

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: Steve Mihelic, Carson City Fire Department  
 Kathleen Dion, Department of Prisons  
 R. Bayer, Department of Prisons  
 B. Laxalt, Washoe County District Attorney  
 Ray Jeffers, Clark County District Attorney  
 Rick Menzies, Northern Nevada Fire Marshals  
 Association  
 Ed Vogel, Review Journal  
 Brian Foote

Chairman Stewart called the meeting to order at 8:10 a.m. He asked for testimony on AB 386 first.

AB 386: Provides that prisoner sentenced to life with possibility of parole must serve minimum of 10 years in prison.

Mr. Nick Horn, Assembly District 15, testified first on this bill. He began by distributing copies of Amendment 370 to AB 386 (EXHIBIT A) to the Committee members, noting that this amendment is a compromise worked out between himself, the Governor, Senator Echols and the Parole and Probation Board. He went on to say that basically what this "amendment does is take AB 386, jack the radiator cap up, and drive in a whole new car".

Mr. Horn went on to explain that the new bill will result in the exceptions to AJR 30/59\* being specifically stated. He reminded the Committee that AJR 30/59\* passed both Houses of the Legislature and will be on the ballot next November, and that this resolution is the constitutional amendment which says "except where provided by law, life without means life without the possibility of parole". Amendment 370 provides the criteria, or exceptions, whereby someone who receives a life without, or a death penalty could possibly be released.

Mr. Horn went on to say that whether or not AJR 30/59 passes is immaterial, because those who receive a penalty of life without or death will still be subject to the criteria listed in AB 386 for release.

Mr. Horn then went through the amendment, outlining the proposed changes, following which he read EXHIBIT B. Next he explained just how the amendments had been arrived at.

In reply to Mr. Malone, he explained that AB 386, as currently written, says that life with the possibility of parole means 10 years in prison, although they are getting out in 5 years. Amendment 370 does not address this issue; a second amendment would be required if the Committee desires to delete that section. Amendment 370 adds to the bill, it does not delete anything from it.

Mr. Sader then questioned the meaning of subsection 3(c) of the amendment. He cited the example of two people, one convicted of murder while drunk, the other of murder while sober, and asked whether the former would be included under this section. Mr. Horn could not say, agreeing the language was vague. He then explained that Mr. Bryn Armstrong, Chairman of the Board of Parole Commissioners, had purposely left these subsections generally worded in order to give the Parole Board the latitude to look at the history of the individual rather than just the conduct related to the crime. Thus, he asked for latitude in all of these, and also insisted on using the word "history".

Ms. Foley said that it was her impression that the history referred to was the person's history while in prison, except for subsection 3(e); i.e., misconduct or criminal conduct while in the institution. Mr. Horn suggested the Committee ask Mr. Armstrong to provide the details to these amendments. Mr. Sader suggested that, if the intent is while the criminal is in the institution, then it should be clarified in the bill.

In reply to Ms. Ham, it was noted that currently the criteria used by the Parole Board for granting parole is not contained within NRS; they use their own criteria. AB 386, as amended, would be additional criteria to those; i.e., the person would have to meet the Parole Board's criteria plus those contained in this bill.

Mr. Horn then said that the rest of the bill simply takes the sentence of life with the possibility of parole and makes it a mandatory 10 year sentence; currently they get out in 5 years.

Mr. Sader pointed out that there are provisions within the bill stating that if a person was convicted before July 1, 1981 the parole begins after a minimum of 5 years. Mr. Horn noted that this was not his intention, that he wanted it to apply to current standards. (See, for example, page 2, lines 28-35.)

There was next a discussion concerning the ability of the Governor to pardon criminals and of the Parole Board to commute sentences. Mr. Horn pointed out that while these are both still possible, there are specific guidelines set out, particularly for the Parole Board. He cited page 1, lines 9-11, noting that this prevented the convict from being paroled before serving a minimum of 10 years, and thus preventing the commutation of the sentence in any way to parole him before the 10 years are served. After the 10 years are served, however, the Parole Board is free to handle the convict as they see fit.

At the request of Mr. Sader, Mr. Robert Bayer of the Department of Prisons came forward to respond to several questions the Committee had for him.

He explained that if a person is sentenced to death or to life without the possibility of parole, then the only way that person can have his sentence mitigated is by a pardon. If a person is in prison for any other term less than that, then they are subject to the Parole Board.

Mr. Bayer went on to say that it is his understanding that the Governor and the Supreme Court, as the Board of Pardons, has the option on any sentence to be able to pardon or commute; but they don't. Their policy has been to deal with sentences of death or of life without the possibility of parole. Any other sentence has been left to the Parole Board, which does not have any latitude to shorten a sentence; they must go with the statutory design.

Finally, Mr. Bayer told the Committee that there is currently a case before the Supreme Court concerning the meaning of the term "10 years": does this mean 10 calendar years, or do good time credits apply towards it. This could affect the wording of AB 386.

AB 467: Increases penalty for first degree arson involving certain structures.

Assemblyman Nick Horn also testified on this bill. He explained that it was the intent of this bill to let the would-be arsonist know in no uncertain terms that any person who torches a building that has 20 apartments or more, or a motel that has 20 units or more, or a hotel that has 20 units or more, is going to face death or imprisonment in the state prison for life without the possibility of parole.

Mr. Horn said such a message needed to be stated, especially since Nevada has such a volatile industry in that it relies heavily on the tourist; and if the tourist panics because he feels that Nevada's hotels, motels and apartments are no longer safe, then the goose that laid the golden egg would, in essence, be torched along with the building. This would mean devastation for Nevada's gaming industry.

Mr. Horn said he realized that the punishment listed in this bill overcompensates for the crime, and that is why he has consented to Amendment 655 to AB 467 (See EXHIBIT C). He explained that this amendment puts some real teeth in the arson law as opposed to sending a message; i.e., instead of sending a message to the arsonist, the amended bill would provide some very necessary tools for a more thorough investigation.

Next Mr. Horn introduced Mr. Steve Mihelic, fire and arson investigator for the Carson City Fire Department, who proceeded to explain the amendment.

