

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

MEMBERS ABSENT: None

GUESTS PRESENT: Charles Wolff, Department of Prisons
Vern Calhoun, Dept. Law Enforcement Assistance
Michael de la Torre, Dept. Law Enforcement Assistance
Sue Morrow, Nevada Appeal
Bob Shriver, Nevada Trial Lawyers Assoc.
Colleen Dolan, UNR Intern
Maran Razim, UNR Intern
John Barriage, UNR Intern
Patsy Redmond, Division of Insurance
Kraus, Division of Insurance
B.J. Smith, AAA
Richard R. Garrod, Farmers Ins. Group
Richard G. Pugh, Nevada State Medical Assoc.
Steve Robinson, Department of Prisons
Robert Bayer, Department of Prisons
John W. Borda, Nev. Motor Transport Assoc.
Mike Filing, Walley's Hot Springs
L.A. Wahrenbrock, Planning Consultant
Jack Reynolds, UNR Intern
Robert Manley, Attorney General's Office

Chairman Stewart called the meeting to order at 8:10 a.m. and presented a bill for committee introduction.

BDR 16-906: An act relating to the registration of convicted felons, providing for the use of the standard felony applicable in the place outside Nevada where the conviction took place and providing other matters properly relating thereto.
(AB240)

Mr. Beyer moved for committee introduction of BDR 16-906, seconded by Mrs. Cafferata and unanimously carried by the committee.

AB 52: Provides punishment for participation in a criminal syndicate.

Chairman Stewart suggested an amendment to AB 52 as follows:

1. Amend the title to read as follows:

"AN ACT relating to crimes and punishment; providing punishment for participation in a criminal syndicate, computer crimes and threats at time credit is extended; and providing other matters properly relating thereto."

2. Page 3, line 27, to be discussed with the Bill Drafter, but basically to read as follows:

"(v) Resisting, delaying or obstructing a public officer."

3. Page 2, line 10, the words "at the time credit is extended" remain due to the fact that it appears in Federal statutes and other state statutes.

4. Page 3, following line 27, a new section dealing with crimes against gaming, entitled "Cheating".

5. Page 3, line 46 and line 49, to be discussed with the Bill Drafter, but basically to read as follows:

Line 46: ". . . All property or profit derived. . ."

Line 49: ". . . for the amount of the property or profits so derived. . ."

6. Correlating the provisions in this bill with those in other bills which will tie in the restitution to the victims of these crimes will be discussed with the Bill Drafter.

7. Page 4, lines 3 and 4, be deleted from the bill.

8. Page 2, lines 13 and 14, be amended to read as follows:

"1. Harm physically the debtor or a-member-of-his-family any other person;

"2. Damage the reputation of the debtor or a-member-of-his-family any other person;"

Mrs. Cafferata moved the amendments be drafted and brought back to the committee, seconded by Mr. Sader, and unanimously carried by the committee.

AB 53: Amends certain provisions relating to controlled substances and dangerous drugs.

Mrs. Cafferata explained that the sub-committee met with the drug enforcement, pharmacy people and doctors. She stated that the proposed amendments to this bill (EXHIBIT A) were recommendations from the pharmacy people.

Rather than going through the proposed amendments and comparing them to the bill, Mr. Price moved AMEND, DO PASS and RE-REFER TO COMMITTEE AB 53, seconded by Mr. Chaney, and carried unanimously by the committee.

Due to the fact that Warden Wolff's presence was required at a 9:00 a.m. meeting, Chairman Stewart proceeded to hear AB 86 next.

AB 86: Changes method of inflicting death penalty.

Mr. Price proposed Amendment No. 59 (EXHIBIT B), which changes the words "administration of lethal gas" to "use of rifle fire". He alluded to the problem of finding people to administer the death penalty and the cost involved, saying that would not present a problem in the case of a firing squad.

Mr. Price moved AMEND AB 86, seconded by Mr. Banner.

Mr. Sader stated he was not in favor of the amendment proposed and felt the death penalty should be administered in the most humane way possible. He felt the firing squad was a step backward.

Mrs. Cafferata felt the firing squad was a little barbaric and that consideration needed to be taken as to the cost and danger of the people involved. She stated she had done research on lethal injections, the gas chamber, firing squads and the electric chair. Her research indicated that the most humane and quickest death was through the use of the electric chair. She stated the lethal injection is a process that takes 5 to 10 minutes, utilizing the same drugs used in surgery -- one to put you to sleep, and the other relaxing the muscles to the point where the lungs no longer function. She continued by saying that the electric chair takes less than a minute and the gas chamber takes about three minutes. She proposed the use of the electric chair.

Mrs. Cafferata moved AMEND Mr. Price's amendment to AB 86, requiring the use of the electric chair as the means of inflicting the death penalty. The motion to AMEND was seconded by Mrs. Ham.

Mr. Beyer felt that the committee was not qualified to make a determination of what was the most humane method and asked for Mr. Wolff's opinion. Mr. Wolff did not feel the electric chair is the most humane method and commented that Mrs. Cafferata's research indicated that to be so, but that was not indication that the research was accurate. He continued by saying it was his opinion that the most humane method of carrying out the death penalty is with lethal injection. He stated that the intent was to follow out the order of the court and that there were a variety of methods in which that could be done. He indicated his study, exposure and experience in the field and through the people he knew who were authorities in the area agree that the method of lethal injection is probably the easiest, least expensive and least dangerous. He based his request for that method upon those factors.

Mr. Beyer asked for figures on the cost of installing an electric chair. Mr. Wolff stated that the last time he had a chair tested was in Virginia at the cost of \$5,000 for the utility company to test the chair. Warden Wolff indicated this had to be done every time there was an execution scheduled and periodically for maintenance purposes. He also indicated that an electric chair would have to be purchased for use in Nevada.

Mr. Price asked how a lethal injection would be less expensive than a firing squad. Mr. Wolff stated he was not debating the cost of a firing squad at \$.23 per bullet, but that a team would need to be trained and a squad selected. He did not feel the cost between the two would be too different, but felt the firing squad a little barbaric. He asked what was trying to be accomplished and why it couldn't be done in a humane fashion as long as it was done.

Mr. Price expressed his personal opinion and used as an example the case of a criminal starting his career by raping and mutilating young women and going on to murder and hostage situations. He felt that type of individual did not deserve a dignified death and that society should make that known to criminals. Mr. Thompson expressed support of Mr. Price's opinions.

Mr. Beyer asked if through the use of a firing squad there was the possibility of a death not happening instantaneously. Mr. Wolff explained that normally a firing squad is a team of trained marksmen who shoot for a vital spot. He stated that the chance

of them not accomplishing the act is quite remote. He noted that there is only one state which uses the firing squad and that he has not had that much experience with it. He stated that human error is possible but has never heard of such an instance. Mr. Stewart commented that 5 or 6 marksmen are used, eliminating much possibility of error.

