2) categories: Fines and Forfeitures. NRS 176.265 requires that all fines derived from Nevada Penal Codes be deposited with the State Treasurer. Under NRS 387.010 these fine monies are placed into the State permanent School Fund. AB 41 would not have any effect on this process, and therefore, would have no fiscal effect on the State permanent School Fund or the County School Systems who use these funds.

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Forfeiture monies are a different matter. NRS 178.518 states that monies collected from forfeitures are to be paid over to the County Treasurer. AB 41, if enacted, will have a definite fiscal impact to the Counties. However, we have no method of determining the extent of the impact. Counties with large populations as in the case of Clark vs Nye County, will probably increase their monies derived from forfeitures while the smaller populated Counties will decrease their monies.

Consequently, if AB 41 is enacted, Clark and Washoe Counties will see an increase of the monies they derive from forfeitures while the bordering Counties (Nye, Lincoln, Carson City, Storey, Humboldt, Pershing, and Churchill) will see a decrease.

As we stated earlier, we cannot estimate the extent of the fiscal impact in this area.

PJA:jdh

ROBERT LIST
Governor



MICHAEL A. de la TOR
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I. Governor's Crime Prevention Program

1. Sexual Assault
2. Child Abuse and Neglect
3. Senior Citizen Protection
4. Juvenile Justice (Shoplifting, Vandalism, etc.)
5. Nevada Crime Watch

II. Planning and Training Division

1. Peace Officer Standards and Training (POST)
2. LEAA Phaseout Resolution
3. Uniform Crime Reports (UCR)
4. Criminal Law Manual

III. Division of Investigation and Narcotics

1. General Investigation Unit
2. Criminal Information Unit and Rocky Mountain Information Network (RMIN)
3. Technical Investigation Unit
4. Narcotics Investigation Unit
5. Diversionary Investigation Unit

IV. Administration of NRS Chapter 179A, the Nevada Records of Criminal History Act

ROBERT LIST
Governor



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TO: Janson Stewart, Chairman
Assembly Judiciary Committee

FROM: Michael A. de la Torre, Director *Michael*

SUBJECT: Department Legislative Proposals

DATE: January 30, 1981

For your information and review is a synopsis of the legislation that this Department will be submitting this session.

Chapter 216: Commission on Crimes, Delinquency and Corrections

As a result of recommendations by the Legislative Counsel Bureau, the Legislature and the Governor, the Crime Commission would be reduced from 17 to 7. The Identification and Communications Division wording would be repealed, as well as other changes that would correct technical errors existing in the chapter. Also, in an effort to more accurately describe the activities of the Division of Investigation and Narcotics, it is being recommended that the Division be re-named Investigation Division.

Racketeering Influenced and Corrupt Organizations Statute (RICO)

Modeled after federal statutes, this legislation would provide for prosecution of specific crimes committed by organized groups of criminals, as well as for illegal activities occurring in multi-jurisdictional areas. This legislation would also provide for civil penalties. In view of the anticipated MX impact in Nevada, this would be a timely law.

Janson Stewart, Chairman
Assembly Judiciary Committee
January 30, 1981
Page Two

Administrative Subpoena

This legislation would permit district attorneys and the Attorney General the authority to cause to be issued subpoenas commanding the production of materials. Currently, this type of subpoena is available only through a grand jury, and several rural counties do not have a grand jury in session when needed. Again, this is modeled after existing federal legislation and would also save money.

Inquiry Judge Process in Lieu of Grand Jury

Inquiry Judge proceedings are simple, inexpensive and more flexible than grand jury proceedings. These proceedings are especially useful when sophisticated criminal activity is suspected. Many counties in Nevada do not have grand juries in session when needed, and this would provide a viable alternative.

Chapter 453 and 454 - Controlled Substance Act

This legislation would change certain provisions relating to controlled substances, dangerous drugs and hypodermic devices, expand the exceptions to the doctor-patient privilege, as well as provide for appropriate penalties. These are technical changes to insure prosecution and eliminate existing loopholes, which include reinstating the "good faith" provision for physicians.