The first thing this amendment does is move mobile homes from the category of personal property to that of real property, such as a house is. Thus, if a mobile home is torched, it is first degree arson.

Next this amendment increases the penalty for conviction of arson of the first degree to 20 years instead of 15 years. He said that if they manage to get these arsonists convicted, then they would like to see them get as stiff a sentence as possible, unless the judge feels there are mitigating circumstances. This bill does allow the judge to give a lighter sentence, at his discretion.

Sections 2 and 3 of the amendment simply up the punishments for conviction of second and third degree arson: second degree goes from 10 to 15 years, third degree from 6 to 10 years. Mr. Mihelic feels this to be an important step, because of the impact of these crimes. He noted that second and third degree arson can be just as devastating, and more so, in some cases, as first degree arson. He cited the example of a timber or range fire, which is third degree arson but which can have a major impact on Nevada's water shed. This amendment allows the punishment for the crime to be commensurate with its repercussions.

Regarding Section 5 of the amendment, Mr. Mihelic felt a brief history necessary to its understanding. Nationwide, arson is the fastest growing crime; this includes in Nevada. One aspect which is also growing phenomenally is that known as "arson for profit", the act by which an individual torches his building, the insurance pays off, and the individual is that much richer. He said that oftentimes the building or property destroyed by the fire is grossly overinsured.

Mr. Mihelic said arson is one of the hardest crimes to investigate, and is definitely one of the most difficult to get a conviction on. In order to combat that, arson has been raised to a part I crime nationally, and there are more and more arson "task forces" being formed. This is the only crime which regularly uses a task force approach. It is needed here because of the required expertise in so many varied areas. This is the reason all this legislation, and especially section 5, is needed so badly.

Mr. Mihelic then went on to explain that sections 5 through 8 deal with the availability of information to arson investigators from the insurance companies. He explained that currently it is very difficult for the investigator to obtain any information as to the policy holder, the policy itself, etc. from the insurance companies because of civil liabilities. Therefore, this amendment mandates and requires that, if a building burns, the insurance company that insures that building must, upon request, give information freely to the fire investigator investigating that incident so he can have access to that material which will help in the determination of who is responsible for the arson act. He said gross overinsurance is a point which arson investigators look at. Another item looked at is the proof of loss statement, which must be signed by the individual filing the statement. If this statement is fraudulent, the fire investigator can often tell. He must have the information beforehand, however, if he is to determine it to be fraudulent.

Mr. Mihelic noted that section 5 of the amendment to AB 467 lists the agencies who could request information from the insurance companies. He said he would also like to see included in this list the local agencies, since often they deal much more closely with the insurance companies.

Section 8 gives the fire investigators the availability to the information, holds them in confidence so they cannot use it against anyone fraudulently or simply as a matter of spite, and protects the insurance companies who supply the information.

He summarized by noting he feels this to be an excellent amendment, that it would be a good tool for combatting arson in Nevada, and that it is something Nevada definitely needs.

Mr. Beyer wondered if the original bill might not be better, since it might be more effective in preventing arson in the first place by scaring the would-be arson that he would have to spend the rest of his life in prison. This amendment simply slaps the arsonist's hand a bit harder, and may make it a little bit easier to convict him, but does it really deter the individual from setting a fire?

In reply to Mr. Beyer it was explained that unless an arsonist is convicted, no matter what you threaten him with as a sentence, it's a hollow threat. Additionally, it was noted that, unless there is a death involved, a death penalty would be deemed unconstitutional. If a death does occur, then that is first degree murder and the death penalty can be imposed anyway. Thus this bill is not needed to sentence an arsonist/murderer to death, however the amendment is needed to facilitate apprehension and conviction of that arsonist. At present, there is an 80% chance an arsonist will not be caught. It is only by improving investigation and detection methods that this percentage will be reduced.

Mr. Thompson expressed concern that the release of this information could adversely affect the innocent policy holder by encouraging insurance companies to delay paying off claims, etc. Mr. Mihelic did not think this would occur. He pointed out that insurance companies are required to make claim payments within a certain period of time, whether or not the fire is of suspicious origin. Should arson eventually be proven, the insurance companies take action against the guilty party at that time in an attempt to regain their money.

Mr. Price asked if this bill would conflict with the National Insurance Commissioners Association's Model Privacy Act. While no one could say for certain, it was felt this would not be in conflict with that act. Mr. Horn added that while privacy is something which should be protected as much as possible, it should not be used as an immunity from prosecution.

In reply to Mrs. Cafferata, Mr. Mihelic said that figures concerning arson are unreliable; this is because reporting methods--as well as willingness to report--have greatly improved over the past few years, making it look like there has been a big jump in the number of arson crimes. Actually, there has only been a big jump in the number of arson crimes reported. He noted that in 1979 only about 40% of the fire departments reported these crimes, at present 85% are reporting.

Regarding fires set by children, Mr. Mihelic explained these are treated somewhat differently. First of all, it must be determined if there was willful malicious intent; most of the time that is absent. If the child involved actually did have the intention of burning down the structure, they try to get the child enrolled in a behavioral program in an attempt to determine why the child committed the crime, and then obtain the necessary help for him so he can be a productive member of society; i.e., try to rehabilitate the child before it is too late. He added, however, that usually there is a lack of willful intent, and it is simply an educational intervention process, usually in cooperation with the parents. There have been very few repeaters in this latter category.

Mr. Stewart noted that the section dealing with the exchange of information from insurance investigators comes from a provision in Ohio law. Mr. Mihelic said a number of states--37 to be exact--have similar legislation.

Mr. Thomas Hickey, Assembly District 18, then came forward to introduce Mr. Ray Jeffers, Chief Prosecutor from Clark County. Mr. Stewart allowed the introduction to be made at this time in order to accommodate Mr. Hickey, who had to attend another Committee meeting. However, prior to Mr. Jeffers' testimony, the Committee allowed Mr. Menzies to speak on AB 467.

Mr. Richard Menzies, of the Northern Nevada Fire Marshals Association, stated that both this bill and the amendments had

been reviewed at the last meeting of his association, and they wished to go on record as wholeheartedly supporting both.

AB 418: Increases maximum fines for misdemeanors and gross misdemeanors.