Mrs. Cafferata posed the possibility of collapsed veins in long-time drug abusers which could present problems with the use of a lethal injection in requiring the use of a surgeon to insert the instruments. Chairman Stewart suggested that these individuals are in prison for several years before they are actually executed. Mr. Wolff stated that there have been people on death row from anywhere between 2 to 14 years, with the average being 7 to 9 years. He commented that there have been only 3 sentences of capital punishment carried out since 1966, noting that it is used very sparingly. Mr. Wolff stated he did not feel there would be a problem of the sort suggested by Mrs. Cafferata, but agreed it was a point to take into consideration. He added it was something that could be solved in his opinion.

Mr. Sader asked for an estimate of the cost of installing an electric chair. Mr. Wolff stated he could not give an accurate estimate since a system would have to be developed with a minimum of 2,400 volts, put into a distribution panel, and a series of switches installed. He indicated it is an electrical process which is complex and unusual and would likely be very expensive.

Mr. Sader stated that being a fiscal conservative, he was opposed to Mrs. Cafferata's proposal.

Chairman Stewart referred the committee to the research done by his intern and previously submitted to the committee (EXHIBIT C) noting that within a matter of seconds of the lethal injection the person's head falls to his side and his body becomes listless. Five minutes later he is pronounced dead. He noted that the Oklahoma statute requires a continuous injection of the drugs necessary, leaving no doubt that death has occurred. Mr. Wolff stated they had the best procedure to his knowledge.

Chairman Stewart asked for a vote on Mrs. Cafferata's motion to AMEND AB 86 to require death by electric chair. The motion failed with Mrs. Cafferata and Mrs. Ham voting in favor of the motion.

Chairman Stewart asked for a vote on Mr. Price's motion to AMEND AB 86 to require death by firing squad. The motion failed by a simple majority with Mr. Thompson, Mr. Price, Mrs. Cafferata, Mrs. Ham and Mr. Banner voting in favor of the motion.

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Mr. Chaney asked if he should abstain from voting since he does not believe in the death penalty to start with. Chairman Stewart stated it would be Mr. Chaney's option to abstain if he so desired. Mr. Chaney chose not to abstain from the vote.

Mr. Sader proposed an amendment to AB 86 incorporating the language from the Oklahoma statute into Section 1 to read as follows:

"The judgment of death must be inflicted by a continuous, intravenous administration of a lethal quantity of an ultrashort-acting barbiturate in combinate with a chemical paralytic agent until death is pronounced by a licensed physician according to accepted standards of medical practice."

Mr. Sader suggested the amendment in the interest of more accurately defining "lethal injection".

Mr. Sader moved AMEND AB 86 by inserting the foregoing language, seconded by Miss Foley.

Mr. Thompson asked who would be administering the injection in the event a doctor would be required to find a collapsed vein. Mr. Chaney noted that the doctors had testified that they would not participate in the execution. Mr. Sader stated that it was the national policy of the physicians that a doctor could ethically participate to the extent of pronouncing death. He noted that the language did not require a physician to administer the injection. Mr. Wolff stated that once the law is passed a procedure would be developed through the use of a variety of trained people who were not physicians or medical staff. He indicated that the best of the procedures developed and already in use would be applied and did not feel there would be a problem finding a qualified individual to handle the needle itself. He suggested possibly a medical tech or a corpsman or perhaps a lay person trained for that purpose. To Mr. Sader's question, Mr. Wolff stated he did not oppose the amendment and felt it to be a good amendment.

Chairman Stewart asked for a vote on Mr. Sader's motion to AMEND AB 86. The motion carried by a 2/3 majority vote, Mr. Thompson, Mr. Chaney and Mrs. Ham voting against the motion.

Mr. Price moved INDEFINITELY POSTPONE AB 86, seconded by Mr. Banner.

Chairman Stewart commented that the present procedure utilized is dangerous, expensive, and takes several moments of painful time in which to be fatal. He felt it was appropriate to change the method to something quicker, less expensive, and less dangerous to those who must be involved. He opposed Mr. Price's motion.

Chairman Stewart asked for a vote on Mr. Price's motion to INDEFINITELY POSTPONE AB 86. The motion carried by a simple majority, with Miss Foley, Mr. Beyer, Mr. Sader, Chairman Stewart, and Mr. Malone voting nay.

AB 87: Increases penalties for certain false imprisonment and batteries; prohibits sexual conduct between prisoners and employees of department of prisons.

Mr. Beyer passed out suggested amendments to AB 87 (EXHIBIT D) and noted that they were prepared by Brooke Nielsen, Deputy Attorney General. Mr. Beyer then briefly outlined those amendments.

Steve Robinson, Department of Prisons, spoke to the amendment at line 3, stating that this amendment was offered because the Department has people under its jurisdiction who are not institutionalized but are in restitution centers and honor camps. He noted for Mr. Thompson that further on in the amendments the jails on the local level are included through the use of the words "lawful custody or confinement".

It was agreed that where the word "department" appears in the bill and amendments, that new language such as "confining institution" or "institution having lawful custody or confinement" be inserted. It was further determined that the language in the amendment proposed at line 3 be changed from "assigned to the Nevada Department of Prisons" to "in lawful custody or confinement". Mr. Robinson agreed that those words would comply with their needs.

On a comment from Mr. Price, it was agreed that the word "unclothed" be removed from the language of the bill on page 1.

Mr. Beyer moved AMEND AB 87 in accordance with the preceding paragraphs and the attached EXHIBIT D, seconded by Ms. Foley, and carried unanimously.

Mr. Beyer moved DO PASS AS AMENDED AB 87, seconded by Ms. Foley, and carried unanimously.

AB 54: Authorizing certain subpoenas duces tecum.

Mr. Malone stated that the sub-committee had prepared an amendment to AB 54 (EXHIBIT E) and had contacted Michael de la Torre and Vern Calhoun of the Department of Law Enforcement Assistance, as well as Dave Small, Carson City District Attorney, and numerous attorneys. He noted that present in the audience

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were Mr. de la Torre and Mr. Calhoun of the Department of Law Enforcement Assistance; Morgan Harris of the Clark County Public Defender; Norm Herring of the State Public Defender; Bob Shriver, Executive Director of the Nevada Trial Lawyers Assoc.; all of whom are interested in this bill. Mr. Malone stated that the amendment is not acceptable and asked Miss Foley to explain the problems with the amendment.

Miss Foley stated that there had been an earnest effort to work the amendment out through work with Dick Bryan, Mr. de la Torre and Mr. Calhoun, and Mr. Small. She indicated they had worked extensively with Mr. Stankow to arrive at the proper wording, with the end result being a totally unconstitutional amendment. Miss Foley stated that in reading the bill and amendment over, all the District Attorney or Attorney General would have to prove to the judge is the possession of an individual of materials wanted by them, regardless of what it relates to. She felt this was in violation of the Fourth Amendment of the United States which reads:

"The right of the people to be secure in their person, houses, papers and effects against unreasonable searches and seizures, shall not be violated and no warrant shall be issued but upon probable cause supported by oath or affirmation particularly describing the places to be searched and the persons or things to be seized."

Miss Foley stated there was no probable cause in the bill. She further stated the bill was in violation of the Fifth Amendment due to the possibility of self-incrimination through completely complying with the production demands. She asked for discussion by Morgan Harrison and Norm Herring on the legal ramifications of the bill.

Mr. Malone moved INDEFINITELY POSTPONE AB 54, seconded by Mr. Banner.

Mr. Price commented to questionnaires which ask whether an individual has been subpoenaed in a criminal case, resulting in a negative connotation, regardless of the reason for the subpoena.

Miss Foley stated her understanding of the need for more teeth by law enforcement people, the district attorneys and the Attorney General. She felt, however, that AB 54 is not the way to achieve this. She noted that a resolution had been proposed by the Senate calling for an interim committee to study the grand jury system and suggested that was the proper means of arriving at good, effective bills.

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Chairman Stewart stated his opposition to the motion to indefinitely postpone, but agreed the amendment needed to be worked on.

Chairman Stewart asked for a vote on the motion by Mr. Malone to INDEFINITELY POSTPONE AB 54. The motion carried by a 2/3 majority vote, with Mr. Beyer, Mr. Sader, and Chairman Stewart voting nay.

AB 68: Increases statutory rate for interest on judgments from 8 to 12 percent.

Mrs. Cafferata moved INDEFINITELY POSTPONE AB 68, seconded by Mrs. Ham.

Mr. Sader stated he was opposed to Mrs. Cafferata's motion and felt that the 8% interest rates were not adequate and there was the potential for cluttering up the judicial process with appeals that otherwise wouldn't be filed.

Mr. Banner stated that he had spoken with a very reputable insurance agent in Las Vegas who felt this was a good bill.

Mr. Price stated he had gathered some additional information which he didn't have available which shows Nevada in comparison to the other states. He indicated he would like the committee to review those figures before any action was taken. Miss Foley indicated she had those figures.

Miss Foley stated she was in support of AB 68 and noted that there were other statutes which would have to be changed to conform to the change in interest rate.

Mr. Beyer stated he felt the bill had merit. Chairman Stewart also spoke in favor of the motion by stating that there are 5 other states with 12% interest, however their prejudgment interest rates were lower. He felt Nevada was right in line with the other states and that 12% across the board was too high.

Mr. Malone stated he felt 12% was high and that if passed, prejudgment interest should be deleted.

Mr. Beyer spoke to an amendment in which the 12% applied only to financial loss and not to loss of companionship, society, and other special damages.

Mr. Sader suggested that with a view of interest rates in the last several years it could be seen why most of the other states are lower than 12%, noting that it takes a while to catch up with the change in economic times. He felt the trend would be for more states to increase their interest rates.

Mrs. Cafferata spoke to defend her motion by stating that she had done research and spoken to insurance agents, attorneys, the business community and many other people. She indicated that we are all on both sides of this issue in that we could all be plaintiffs and we all buy insurance. She indicated she could not support the bill as it is with the provisions for prejudgment interest and had not been able to come up with a reasonable interest. She stated she could support the bill if the prejudgment interest was taken out of the bill. She felt this measure would increase insurance premiums which is not in the best interests of the public. Mrs. Cafferata stated that the insurance companies are basically invested in 30 year government bonds, which pay 4% tax free, amounting to 6%. She indicated she had confirmed this with insurance companies and felt that taking out of this money at 12% would soon deplete the funds.

Mr. Price commented that the relatively few judgments that would come down at 12% would not greatly alter the earning power of the insurance companies. Mrs. Cafferata disagreed with Mr. Price.

Chairman Stewart asked for a vote on Mrs. Cafferata's motion to INDEFINITELY POSTPONE AB 68. The motion failed by a simple majority vote, Chairman Stewart, Mr. Chaney, Mr. Malone, Mrs. Cafferata and Mrs. Ham voting in favor of the motion.

Mr. Beyer stated he felt the bill needed some work and did not agree with 12%, but felt there could be amendments made to make the bill workable. Chairman Stewart felt the bill was quite understandable.

Mr. Price moved DO PASS AB 68, seconded by Miss Foley.

Chairman Stewart moved AMEND AB 68 by eliminating the prejudgment aspect of the bill, seconded by Mr. Malone.

By way of explanation to the committee, Mr. Stewart stated that previously, interest ran from the date of the judgment; three years ago it was changed to run from the filing of the complaint; the motion under consideration would change the interest once again to run from the time judgment is entered. Mr. Malone commented that if there were an appeal that took two years to be decided, the interest would accrue on that judgment during the two years.

Miss Foley noted that if an individual were in an accident resulting in the loss of a leg, and the case takes years to go through the court system, that individual does not get interest from the time that the leg was lost. Mr. Thompson commented about an individual burned beyond recognition who did not get anything for three or four years.

Chairman Stewart stated that there are many reasons why a case would have to go to trial and take a considerable amount of time, but he didn't feel the interest had much to do with it.

Mr. Price commented that theoretically prejudgment interest would help encourage the responsible party to settle quicker and in the event of a delay of some sort, the injured party would at least be receiving some pittance of interest on the claim. The other side of the picture is that sometimes delays in settlement and trial are beyond the control of the responsible party as in the case of a congested court system.

Mr. Sader stated that the large policy question to consider is when interest should be paid on damages: should it be something that closer approximates the time of the damages, such as when a suit is filed and the responsible person has some notice he has done something wrong, or when the court gets around to deciding that a wrong has been done. He commented that almost all the discussion heard on this bill focuses on negligence cases or insurance cases, which do not make up a majority of the civil judgments rendered in the state. He cited other examples, such as business claims and judgments on contracts where there is nothing in the contract that stipulates interest. If it takes two years to get a debtor to pay his bills, he has the use of that money for two years. He felt interest would be a great incentive for these people to pay their bills.

Mrs. Cafferata pointed out that there are 11 states which have prejudgment interest, none of which are in the western part of the United States. She stated that there are 6 states where the judge may set prejudgment interest.

Mr. Thompson stated he supported Mr. Sader's arguments.

For clarification, Mr. Stewart stated that the interest rate in this bill applies only where the judge does not specify an interest rate. He then asked for action on his motion to AMEND AB 68 by deleting prejudgment interest. The motion failed by a simple majority vote, with Mr. Beyer, Mr. Stewart, Mr. Malone, Mrs. Cafferata, and Mrs. Ham voting in favor of the motion.

Chairman Stewart moved to AMEND AB 68 to read that in any action where the defendant makes an offer which is not accepted by the plaintiff, thereafter if a judgment comes in which is equal to or less than the offer previously made, that there be no interest on that judgment. In the event the judgment is over the offer made, then interest shall accrue.

Mr. Sader asked if Chairman Stewart was talking about an offer of judgment as delineated in the Nevada Rules of Civil Procedure with regard to the non-interest aspect. Mr. Stewart indicated it was similar to an offer of judgment but should be done in the court since the interest would be accruing after the filing of the complaint. By way of explanation to Mr. Price, Chairman Stewart pointed out that attorney's fees are not figured into the amount to which interest is applied.