Mr. Jeffers distributed copies of some research done on this matter (EXHIBIT D), stating he did not feel it appropriate to repeat what the Committee could read for itself. He went on to say that, essentially, there has not been any major change in the misdemeanor fine since circa 1865, and in his opinion AB 418 is a good and necessary bill. He added that, given the current crowding in the jails, and the fact that costs for everything have gone up, it is only appropriate the cost of fines should also increase.

Mr. Malone noted he agreed with Mr. Jeffers' statement that this fulfills a need for an alternative punishment to a jail sentence.

In reply to Mrs. Cafferata, Mr. Jeffers said he could not see that a change in the amount of the fine would have any impact on the courts.

Mr. Stewart noted that an increase in the amount of the fine will not increase the number of cases heard in the courts, but it will allow more revenue.

Mr. Sader questioned whether the Municipal Courts would have to change their charter to allow them to fine over \$500, and how this would affect city codes and/or ordinances and other statutes.

AB 454: Requires additional notice when criminal defendant recovers competence for trial.

Mr. Jeffers also testified on this bill. He cited the example of a case where a murderer had been declared insane and sent to a mental institution. When the mental institution finally felt the murderer to be sane, and released him, the district attorney's office let notification of the release slip between the cracks. Two years later, the district attorney realized the mistake, and brought the murderer to trial; however, the court ruled he had been denied his right to a speedy trial and dismissed the case. Following this, the murderer killed two other people.

Mr. Jeffers said the above example indicates the necessity for better notification procedures when someone who has been confined to a mental institution is released, so as to enable the district attorney to prosecute any case pending against that person.

Mr. Malone suggested there be a requirement for acknowledgement of receipt of the notification by the district attorney's office before the mental institution can release the individual involved.

He felt this might prevent the district attorney's office from letting something like this slip through the cracks a second time, and provide an additional safeguard in such matters. Mr. Jeffers agreed this might be a good idea. Ms. Foley also agreed this would be a wise provision to add to this bill.

AB 386: Provides that prisoner sentenced to life with possibility of parole must serve minimum of 10 years in prison.

Mr. Jeffers also testified on this bill, saying he favored both the bill and the amendments. He noted that currently the sentence life without the possibility of parole doesn't mean a thing except that the person does 15 years rather than the 5 to 8 years done by the person sentenced to life with the possibility of parole.

Mr. Jeffers further stated he felt it to be dishonest to tell a jury, who must decide what penalty to impose, that a sentence means something when in actuality it doesn't mean a thing. The law should say exactly what a sentence should do, and no group should be able to change that at a later date.

Mr. Bruce Laxalt, Washoe County district attorney, testified that his office also supports AB 386, for the same reasons as stated by Mr. Jeffers.

As there was no further testimony to be heard, Chairman Stewart closed the public hearing on these bills. The Committee then considered several items of business, as noted below:

AB 405: Authorizes magistrates to give oral authorization to peace officers to sign magistrate's name to search warrant.

Mr. Stewart said that this bill is patterned after a California law, and noted that the original version left out a very important section. He then distributed copies of Amendment 736 to AB 405 (EXHIBIT E). Mr. Stewart explained that basically this amendment allows a peace officer who is in the field and needs a search warrant in a hurry to telephone the judge for it. Grounds for the search warrant are the same as in the past, but this allows the judge to receive the information over the telephone, as long as it is taken down by a reporter or tape recorder and certified by the magistrate, and then issue a search warrant based upon this information.

Mr. Sader moved AMEND AB 405 AS NOTED ABOVE, seconded by Mr. Thompson and passed unanimously, with Mr. Malone abstaining due to the fact his being a police officer might constitute a conflict of interest in this matter.

Mr. Sader then moved DO PASS AS AMENDED, seconded by Ms. Foley.

1586



In the discussion of this motion, Mrs. Cafferata noted that there had been a question of constitutionality on this bill and she wondered if it had been resolved, and if so, how. It was explained that this problem involved the fact that there was really no record of the authorization by the magistrate, and that the amendment took care of this matter.

Then the issue of who must record the statement, the judge or the police officer, was raised. It was eventually determined that, for the protection of all involved, it would be best if the judge recorded the statement. This would also put him in a better position to certify it. Finally, it would be more cost efficient for each judge to have a recorder rather than for each police officer to have one.

Mr. Sader then moved to further AMEND AB 405 to include language to the effect that the magistrate must record the statement, seconded by Ms. Foley and passed unanimously, with Mr. Malone abstaining for the reason cited earlier.

Mr. Sader then reiterated his earlier motion to DO PASS AB 405 AS AMENDED, to include both the amendments noted above. Ms. Foley again seconded the motion, which passed, with Mr. Chaney and Mrs. Cafferata voting against and Mr. Malone again abstaining.

AB 467: Increases penalty for first degree arson involving certain structures.

Mr. Sader moved AMEND AB 467 PER AMENDMENT 655, seconded by Mr. Beyer. Mrs. Cafferata reminded the Committee that there had been a suggestion during the testimony that Section 5 of the amendment be further amended to include local fire departments.

There was also a discussion as to whether or not subsections 2, 4 and 5 of this section were necessary. It was argued that there might be instances when these individuals required this information, and they should therefore be retained in the bill.

Mr. Sader then withdrew his first motion and moved AMEND AB 467 PER AMENDMENT 655 AND BY ADDING SUBSECTION 6, LOCAL FIRE DEPARTMENTS, TO SECTION 5. Mr. Beyer seconded this motion, which passed, with Mrs. Cafferata and Mr. Thompson voting against it.

Next Ms. Foley moved DO PASS AB 467 AS AMENDED, seconded by Mr. Sader and passed unanimously.

AB 346: Authorizes state and local agencies to obtain background checks of Federal Bureau of Investigation.

Ms. Foley explained that this bill needed to be amended in order to put more teeth into it; thus, page 1, lines 4-5 should be changed to read "request of and receive from the Federal Bureau

of Investigation information on the background...".

Ms. Foley moved AMEND AB 346 as noted above, seconded by Mr. Thompson and passed unanimously.

Ms. Foley then moved DO PASS AB 346 AS AMENDED, seconded by Mrs. Cafferata. During the discussion of the motion, Mr. Beyer raised the question of whether this bill ought to limit when such information could be requested and/or received; e.g., on any person under investigation for a crime. The present bill permits such information to be disseminated on anyone, without any good reason for requesting or receiving it. It was noted that the bill does limit it to those three groups listed under section 2. Mr. Beyer still felt these categories to be too broad.

Returning to Ms. Foley's motion to DO PASS AS AMENDED, the Committee passed it, with Mr. Beyer voting against.

SB 371: Provides financial assistance to organizations serving victims of domestic violence.

Ms. Foley said the subcommittee had one amendment to suggest to this bill: Section 4, subsection 3 should note that 15% of the money must come from a non-government source.

Regarding the possible addition of a "sunset" provision, the subcommittee reviewed the reporting procedures already contained in the bill and decided these were extensive and sufficient, and that there was no need to add a sunset provision.

There followed a discussion of the pros and cons of adding a sunset provision, during which it was noted that, while there was provision for a review of the administration of this bill, those reporting were not the people directly involved in the program, but the agency; thus it would be difficult to determine the effectiveness of the program.

Mr. Malone moved AMEND SB 371 TO INCLUDE A SUNSET PROVISION FOUR YEARS HENCE, seconded by Mrs. Cafferata; the motion was defeated, with six voting against, and five voting for.

Ms. Foley then moved AMEND SB 371 TO INDICATE 15% OF THE MONEY MUST COME FROM A NON-GOVERNMENT SOURCE, seconded by Mr. Thompson, and passed unanimously.

Ms. Foley finally moved DO PASS SB 371 AS AMENDED, seconded by Mr. Sader; the motion passed, with Mr. Malone, Mrs. Cafferata and Mrs. Ham voting against.

As there was no further business, the meeting adjourned at 10:25 a.m.

Respectfully submitted,

*Pamela B. Sleeper*

Pamela B. Sleeper  
Assembly Attache

(Committee Minutes)

1588

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

DATE: Monday, 27 April 1981  
 SUBJECT: AB 405: Authorizes magistrates to give oral authorization to peace officers to sign magistrate's name to search warrant.

MOTION:  
 DO PASS \_\_\_\_\_ AMEND XX INDEFINITELY POSTPONE \_\_\_\_\_  
 RECONSIDER \_\_\_\_\_  
 MOVED BY: MR. SADER SECONDED BY: MR. THOMPSON

AMENDMENT:  
 Amendment 736 to AB 405 (See EXHIBIT E).

MOVED BY: \_\_\_\_\_ SECONDED BY: \_\_\_\_\_

AMENDMENT:

MOVED BY: \_\_\_\_\_ SECONDED BY: \_\_\_\_\_

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Thompson	<u>X</u>	—	—	—	—	—
Foley	<u>X</u>	—	—	—	—	—
Beyer	<u>X</u>	—	—	—	—	—
Price	<u>X</u>	—	—	—	—	—
Sader	<u>X</u>	—	—	—	—	—
Stewart	<u>X</u>	—	—	—	—	—
Chaney	<u>X</u>	—	—	—	—	—
Malone	<u>ABSTAIN</u>	—	—	—	—	—
Cafferata	<u>X</u>	—	—	—	—	—
Ham	<u>X</u>	—	—	—	—	—
Banner	<u>X</u>	—	—	—	—	—
TALLY:	<u>10</u>	<u>0</u>	—	—	—	—

ORIGINAL MOTION: Passed XX Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_  
 AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_  
 AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_

ATTACHED TO MINUTES OF Assembly Judiciary Committee  
 Monday, 27 April 1981

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

DATE: Monday, 27 April 1981  
 SUBJECT: AB 405: Authorizes magistrates to give oral authorization to peace officers to sign magistrate's name to search warrant.

MOTION:  
 DO PASS \_\_\_\_\_ AMEND \_\_\_\_\_ INDEFINITELY POSTPONE \_\_\_\_\_  
 RECONSIDER \_\_\_\_\_ DO PASS AS AMENDED XX  
 MOVED BY: MR. SADER SECONDED BY: MS. FOLEY

AMENDMENT:  
 Include language to the effect that the statement must be recorded by, or in the presence of, the magistrate.

(Also includes Amendment 736.)

MOVED BY: MR. SADER SECONDED BY: MS. FOLEY

AMENDMENT:

MOVED BY: \_\_\_\_\_ SECONDED BY: \_\_\_\_\_

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Thompson	<u>X</u>	—	<u>X</u>	—	—	—
Foley	<u>X</u>	—	<u>X</u>	—	—	—
Beyer	<u>X</u>	—	<u>X</u>	—	—	—
Price	<u>X</u>	—	<u>X</u>	—	—	—
Sader	<u>X</u>	—	<u>X</u>	—	—	—
Stewart	<u>X</u>	—	<u>X</u>	—	—	—
Chaney	—	<u>X</u>	<u>X</u>	—	—	—
Malone	<u>ABSTAIN</u>	—	<u>ABSTAIN</u>	—	—	—
Cafferata	—	<u>X</u>	<u>X</u>	—	—	—
Ham	<u>X</u>	—	<u>X</u>	—	—	—
Banner	<u>X</u>	—	<u>X</u>	—	—	—
TALLY:	<u>8</u>	<u>2</u>	<u>10</u>	<u>0</u>	—	—

ORIGINAL MOTION: Passed \_\_\_\_\_ Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_  
 AMENDED & PASSED XX AMENDED & DEFEATED \_\_\_\_\_  
 AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_

ATTACHED TO MINUTES OF Assembly Judiciary Committee  
 Monday, 27 April 1981

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

DATE: Monday, 27 April 1981  
 SUBJECT: AB 467: Increases penalty for first degree arson involving certain structures.

**MOTION:**

DO PASS \_\_\_\_\_ AMEND XX INDEFINITELY POSTPONE \_\_\_\_\_  
 RECONSIDER \_\_\_\_\_

MOVED BY: MR. SADER SECONDED BY: MR. BEYER

**AMENDMENT:**

Amendment 655 to AB 467 (See EXHIBIT C).  
 Section 5: Add subsection 6 "local fire departments".