Mr. Sader stated that in the Nevada Rules of Civil Procedure there is a rule involving offers of judgment in civil cases and asked if this amendment proposed was an amendment to that rule. Mr. Stewart stated it is not. Mr. Sader then asked if the effect of the amendment was triggered by an offer of judgment as contemplated by the Nevada Rules of Civil Procedure. Mr. Stewart stated the offer would have to be written and submitted to the court.

For explanation to the committee, Mr. Sader stated that under the Rules of Civil Procedure, an offer has to be made in a document, with the original going to the party to whom the offer is being made. That party has ten days to accept or reject the offer. If the offer is rejected and a judgment at trial does not come in larger than the offer made, there will be no attorney's fees or costs from the time of the offer. He stated this is a very good reason to settle if the judge uses it. Mr. Stewart's amendment would do would add the penalty of no interest to that. He then asked if interest would accrue from the entry of judgment. Mr. Stewart stated that if the plaintiff was not entitled to pre-judgment interest, interest would accrue from the entry of judgment through an appeal if that occurred.

Mr. Price withdrew his motion to DO PASS AB 68. Chairman Stewart then indicated he would have his amendment drafted due to the confusion of the committee.

AB 72: Further restricts liability of landowners to persons using their land for recreational purposes.

Mr. Sader passed a proposed amendment to AB 72 to the committee and explained that it relates to the second page of the bill (EXHIBIT F). He referred to page 2, line 3 of the bill and noted that this amendment replaces section (a). He stated that the bill as currently written says "malicious, but not merely willful or negligent failure . . .". He noted that there are definite connotations to "malicious" and "willful". He stated Mr. Rhoads is in favor of the amendment because it makes a person liable for willful and malicious conduct, clarifying the definition of "willful" by reading the definition under Nevada law:

"To constitute willful injury there must be design, purpose and intent to do wrong and inflict injury."

He stated that to exclude willful conduct would be to allow a landowner to actually intend to hurt someone and be excluded from civil liability.

Mr. Sader noted that the language of the amendment is different. He referred to the first section of the bill, indicating which duties are excluded from civil liability on the part of the landowners: "The duty to keep the premises safe for entry or use by others. . ." and ". . . to give warning of any hazardous condition. . .". He noted that on the second page the duty was changed and also the kind of condition, creating some substantial confusion by excluding different duties than prohibition from civil liability on the first part of the bill. He indicated that the amendment simply provided for the same duty and same condition.

Assemblyman Dean Rhoads agreed that was the intent of the amendment. He suggested that perhaps just page 1 be changed, leaving page 2 as it exists. Mr. Sader asked if he would be opposed to changing the language "failure to guard and warn against . . ." to make it uniform with the duty and condition. Mr. Rhoads stated he would be content to leave the bill as it was and change the language on page 1, line 10.

Mr. Sader proposed an amendment to exclude all the new language on page 2 at 3(a), with the remainder of the bill staying as is. Mr. Sader moved AMEND AB 72, by deleting the new language at page 2, section 3(a), and DO PASS, seconded by Mr. Malone, and unanimously carried by the committee.

AB 76: Provides certain restrictions on creation of office of county public defender.

Chairman Stewart summarized AB 76 stating that once the State Public Defender establishes his budget to provide public defender service to various counties, he can't go back on that service until the end of the biennium when his budget runs out. If the county wants to create its own public defender, that can't be done until the period has run.

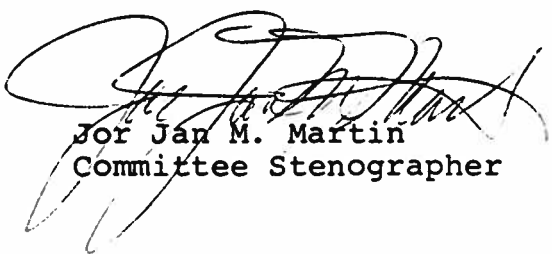
Mr. Beyer expressed concern that this bill was closing the door on the counties to create their own public defender offices. He did appreciate that once the State Public Defender has prepared his budget, he can't 6 months later cut that off. He asked if the bill could be worded so that as long as the county honored its financial commitment to the biennium, they could go ahead and create their own office. Chairman Stewart indicated that solved the problem for the counties, but created a problem for

the State Public Defender with employees assigned and employed for that purpose. Miss Foley commented that the only reason a county would pull out would be for economical reasons. Mrs. Cafferata felt that the State should contract with the county commissioners before going in and building offices and employing attorneys. Mr. Banner commented that the small counties ask for and receive help when they need it and then create a problem by pulling out later.

Mr. Sader moved DO PASS AB 76, seconded by Miss Foley. The motion carried by a 2/3 majority vote, with Mr. Price, Mrs. Cafferata and Mrs. Ham voting nay.

Chairman Stewart announced that there would be no meeting Friday, Mr. Sader passed out an amendment to the judicial discipline commission bill to be heard the following week, and Chairman Stewart adjourned the meeting at 10:30 a.m.

Respectfully submitted,



Jor Jan M. Martin
Committee Stenographer

61st NEVADA LEGISLATURE
ASSEMBLY JUDICIARY COMMITTEE
LEGISLATION ACTION

DATE: February 26, 1981

SUBJECT: AB 53: Amends certain provisions relating
to controlled substances and danger-
ous drugs.

MOTION:

DO PASS XX AMEND XX INDEFINITELY POSTPONE _____
RECONSIDER _____ RE-REFER TO COMMITTEE XX

MOVED BY: Price SECONDED BY: Chaney

AMENDMENT:

See EXHIBIT A attached to
minutes of February 26, 1981.

MOVED BY: Price SECONDED BY: Chaney

AMENDMENT:

MOVED BY: _____ SECONDED BY: _____

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Thompson	XX	—	XX	—	—	—
Foley	XX	—	XX	—	—	—
Beyer	XX	—	XX	—	—	—
Price	XX	—	XX	—	—	—
Sader	XX	—	XX	—	—	—
Stewart	XX	—	XX	—	—	—
Chaney	XX	—	XX	—	—	—
Malone	XX	—	XX	—	—	—
Cafferata	XX	—	XX	—	—	—
Ham	XX	—	XX	—	—	—
Banner	XX	—	XX	—	—	—
TALLY:	<u>11</u>	—	<u>11</u>	—	—	—

ORIGINAL MOTION: Passed _____ Defeated _____ Withdrawn _____
 AMENDED & PASSED _____ AMENDED & DEFEATED _____
 AMENDED & PASSED _____ AMENDED & DEFEATED _____
 AMEND, PASS & RE-REFER TO COMMITTEE XXX _____

ATTACHED TO MINUTES OF February 26, 1981

61st NEVADA LEGISLATURE
ASSEMBLY JUDICIARY COMMITTEE
LEGISLATION ACTION

DATE: February 26, 1981
SUBJECT: AB 86: Changes method of inflicting death penalty.

MOTION:
DO PASS _____ AMEND XX INDEFINITELY POSTPONE _____
RECONSIDER _____
MOVED BY: _____ SECONDED BY: _____

AMENDMENT:
"The judgment of death ~~shall~~ must be inflicted by the ~~admin-
istration-of-lethal-gas~~ use of rifle fire."