MOVED BY: \_\_\_\_\_ SECONDED BY: \_\_\_\_\_

**AMENDMENT:**

MOVED BY: \_\_\_\_\_ SECONDED BY: \_\_\_\_\_

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

ORIGINAL MOTION: Passed XX Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_  
 AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_  
 AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_

ATTACHED TO MINUTES OF Assembly Judiciary Committee  
 Monday, 27 April 1981

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

DATE: Monday, 27 April 1981  
 SUBJECT: AB 467: Increases penalty for first degree arson involving certain structures.

**MOTION:**

DO PASS \_\_\_\_\_ AMEND \_\_\_\_\_ INDEFINITELY POSTPONE \_\_\_\_\_  
 RECONSIDER \_\_\_\_\_ DO PASS AS AMENDED XX  
 MOVED BY: MS. FOLEY SECONDED BY: MR. SADER

**AMENDMENT:**

MOVED BY: \_\_\_\_\_ SECONDED BY: \_\_\_\_\_

**AMENDMENT:**

MOVED BY: \_\_\_\_\_ SECONDED BY: \_\_\_\_\_

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Thompson	<u>X</u>	—	—	—	—	—
Foley	<u>X</u>	—	—	—	—	—
Beyer	<u>X</u>	—	—	—	—	—
Price	<u>X</u>	—	—	—	—	—
Sader	<u>X</u>	—	—	—	—	—
Stewart	<u>X</u>	—	—	—	—	—
Chaney	<u>X</u>	—	—	—	—	—
Malone	<u>X</u>	—	—	—	—	—
Cafferata	<u>X</u>	—	—	—	—	—
Ham	<u>X</u>	—	—	—	—	—
Banner	<u>X</u>	—	—	—	—	—
TALLY:	<u>11</u>	<u>0</u>	—	—	—	—

ORIGINAL MOTION: Passed XX Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_  
 AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_  
 AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_

ATTACHED TO MINUTES OF Assembly Judiciary Committee  
 Monday, 27 April 1981

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

DATE: Monday, 27 April 1981  
 SUBJECT: AB 346: Authorizes state and local agencies to obtain background checks of Federal Bureau of Investigation.

MOTION:  
 DO PASS \_\_\_\_\_ AMEND XX INDEFINITELY POSTPONE \_\_\_\_\_  
 RECONSIDER \_\_\_\_\_  
 MOVED BY: MS. FOLEY SECONDED BY: MR. THOMPSON

AMENDMENT:  
 Amend lines 4-5, page 1 to read: "request of and receive from the Federal Bureau of Investigation information on the background...".

MOVED BY: \_\_\_\_\_ SECONDED BY: \_\_\_\_\_

AMENDMENT:

MOVED BY: \_\_\_\_\_ SECONDED BY: \_\_\_\_\_

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Thompson	<u>X</u>	—	—	—	—	—
Foley	<u>X</u>	—	—	—	—	—
Beyer	<u>X</u>	—	—	—	—	—
Price	<u>X</u>	—	—	—	—	—
Sader	<u>X</u>	—	—	—	—	—
Stewart	<u>X</u>	—	—	—	—	—
Chaney	<u>X</u>	—	—	—	—	—
Malone	<u>X</u>	—	—	—	—	—
Cafferata	<u>X</u>	—	—	—	—	—
Ham	<u>X</u>	—	—	—	—	—
Banner	<u>X</u>	—	—	—	—	—
TALLY:	<u>11</u>	<u>0</u>	—	—	—	—

ORIGINAL MOTION: Passed XX Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_  
 AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_  
 AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_

ATTACHED TO MINUTES OF Assembly Judiciary Committee  
 Monday, 27 April 1981

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

DATE: Monday, 27 April 1981  
 SUBJECT: AB 346: Authorizes state and local agencies to obtain background checks of Federal Bureau of Investigation.

MOTION:  
 DO PASS \_\_\_\_\_ AMEND \_\_\_\_\_ INDEFINITELY POSTPONE \_\_\_\_\_  
 RECONSIDER \_\_\_\_\_ DO PASS AS AMENDED XX  
 MOVED BY: MS. FOLEY      SECONDED BY: MRS. CAFFERATA

AMENDMENT:

MOVED BY: \_\_\_\_\_ SECONDED BY: \_\_\_\_\_

AMENDMENT:

MOVED BY: \_\_\_\_\_ SECONDED BY: \_\_\_\_\_

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Thompson	<u>X</u>	—	—	—	—	—
Foley	<u>X</u>	—	—	—	—	—
Beyer	—	<u>X</u>	—	—	—	—
Price	<u>X</u>	—	—	—	—	—
Sader	<u>X</u>	—	—	—	—	—
Stewart	<u>X</u>	—	—	—	—	—
Chaney	<u>X</u>	—	—	—	—	—
Malone	<u>X</u>	—	—	—	—	—
Cafferata	<u>X</u>	—	—	—	—	—
Ham	<u>X</u>	—	—	—	—	—
Banner	<u>X</u>	—	—	—	—	—
TALLY:	<u>10</u>	<u>1</u>	—	—	—	—

ORIGINAL MOTION:      Passed XX      Defeated \_\_\_\_\_      Withdrawn \_\_\_\_\_  
 AMENDED & PASSED \_\_\_\_\_      AMENDED & DEFEATED \_\_\_\_\_  
 AMENDED & PASSED \_\_\_\_\_      AMENDED & DEFEATED \_\_\_\_\_

ATTACHED TO MINUTES OF Assembly Judiciary Committee  
 Monday, 27 April 1981



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

DATE: Monday, 27 April 1981  
 SUBJECT: SB 371: Provides financial assistance to organizations serving victims of domestic violence.

MOTION:  
 DO PASS \_\_\_\_\_ AMEND XX INDEFINITELY POSTPONE \_\_\_\_\_  
 RECONSIDER \_\_\_\_\_  
 MOVED BY: MR. MALONE SECONDED BY: MRS. CAFFERATA

AMENDMENT:

To include a sunset provision four years hence.