MOVED BY: Price SECONDED BY: Banner

AMENDMENT:
"The judgment of death ~~shall~~ must by inflicted by the ~~admin-
istration-of-lethal-gas~~ use of electric chair."

MOVED BY: Cafferata SECONDED BY: Ham

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Thompson	_____	_____	<u>XX</u>	_____	_____	<u>XX</u>
Foley	_____	_____	_____	<u>XX</u>	_____	<u>XX</u>
Beyer	_____	_____	_____	<u>XX</u>	_____	<u>XX</u>
Price	_____	_____	<u>XX</u>	_____	_____	<u>XX</u>
Sader	_____	_____	_____	<u>XX</u>	_____	<u>XX</u>
Stewart	_____	_____	_____	<u>XX</u>	_____	<u>XX</u>
Chaney	_____	_____	_____	<u>XX</u>	_____	<u>XX</u>
Malone	_____	_____	_____	<u>XX</u>	_____	<u>XX</u>
Cafferata	_____	_____	<u>XX</u>	_____	<u>XX</u>	_____
Ham	_____	_____	<u>XX</u>	_____	<u>XX</u>	_____
Banner	_____	_____	<u>XX</u>	_____	_____	<u>XX</u>
TALLY:	_____	_____	<u>5</u>	<u>6</u>	<u>2</u>	<u>9</u>

ORIGINAL MOTION: Passed _____ Defeated XX Withdrawn _____
AMENDED & PASSED _____ AMENDED & DEFEATED _____
AMENDED & PASSED _____ AMENDED & DEFEATED _____

ATTACHED TO MINUTES OF February 26, 1981

61st NEVADA LEGISLATURE
ASSEMBLY JUDICIARY COMMITTEE
LEGISLATION ACTION

DATE: February 26, 1981

SUBJECT: AB 86: Changes method of inflicting death penalty.

MOTION:

DO PASS _____ AMEND _____ INDEFINITELY POSTPONE XX
 RECONSIDER _____

MOVED BY: Price SECONDED BY: Banner

AMENDMENT:

MOVED BY: _____ SECONDED BY: _____

AMENDMENT:

MOVED BY: _____ SECONDED BY: _____

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Thompson	<u>XX</u>	—	—	—	—	—
Foley	—	<u>XX</u>	—	—	—	—
Beyer	—	<u>XX</u>	—	—	—	—
Price	<u>XX</u>	—	—	—	—	—
Sader	—	<u>XX</u>	—	—	—	—
Stewart	—	<u>XX</u>	—	—	—	—
Chaney	<u>XX</u>	—	—	—	—	—
Malone	—	<u>XX</u>	—	—	—	—
Cafferata	<u>XX</u>	—	—	—	—	—
Ham	<u>XX</u>	—	—	—	—	—
Banner	<u>XX</u>	—	—	—	—	—
TALLY:	<u>6</u>	<u>5</u>	—	—	—	—

ORIGINAL MOTION: Passed _____ Defeated _____ Withdrawn _____
 AMENDED & PASSED _____ AMENDED & DEFEATED _____
 AMENDED & PASSED _____ AMENDED & DEFEATED _____
 INDEFINITELY POSTPONE XX

ATTACHED TO MINUTES OF February 26, 1981

61st NEVADA LEGISLATURE
ASSEMBLY JUDICIARY COMMITTEE
LEGISLATION ACTION

DATE: February 26, 1981

SUBJECT: AB 87: Increases penalties for certain false imprisonment and batteries; prohibits sexual conduct between prisoners and employees of department of prisons.

MOTION:

DO PASS XX AMEND XX INDEFINITELY POSTPONE _____
RECONSIDER _____

MOVED BY: Beyer SECONDED BY: Foley

AMENDMENT:

See EXHIBIT D, with further amendments contained at page 7 of the minutes of February 26, 1981.

MOVED BY: Beyer SECONDED BY: Foley

AMENDMENT:

MOVED BY: _____ SECONDED BY: _____

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Thompson	<u>XX</u>	—	<u>XX</u>	—	—	—
Foley	<u>XX</u>	—	<u>XX</u>	—	—	—
Beyer	<u>XX</u>	—	<u>XX</u>	—	—	—
Price	<u>XX</u>	—	<u>XX</u>	—	—	—
Sader	<u>XX</u>	—	<u>XX</u>	—	—	—
Stewart	<u>XX</u>	—	<u>XX</u>	—	—	—
Chaney	<u>XX</u>	—	<u>XX</u>	—	—	—
Malone	<u>XX</u>	—	<u>XX</u>	—	—	—
Cafferata	<u>XX</u>	—	<u>XX</u>	—	—	—
Ham	<u>XX</u>	—	<u>XX</u>	—	—	—
Banner	<u>XX</u>	—	<u>XX</u>	—	—	—
TALLY:	<u>11</u>	—	<u>11</u>	—	—	—

ORIGINAL MOTION: Passed _____ Defeated _____ Withdrawn _____
 AMENDED & PASSED XX AMENDED & DEFEATED _____
 AMENDED & PASSED _____ AMENDED & DEFEATED _____

ATTACHED TO MINUTES OF February 26, 1981

**61st NEVADA LEGISLATURE
ASSEMBLY JUDICIARY COMMITTEE
LEGISLATION ACTION**

DATE: February 26, 1981

SUBJECT: AB 54: Authorizing certain subpoenas
duces tecum.

MOTION:

DO PASS _____ AMEND _____ INDEFINITELY POSTPONE XX
RECONSIDER _____

MOVED BY: Malone SECONDED BY: Banner

AMENDMENT:

MOVED BY: _____ SECONDED BY: _____

AMENDMENT:

MOVED BY: _____ SECONDED BY: _____

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Thompson	<u>XX</u>	—	—	—	—	—
Foley	<u>XX</u>	—	—	—	—	—
Beyer	—	<u>XX</u>	—	—	—	—
Price	<u>XX</u>	—	—	—	—	—
Sader	—	<u>XX</u>	—	—	—	—
Stewart	—	<u>XX</u>	—	—	—	—
Chaney	<u>XX</u>	—	—	—	—	—
Malone	<u>XX</u>	—	—	—	—	—
Cafferata	<u>XX</u>	—	—	—	—	—
Ham	<u>XX</u>	—	—	—	—	—
Banner	<u>XX</u>	—	—	—	—	—
TALLY:	<u>8</u>	<u>3</u>	—	—	—	—

ORIGINAL MOTION: Passed XX Defeated _____ Withdrawn _____

AMENDED & PASSED _____ AMENDED & DEFEATED _____

AMENDED & PASSED _____ AMENDED & DEFEATED _____

ATTACHED TO MINUTES OF February 26, 1981

61st NEVADA LEGISLATURE
ASSEMBLY JUDICIARY COMMITTEE
LEGISLATION ACTION

DATE: February 26, 1981
SUBJECT: AB 68: Increases statutory rate for interest on judgments from 8 to 12 percent.