MOVED BY: \_\_\_\_\_ SECONDED BY: \_\_\_\_\_

AMENDMENT:

MOVED BY: \_\_\_\_\_ SECONDED BY: \_\_\_\_\_

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

ORIGINAL MOTION: Passed \_\_\_\_\_ Defeated XX Withdrawn \_\_\_\_\_  
 AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_  
 AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_

ATTACHED TO MINUTES OF Assembly Judiciary Committee  
 Monday, 27 April 1981

61st NEVADA LEGISLATURE  
ASSEMBLY JUDICIARY COMMITTEE  
LEGISLATION ACTION

DATE: Monday, 27 April 1981

SUBJECT: SB 371: Provides financial assistance to organizations serving victims of domestic violence.

MOTION:

DO PASS \_\_\_ AMEND XX INDEFINITELY POSTPONE \_\_\_  
RECONSIDER \_\_\_

MOVED BY: MS. FOLEY SECONDED BY: MR. THOMPSON

AMENDMENT:

Section 4, subsection 3 should indicate that 15% of the money must come from a non-government source.

MOVED BY: \_\_\_\_\_ SECONDED BY: \_\_\_\_\_

AMENDMENT:

MOVED BY: \_\_\_\_\_ SECONDED BY: \_\_\_\_\_

VOTE:	<u>MOTION</u>		<u>AMEND</u>		<u>AMEND</u>	
	<u>YES</u>	<u>NO</u>	<u>YES</u>	<u>NO</u>	<u>YES</u>	<u>NO</u>
Thompson	<u>X</u>	___	___	___	___	___
Foley	<u>X</u>	___	___	___	___	___
Beyer	<u>X</u>	___	___	___	___	___
Price	<u>X</u>	___	___	___	___	___
Sader	<u>X</u>	___	___	___	___	___
Stewart	<u>X</u>	___	___	___	___	___
Chaney	<u>X</u>	___	___	___	___	___
Malone	<u>X</u>	___	___	___	___	___
Cafferata	<u>X</u>	___	___	___	___	___
Ham	<u>X</u>	___	___	___	___	___
Banner	<u>X</u>	___	___	___	___	___
TALLY:	<u>11</u>	<u>0</u>	___	___	___	___

ORIGINAL MOTION: Passed XX Defeated \_\_\_ Withdrawn \_\_\_  
AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_  
AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_

ATTACHED TO MINUTES OF Assembly Judiciary Committee  
Monday, 27 April 1981

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

DATE: Monday, 27 April 1981  
 SUBJECT: SB 371: Provides financial assistance to organizations serving victims of domestic violence.

MOTION:  
 DO PASS \_\_\_\_\_ AMEND \_\_\_\_\_ INDEFINITELY POSTPONE \_\_\_\_\_  
 RECONSIDER \_\_\_\_\_ DO PASS AS AMENDED XX  
 MOVED BY: MS. FOLEY SECONDED BY: MR. SADER

AMENDMENT:

MOVED BY: \_\_\_\_\_ SECONDED BY: \_\_\_\_\_

AMENDMENT:

MOVED BY: \_\_\_\_\_ SECONDED BY: \_\_\_\_\_

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Thompson	<u>X</u>	—	—	—	—	—
Foley	<u>X</u>	—	—	—	—	—
Beyer	<u>X</u>	—	—	—	—	—
Price	<u>X</u>	—	—	—	—	—
Sader	<u>X</u>	—	—	—	—	—
Stewart	<u>X</u>	—	—	—	—	—
Chaney	<u>X</u>	—	—	—	—	—
Malone	—	<u>X</u>	—	—	—	—
Cafferata	—	<u>X</u>	—	—	—	—
Ham	—	<u>X</u>	—	—	—	—
Banner	<u>X</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 Assembly Judiciary Committee  
Monday, 27 April 1981

1981 REGULAR SESSION (61st)

ASSEMBLY ACTION		SENATE ACTION		Assembly		AMENDMENT BLANK	
Adopted	<input type="checkbox"/>	Adopted	<input type="checkbox"/>	AMENDMENTS to	Assembly		
Lost	<input type="checkbox"/>	Lost	<input type="checkbox"/>	Bill No.	386	<del>Joint</del>	
Date:		Date:				<del>Resolution No.</del>	
Initial:		Initial:		BDR	16-1238		
Concurred in	<input type="checkbox"/>	Concurred in	<input type="checkbox"/>	Proposed by	Assemblyman Horn		
Not concurred in	<input type="checkbox"/>	Not concurred in	<input type="checkbox"/>				
Date:		Date:					
Initial:		Initial:					

Amendment No. 370



Amend the bill as a whole by renumbering sections 1 through 7 as sections 2 through 8 and by adding a new section designated as section 1, preceding section 1, to read as follows:

"Section 1. NRS 213.1099 is hereby amended to read as follows:

213.1099 1. Except as provided in [subsection 2,] subsections 2 and 3, the board may release on parole a prisoner otherwise eligible for parole under NRS 213.107 to 213.160, inclusive, only if, from all the information known to the board, it appears to the board:

- (a) That there is a reasonable probability that such prisoner will live and remain at liberty without violating the laws; and
- (b) That such release is not incompatible with the welfare of society.

2. When a person is convicted of any felony and is punished by a sentence of imprisonment, he remains subject to the jurisdiction of the board from the time he is released on parole under the provisions of this chapter until the expiration of the term of imprisonment imposed by the court less any good time or other credits earned against such term.

3. The board may not release on parole a prisoner whose sentence to death or to life without possibility of parole has been commuted to a lesser penalty unless it finds that the prisoner has served at least 20 consecutive years in the state prison, is not under an order that he be detained to answer for a crime or violation of parole or probation in another jurisdiction, and that he has no

To: E & E  
 LCB File  
 Journal ✓  
 Engrossment  
 Bill

Drafted by DS:ab Date 3-2-81

Assembly Judiciary Committee  
 Monday, 27 April 1981

history of:

- (a) Recent misconduct in the institution, and that he has been recommended for parole by the director of the department of prisons;
- (b) Repetitive criminal conduct;
- (c) Criminal conduct related to the use of alcohol or drugs;
- (d) Repetitive sexual deviance, violence or aggression; or
- (e) Failure in parole, probation, work release or similar programs."

Amend the title of the bill on the first line before  
"providing" by inserting "limiting parole for  
certain prisoners whose sentences have been commuted;".

**MEMO**

NEVADA LEGISLATURE

From the desk of . . .

LEOLA H. ARMSTRONG  
Secretary of the Senate

Assemblyman Horn:

I have had the panel  
board review check the proposed  
amendment and we can give  
them our approval. Gladly you  
Burn Amendment

1981 REGULAR SESSION (61st)

ASSEMBLY ACTION		SENATE ACTION		Assembly	AMENDMENT BLANK
Adopted	<input type="checkbox"/>	Adopted	<input type="checkbox"/>	AMENDMENTS to	Assembly
Lost	<input type="checkbox"/>	Lost	<input type="checkbox"/>		<del>Joint</del>
Date:		Date:		Bill No. 467	Resolution No.
Initial:		Initial:		BDR 16-1477	
Concurred in	<input type="checkbox"/>	Concurred in	<input type="checkbox"/>	Proposed by	Committee on Judiciary
Not concurred in	<input type="checkbox"/>	Not concurred in	<input type="checkbox"/>		
Date:		Date:			
Initial:		Initial:			

Amendment N<sup>o</sup> 655



Amend section 1, page 1, by deleting line 2 and inserting:  
 "205.010 Any person".

Amend section 1, page 1, line 4, after "house" by inserting:  
 ", mobile home".

Amend section 1, page 1, line 5, by deleting "mobile home or other" and inserting:  
 "[mobile home or other]".

Amend section 1, page 1, line 9, by deleting "15" and inserting:  
 "[15] 20".

Amend section 1, page 1, line 10, by deleting "\$15,000." and inserting:  
 "[\$15,000.] \$20,000.".

Amend section 1, page 1, by deleting lines 11 through 16.

Amend the bill as a whole by adding new sections designated sections 2 through 8, following section 1, to read as follows:  
 "Sec. 2. NRS 205.015 is hereby amended to read as follows:  
 205.015 Any person who willfully and maliciously sets fire to or burns or causes to be burned, or who aids, counsels or procures the burning of any abandoned building or structure, whether the property of himself or of another, is guilty of arson in the second degree and shall be [sentenced to] punished by imprisonment

To: E & E  
 LCB File  
 Journal ✓  
 Engrossment  
 Bill

Drafted by DS:smc Date 4-23-81

in the state prison for not less than 1 nor more than [10] 15  
years, and may be further punished by a fine of not more than  
[\$10,000.] \$15,000.

Sec. 3. NRS 205.020 is hereby amended to read as follows:

205.020 Any person who willfully and maliciously sets fire to or  
burns or causes to be burned, or who aids, counsels or procures the  
burning of:

1. Any unoccupied personal property of another which has the  
value of \$25 or more; or

2. Any timber, forest, shrubbery, crops, grass, vegetation or  
other flammable material not his own,

*flush* is guilty of arson in the third degree and shall be [sentenced to]  
punished by imprisonment in the state prison for not less than 1  
year nor more than [6] 10 years, and may be further punished by a  
fine of not more than [\$5,000.] \$10,000.

Sec. 4. Chapter 686A of NRS is hereby amended by adding thereto  
the provisions set forth as sections 5 to 8, inclusive, of this  
act.

Sec. 5. As used in sections 5 to 8, inclusive, of this act,  
unless the context otherwise requires, "agent" means the:

1. State fire marshal when he is authorized or required to  
investigate fires in the jurisdiction in which the fire took place;
2. Director of the department of law enforcement assistance;
3. District attorney of the county in which the fire took place;
4. Commissioner of insurance; and
5. Federal Bureau of Investigation, the United States Attorney  
for the District of Nevada and any other federal agency when the  
fire is within the jurisdiction of the agency to investigate.

Sec. 6. 1. An agency may require an insurer to provide any  
information which the agency deems important relating to a fire  
which the agency has the jurisdiction to investigate.

2. An agency shall make a written request to the insurer for the  
information.



3. Information which an agency may deem important may include, without limitation:

(a) Pertinent information about the policy which covered the property which was damaged or destroyed, including applications;

(b) Records of payments of premiums, if the records are available to the insurer;

(c) Information relating to previous claims made by the insured; and

(d) Information relating to the investigation of the loss, including statements of any person, material submitted as proof of loss and other evidence.

Sec. 7. If an insurer has reason to believe that a fire which has caused a loss in which it has an interest may have been attributable to a cause other than accident or natural occurrence, it shall notify an agency in writing of its reasons for believing the cause of the fire to be other than accidental or natural, and provide the agency with any information which it has obtained in the course of its investigation.

Sec. 8. 1. An insurer which provides information to an agency pursuant to section 6 of this act:

(a) Is entitled to receive any relevant information relating to the loss which the agency has in its possession; and

(b) Shall hold the information which it has received in confidence, and not release it except to another agency, except when the information is to be used in a criminal prosecution or a civil action.

2. An agency which receives information from another agency or an insurer shall:

(a) Hold the information which it has received in confidence, and not release it except to another agency or to an insurer pursuant to paragraph (a) of subsection 1;

(b) Provide an insurer which requests information relating to a fire which has resulted in a loss with that information within 30 days after receiving the request;

(c) Provide evidence and the testimony of its personnel, if necessary, in any litigation in which an insurer is named as a party if it has provided information to the insurer or received information from the insured.

3. An agency or insurer, and any officer, agent or employee of an agency or insurer, which provides information pursuant to sections 6 or 7 of this act or this section is immune from any liability in a civil action for damages resulting from the release of the information."

Amend the title of the bill to read as follows:

"AN ACT relating to crimes and punishments; increasing penalties for arson; providing for exchange of information on suspicious fires among law enforcement agencies and insurers; and providing other matters properly relating thereto."

December 31, 1980

TO: BILL CURRAN,  
County Counsel

FROM: TOM LEEDS,  
Law Clerk

Re: Survey of misdemeanor penalties in the fifty states

I. Nevada Law

Current Nevada Law

NRS 193.140, Punishment of gross misdemeanors.  
Imprisonment: not more than one year.  
Fine: not more than \$1,000.