MOTION:

DO PASS _____ AMEND _____ INDEFINITELY POSTPONE XX
RECONSIDER _____

MOVED BY: Cafferata SECONDED BY: Ham

AMENDMENT:

Eliminate prejudgment interest from bill.

MOVED BY: Stewart SECONDED BY: Malone

AMENDMENT:

MOVED BY: _____ SECONDED BY: _____

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Thompson	_____	<u>XX</u>	_____	<u>XX</u>	_____	_____
Foley	_____	<u>XX</u>	_____	<u>XX</u>	_____	_____
Beyer	_____	<u>XX</u>	<u>XX</u>	_____	_____	_____
Price	_____	<u>XX</u>	_____	<u>XX</u>	_____	_____
Sader	_____	<u>XX</u>	_____	<u>XX</u>	_____	_____
Stewart	<u>XX</u>	_____	<u>XX</u>	_____	_____	_____
Chaney	<u>XX</u>	_____	_____	<u>XX</u>	_____	_____
Malone	<u>XX</u>	_____	<u>XX</u>	_____	_____	_____
Cafferata	<u>XX</u>	_____	<u>XX</u>	_____	_____	_____
Ham	<u>XX</u>	_____	<u>XX</u>	_____	_____	_____
Banner	_____	<u>XX</u>	_____	<u>XX</u>	_____	_____
TALLY:	5	6	5	6	_____	_____

ORIGINAL MOTION: Passed _____ Defeated XX Withdrawn _____
AMENDED & PASSED _____ AMENDED & DEFEATED _____
AMENDED & PASSED _____ AMENDED & DEFEATED _____

ATTACHED TO MINUTES OF February 26, 1981

**61st NEVADA LEGISLATURE
ASSEMBLY JUDICIARY COMMITTEE
LEGISLATION ACTION**

DATE: February 26, 1981
 SUBJECT: AB 68: Increases statutory rate for interest
 in judgments from 8 to 12 percent.

MOTION:
 DO PASS XX AMEND _____ INDEFINITELY POSTPONE _____
 RECONSIDER _____
 MOVED BY: Price SECONDED BY: Foley

AMENDMENT:

MOVED BY: _____ SECONDED BY: _____

AMENDMENT:

MOVED BY: _____ SECONDED BY: _____

VOTE:	MOTION		AMEND		AMEND	
	<u>YES</u>	<u>NO</u>	<u>YES</u>	<u>NO</u>	<u>YES</u>	<u>NO</u>
Thompson	_____	_____	_____	_____	_____	_____
Foley	_____	_____	_____	_____	_____	_____
Beyer	_____	_____	_____	_____	_____	_____
Price	_____	_____	_____	_____	_____	_____
Sader	_____	_____	_____	_____	_____	_____
Stewart	_____	_____	_____	_____	_____	_____
Chaney	_____	_____	_____	_____	_____	_____
Malone	_____	_____	_____	_____	_____	_____
Cafferata	_____	_____	_____	_____	_____	_____
Ham	_____	_____	_____	_____	_____	_____
Banner	_____	_____	_____	_____	_____	_____
TALLY:	_____	_____	_____	_____	_____	_____

ORIGINAL MOTION: Passed _____ Defeated _____ Withdrawn XX
 AMENDED & PASSED _____ AMENDED & DEFEATED _____
 AMENDED & PASSED _____ AMENDED & DEFEATED _____

ATTACHED TO MINUTES OF February 26, 1981

61st NEVADA LEGISLATURE
ASSEMBLY JUDICIARY COMMITTEE
LEGISLATION ACTION

DATE: February 26, 1981

SUBJECT: AB 72: Further restricts liability of landowners to persons using their land for recreational purposes.

MOTION:

DO PASS XX AMEND XX INDEFINITELY POSTPONE _____
 RECONSIDER _____

MOVED BY: Sader SECONDED BY: Malone

AMENDMENT:

Section 3(a) at page 2 be deleted.

MOVED BY: _____ SECONDED BY: _____

AMENDMENT:

MOVED BY: _____ SECONDED BY: _____

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Thompson	<u>XX</u>	—	—	—	—	—
Foley	<u>XX</u>	—	—	—	—	—
Beyer	<u>XX</u>	—	—	—	—	—
Price	<u>XX</u>	—	—	—	—	—
Sader	<u>XX</u>	—	—	—	—	—
Stewart	<u>XX</u>	—	—	—	—	—
Chaney	<u>XX</u>	—	—	—	—	—
Malone	<u>XX</u>	—	—	—	—	—
Cafferata	<u>XX</u>	—	—	—	—	—
Ham	<u>XX</u>	—	—	—	—	—
Banner	<u>XX</u>	—	—	—	—	—
TALLY:	<u>11</u>	—	—	—	—	—

ORIGINAL MOTION: Passed _____ Defeated _____ Withdrawn _____

AMENDED & PASSED XX AMENDED & DEFEATED _____

AMENDED & PASSED _____ AMENDED & DEFEATED _____

ATTACHED TO MINUTES OF February 26, 1981

**61st NEVADA LEGISLATURE
ASSEMBLY JUDICIARY COMMITTEE
LEGISLATION ACTION**

DATE: February 26, 1981

SUBJECT: AB 76: Provides certain restrictions on
creation of office of county public
defender.

MOTION:

DO PASS XX AMEND _____ INDEFINITELY POSTPONE _____
RECONSIDER _____

MOVED BY: Sader SECONDED BY: Foley

AMENDMENT:

MOVED BY: _____ SECONDED BY: _____

AMENDMENT:

MOVED BY: _____ SECONDED BY: _____

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Thompson	<u>XX</u>	—	—	—	—	—
Foley	<u>XX</u>	—	—	—	—	—
Beyer	<u>XX</u>	—	—	—	—	—
Price	—	<u>XX</u>	—	—	—	—
Sader	<u>XX</u>	—	—	—	—	—
Stewart	<u>XX</u>	—	—	—	—	—
Chaney	<u>XX</u>	—	—	—	—	—
Malone	<u>XX</u>	—	—	—	—	—
Cafferata	—	<u>XX</u>	—	—	—	—
Ham	—	<u>XX</u>	—	—	—	—
Banner	<u>XX</u>	—	—	—	—	—
TALLY:	<u>8</u>	<u>3</u>	—	—	—	—

ORIGINAL MOTION: Passed XX Defeated _____ Withdrawn _____

AMENDED & PASSED _____ AMENDED & DEFEATED _____
AMENDED & PASSED _____ AMENDED & DEFEATED _____

ATTACHED TO MINUTES OF February 26, 1981

1981 REGULAR SESSION (61st)

ASSEMBLY ACTION	SENATE ACTIONAssembly.....	AMENDMENT BLANK
Adopted <input type="checkbox"/>	Adopted <input type="checkbox"/>	AMENDMENTS to <u>Assembly</u>	
Lost <input type="checkbox"/>	Lost <input type="checkbox"/>	Joint	
Date: <input type="checkbox"/>	Date: <input type="checkbox"/>	Bill No. <u>53</u>	Resolution No.
Initial: <input type="checkbox"/>	Initial: <input type="checkbox"/>	BDR. <u>40-245</u>	
Concurred in <input type="checkbox"/>	Concurred in <input type="checkbox"/>	Proposed by <u>Assemblyman Cafferata</u>	
Not concurred in <input type="checkbox"/>	Not concurred in <input type="checkbox"/>		
Date: <input type="checkbox"/>	Date: <input type="checkbox"/>		
Initial: <input type="checkbox"/>	Initial: <input type="checkbox"/>		

Amendment N^o 107

Replaces Amendment No. 75.

Amend the bill as a whole by deleting sec. 2 and renumbering sections 3 through 9 as sections 2 through 8.

Amend sec. 3, page 2, by deleting lines 19 through 25 and inserting:

"5. A practitioner shall not knowingly issue a false or misleading prescription."

Amend sec. 3, page 2, line 26 by deleting "8." and inserting "6."

Amend sec. 4, page 3, line 5, by deleting "in a criminal or civil action."

and inserting: "in a contemplated criminal or civil action or administrative proceeding."

Amend sec. 4, page 3, line 7, by deleting "label" and inserting:

"name and address".

Amend sec. 4, page 3, line 8, by deleting "signature," and inserting:

"initials,".

Amend sec. 4, page 3, line 9, by deleting "signature, and note the time and" and inserting: "initials, and note the".

Amend sec. 4, page 3, line 15, by deleting "3" and inserting "5".

Amend sec. 5, page 4, line 8, by deleting the brackets.

Amend sec. 5, page 4, by deleting line 9.

Amend sec. 5, page 4, by deleting line 24 and inserting "filled out; or".

Amend sec. 5, page 4, by deleting lines 25 through 28 and inserting:

"(i) Make a false representation to a pharmacist for the purpose of obtaining a controlled substance."

Amend sec. 6, page 5, line 1, by deleting "which was not" and inserting:

"if he has reason to believe that it was not".

Amend sec. 6, page 5, by deleting line 2 and inserting: "issued in good faith."

Amend sec. 6, page 5, by deleting lines 4 through 11 and inserting: "to furnish or sell controlled substances shall not provide samples of controlled substances to registrants."

7. A salesman of any manufacturer or wholesaler of pharmaceuticals shall not possess, transport or furnish controlled substances.

Amend sec. 7, page 5, by deleting line 22 and inserting:

"2. A prescription for a controlled substance included in schedule II must be written entirely by the practitioner who issues it."

Amend sec. 8, page 5, line 31 by deleting "or other" and inserting "or any other".

Amend sec. 8, page 5, line 35 by inserting after "practitioner," the word "knowingly".

Amend sec. 9, page 5, by deleting lines 41 and 42 and inserting: "any person other than [the one] :

(a) The person for whom the prescription was originally issued [.] ; or
(b) A peace officer or inspector of the board who is in the performance of his duties."

Amend sec. 9, page 5, by deleting line 50 and inserting: "tion, unless he obtains approval of the practitioner who issued the prescription."

Amend sec. 9, page 6, line 3, by deleting "10th" and inserting "14th".

Amend the bill as a whole by deleting sections 10 and 11 and renumbering sections 12 through 16 as sections 9 through 13.

Amend sec. 12, page 6, by deleting lines 41 through 44 and inserting:

"454.311 1. Every person [who signs the name of another, or of a fictitious person, or falsely makes, alters, forges, utters, publishes or passes, as genuine, any prescription for a dangerous drug is guilty of a felony.] other than a peace officer or inspector of the board in the performance of official duty, who knowingly or intentionally acquires or attempts to acquire or obtains possession of a dangerous drug or a prescription for a dangerous drug by misrepresentation, fraud, forgery, deception, subterfuge or alteration shall be punished by imprisonment in the state prison".

Amend sec. 12, page 7, line 6, by inserting after "guilty of a" the word "gross".

Amend sec. 13, page 7, line 8, by deleting "1."

Amend sec. 13, page 7, by deleting lines 11 through 13 and inserting: "inclusive, is guilty of a gross misdemeanor."

1981 REGULAR SESSION (61st)

ASSEMBLY ACTION	SENATE ACTION	Assembly	AMENDMENT BLANK
Adopted <input type="checkbox"/>	Adopted <input type="checkbox"/>	AMENDMENTS to <u>Assembly</u>	
Lost <input type="checkbox"/>	Lost <input type="checkbox"/>	Bill No. <u>86</u>	Joint
Date: _____	Date: _____	Resolution No. _____	
Initial: _____	Initial: _____	BDR. <u>14-261</u>	
Concurred in <input type="checkbox"/>	Concurred in <input type="checkbox"/>	Proposed by <u>Mr. Price</u>	
Not concurred in <input type="checkbox"/>	Not concurred in <input type="checkbox"/>		
Date: _____	Date: _____		
Initial: _____	Initial: _____		

Amendment N^o 59



Amend section 1, page 1, by deleting lines 2 and 3 and inserting:

"176.355 1. The judgment of death [shall] must be inflicted by the [administration of lethal gas.] use of rifle fire."

Amend section 1, page 1, by deleting lines 6 and 7 and inserting:

"means for the [administration of such gas for that purpose shall] infliction of the judgment of death must be provided by the board of prison commissioners."

Amend the title of the bill in the second line by deleting

"lethal injection;" and inserting "the use of rifle fire;".

To: E & E
LCB File
Journal
Engrossment
Bill

Drafted by.....DS:rl.....Date.....2-16-81.....

Oklahoma City
Oklahoman

Execution Scene

EXEIBIT C

By Jim Killackey

Shortly after midnight, a white-clothed medical attendant hunches over a man lying still, but wide-eyed in a stretcher.

On this hypothetical night — perhaps sometime during the 1980s — the attention of the world may be turned to the Oklahoma State Penitentiary in McAlester.

The man will be one of more than two dozen convicted murderers who, in the late 1970s, have been sentenced to die for their crimes.

But unlike capital punishment in other states, there will be no bullets, no surge of electrical power

when these men meet death.

This prisoner will die of a lethal drug injection. The scene, officials say, will probably go something like this:

As he has done a thousand times before, the attendant will search for a suitable vein before making a quick, sure-handed injection and attaching an intravenous catheter to the man's right arm.

From the bag hanging next to the stretcher, a saline solution begins a slow drip down a clear plastic tube into the man's appendage.

The man shudders slightly and gasps for

Not far away, 11 solemn-faced individuals who have been thoroughly frisked and searched are led into a room with 11 chairs. They nervously shuffle in and sit down. Six of the individuals take out their needles and pens.

The man's wrists, legs and torso restrained, he talks quietly to the other figure dressed in black as the stretcher is moved into a corridor to the room where the 11 wait.

The medical attendant and three other men accompany him.

Once inside the room, the end of the stretcher holding the man's head is propped up so he is

view of the 11 observers.

A 20-second statement is read to the man, and he is asked if he has any last comments. He moves his head from side to side.

The party which has accompanied the stretcher moves behind a curtain, and the attendant from the prison enters the room with a

As the attendant reaches the

prisoner, the attendant

Official with the State Department of Corrections say it may be possible if other states are required or carry out mandates of the 1977 Legislature which approved the drug injection.

A year ago policy spelling out

the details of a drug injection by a team were approved.

Corrections officials say they are ready to implement that policy, although a few modifications or refinements may be necessary.

At least 10 individuals have been sentenced to die by lethal drug injection. A jury has recommended death for another man who awaits his execution.

By law capital punishment in Oklahoma now must be carried out by means of a continuous, intravenous administration of a lethal quantity of sodium thiopental combined with either tubocurarine, succinylcholine chloride or potassium chloride, an ultrashort-acting barbiturate combination with a chemical paralytic agent.

The massive dose puts the prisoner to

sleep and then stops his heart almost instantaneously.

Oklahoma and Texas are the only two states with lethal drug injection laws, although other states and foreign countries have contacted Oklahoma officials about the process.

State officials say they should have no trouble finding volunteers who will give the deadly drug dosage.

As prescribed, a medical attendant will start the intravenous flow and the connection will be checked by

What has corrections officials puzzled is the quandary of whether to use "blind" injections

one or more injections of a harmless substance.

Use of a blind injection would leave doubt as to which person was actually administered the lethal injection.

Most of the methods of execution

ishment have a similar provision.

Corrections officials also are aware that an injection in the arm may be impossible and the patient's leg vein may have to be used as a site for the catheter.

Like most occurrences of capital punishment, it is not expected that the condemned prisoner will put up a struggle.

Most people who go to hear execution go solemnly. One corrections department official said:

"Prisoners feel that it is sad when they have to use the injection law, new and better drugs may be available."

Officials do not plan to monitor the prisoner's life signs during the execution. Corrections department officials avoid moral judgments about the procedure because of immense controversy over capital punishment.

Under death penalty procedures, the execution is to be viewed by six news media representatives chosen from a pool of reporters one hour prior to the execution.

The execution area is located on the third floor of the penitentiary's administrative building, although officials are considering using the facility's gymnasium if necessary.

All executions are to be carried out at 12:30 a.m. on the day designated by the death warrant or on the date designated by an executive order of the governor.

Others allowed in the area are the warden, deputy warden, chief medical officer of the penitentiary or the department's medical director, the district attorney and sheriff of the county of conviction and one or two ministers.

Witnesses will not be allowed to speak to the inmate, and correctional officers can remove any individuals from the area under the guidelines.

Corrections officials note that, at the least, an average of four years is needed to execute the medical procedure.

STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL

MEMORANDUM

TO: ASSEMBLYMAN BEYER

DATE: February 25, 1981

FROM: BROOKE A. NIELSEN, Deputy Attorney General
Criminal Division *Brooke Nielsen*

SUBJECT: AB87; Suggested Line by Line Revisions

Page 1:

Line 1: None

Line 2: None

Line 3: It is unlawful for a prisoner ~~confined in an insti-~~
~~tution of the depart-~~ assigned to the Nevada
Department of Prisons

Line 4: ~~ment of prisons or any other place where prisoners~~
~~are authorized to be~~

Line 5: ~~or are assigned by the director of the department~~
and an employee of the

Line 6: department voluntarily to engage in sexual conduct
with each other.

Lines 7 - 15: No change.

Line 16: except as provided in subsections 3 and 4, is
guilty of a gross misdemeanor.

Line 17: No change.

Line 18: (a) With the use of a deadly weapon ~~for the purpose~~
~~of holding another~~

Line 19: ~~person hostage; or~~

Line 20: (b) By a prisoner in a lawful custody or confine-
ment penal institution, -with- or without a deadly

Lines 21 - 22: No change.

Page 2:

Lines 1 - 2: No change.

Add: 4. If the false imprisonment is committed by a prisoner in lawful custody or confinement, with a deadly weapon, the person convicted of such false imprisonment shall be punished by imprisonment in the state prison for not less than 2 years nor more than 20 years.

Lines 3 - 28: No change.

Line 29: (e) If the battery is committed by a prisoner in an-institution-of-the

Line 30: department-of-prisons lawful custody or confinement upon:

Line 31: ~~(1)-An-employee-of-the-department,~~

Line 32: ~~(2)-An-attorney-at-law, or~~

Line 33: ~~(3)-A-contractor-working-in-an-institution-of-the department,~~

Lines 34 - 35: No change.

Add: (f) If the battery is committed with a deadly weapon and with or without substantial bodily harm, by imprisonment in the state prison for not less than 2 years nor more than 20 years.

by a prisoner in lawful custody or confinement

KEY: New material underlined.

1981 REGULAR SESSION (61st)

ASSEMBLY ACTION		SENATE ACTION		ASSEMBLY		AMENDMENT BLANK ASSEMBLY	
Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>	Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>	AMENDMENTS to.....		
Date:	Initial:	Date:	Initial:	54 Joint		
Concurred in <input type="checkbox"/>	Not concurred in <input type="checkbox"/>	Concurred in <input type="checkbox"/>	Not concurred in <input type="checkbox"/>	Bill No.....	Resolution No.....		
Date:	Initial:	Date:	Initial:	18-244		
				BDR.....		
				Proposed by.....	Committee on Judiciary		

Amendment N^o 51

Replaces Amendment No. 47

Amend section 1, page 1, line 3, by deleting "investigation," and inserting: "investigation which he is empowered by law to conduct,".

Amend section 1, page 1, line 5 by inserting after "directed" the words: "to appear at the time and place indicated in the subpoena and testify, or".

Amend section 1, page 1, line 6 by inserting after "subpena," the words "or both,".

Amend section 1, page 1, line 7, by inserting after "knowledge of" the words "a matter relating to the investigation".

Amend section 1, page 1, line 10, by inserting after "judge," the words: "If the investigation is of a suspected violation of a statute, regulation or ordinance which the attorney general is empowered to enforce, the affidavit must include a statement setting forth the suspected violations."

Amend section 1, page 1, line 11 by inserting after "subpena," "A subpoena for the production of books, papers, documents or other objects must clearly identify the materials to be produced for inspection and reproduction."

Amend sec. 2, page 1, line 17 by deleting "investigation," and inserting "investigation which he is empowered by law to conduct,".

Amend sec. 2, page 1, line 19 by inserting after "directed" the words "to appear at the time and place indicated in the subpoena and testify, or".

Amend sec. 2, page 1, line 20, by inserting after "subpena," the words "or both,".

Amend sec. 2, page 1, line 21 by inserting after "knowledge of" the words "a matter relating to the investigation".

Amend sec. 2, page 1, line 24 by inserting after "judge." the words.. "If the investigation is of a suspected violation of a statute, regulation or ordinance which the district attorney is empowered to enforce, the affidavit must include a statement setting forth the suspected violations."

Amend sec. 2, page 2, line 1, by deleting "The subpoena" and inserting "A subpoena for the production of books, papers, documents or other objects".

Amend the title of the bill on the second line by deleting:

"commanding" and inserting "for appearance or".

3. (a) Willful or malicious, but not merely wanton or negligent failure to keep the premises safe for entry or use by others, or to give warning of any hazardous condition, activity or use of any structure.