NRS 193.150, Punishment of misdemeanor.  
Imprisonment: not more than six months.  
Fine: not more than \$500.

NRS 193.160, Punishment for misdemeanor by corporations when not fixed by statute.  
Fine: not more than \$500.

NRS 193.140 and 193.150 last amended in 1967, in Advance Sheets of Nevada Laws, page 458-9.

Prior Nevada Law

5 NCL §9968 (1929), Punishment of gross misdemeanors for which no punishment prescribed by statute.  
Imprisonment: not more than one year.  
Fine: not less than \$500 or more than \$1,000.

5 NCL §9969 (1929), Punishment for misdemeanors where no punishment prescribed by statute.

Assembly Judiciary Committee  
Monday, 27 April 1981

December 31, 1980

Bill Curran  
page 2

Imprisonment: not more than six months.  
Fine: not more than \$500.

5 NCL §9970 (1929), Penalty for misdemeanors by corporations where punishment not prescribed by statute.  
Fine: not more than \$500.

Crimes and Punishments Act of 1911, codified in Revised Laws of Nevada, 1912, §6284, Gross misdemeanors.  
Imprisonment: not more than one year.  
Fine: not less than \$500 or more than \$1,000.

RL §6285 (1912), Misdemeanors.  
Imprisonment: not more than six months.  
Fine: not more than \$500.

RL §6286, Misdemeanors by corporations.  
Fine: not more than \$500.

Cutting, Compiled Laws of Nevada §4788 (1900), Common law crimes (non-enumerated misdemeanors).  
Imprisonment: not more than six months.  
Fine: not more than \$500.

Bonnifield and Healy, Compiled Laws of Nevada §2457 (1873), Non-enumerated common law crimes (Misdemeanors).  
Imprisonment: not more than six months.  
Fine: not more than \$500.

Summary - The statutory fine for misdemeanors has not been raised since 1873, although differentiation was made between gross misdemeanors and misdemeanors in 1919 with a maximum fine for gross misdemeanors of \$1000.

II. Survey of the fifty states and the District of Columbia, in order of amount.

States with maximum fines above \$1000 - (9).

1. Pennsylvania, 18 C.P.S.A. §1011: First degree, \$10,000; Second degree, \$5,000; Third degree, \$2,500; Summary offense, \$300. Enacted 1972, effective June 6, 1973.

December 31, 1980

Bill Curran

page 3

2. New Hampshire, R.S.A. 651:1(IV): Corporations, \$10,000; others, \$1,000.

3. Colorado, C.R.S. §18-1-106: Class 1, \$5000, Maximum imprisonment, 24 months; Class 2, \$1000, maximum imprisonment, twelve months; Class 3, \$750, maximum imprisonment, six months; §18-1-109: where misdemeanor not fixed by statute, \$1,000, maximum imprisonment, one year.

4. Georgia, Ga. Code Ann. §27.2506.1: misdemeanor of high and aggravated nature, \$5,000, maximum imprisonment, twelve months; §27.2506 - misdemeanors, \$1,000, maximum imprisonment, twelve months.

5. Indiana, I.S.A. §35-50-3-2: Class A, \$5,000, maximum imprisonment one year; Class B, \$1,000, maximum imprisonment 180 days; Class C, \$500, maximum imprisonment 60 days.

6. Iowa, I.C.A. §903.1: Aggravated misdemeanor, \$5000, maximum imprisonment, 2 years; serious misdemeanors, \$1000, maximum imprisonment one year; simple misdemeanor, \$100, maximum imprisonment 30 days.

7. Kansas, K.S.A. §21-4503(2): Class A, \$2,500; Class B, \$1,000; Class C, \$500; unclassified misdemeanors treated as Class C.

8. New Jersey, N.J.S.A. §2A: 85-6: High misdemeanor, \$2,000, maximum imprisonment, 7 years; §2A:85-7: Misdemeanor, \$1,000, maximum imprisonment, 3 years.

9. Texas, V.T.C.A. Penal Code §12.21: Class A, \$2,000, maximum imprisonment, one year; §12.22: Class B, \$1,000, maximum imprisonment 180 days; §12.23: Class C, \$200, no imprisonment.

States with maximum fines of \$1000 - (21).

1. Arizona, A.R.S. §13-802: Class 1, \$1,000; Class 2, and "all offenses declared by law to be misdemeanors" but not specified as to class, \$750; Class C, \$500; petty offense, \$300.

2. Arkansas, A.S.A. §41-110(2): Class A, \$1,000; Class B, \$500; Class C, \$100; §41-113(3): all misdemeanors not specified or classified are Class A.

December 31, 1980

Bill Curran  
page 4

3. Delaware, 7 D.C.A., Title 11, §4207: Class A, \$1000; Class B or C, \$500.
4. District of Columbia, 11 D.C.C. Enc. §22-107: all misdemeanors, \$1,000, maximum imprisonment, 5 years.
5. Florida, 22 F.C.A. §775.08: First degree, \$1,000; Second degree, \$500.
6. Hawaii, H.R.S., Title 37 §706-640: Misdemeanor, \$1,000; petty misdemeanor, \$500.
7. Illinois, I.A.S., Title 38 §1005-9-1(a): Class A, \$1,000; Class B or C, \$500; petty offense, \$500.
8. Louisiana, L.S.A. - R.S. 15 §303: Maximum fines for all crimes where not specified, \$1,000 maximum imprisonment, 2 years.
9. Minnesota, M.S.A. §609.03: Gross misdemeanors, \$1,000; maximum imprisonment one year; misdemeanor, \$500, maximum imprisonment 90 days.
10. Missouri, V.A.M.S. §556.270: all misdemeanors, \$1,000, maximum imprisonment one year.
11. Nebraska, R.S.N. §28-106(1): Class I, \$1,000, maximum imprisonment, one year; Class II, \$1,000, maximum imprisonment, 6 months; Class III, \$500, maximum imprisonment, 7 days; Class IV, \$500, no imprisonment; Class V, \$100, no imprisonment.
12. New Mexico, N.M.S.A. §31-19-1: Misdemeanor, \$1,000, maximum imprisonment one year; petty misdemeanor, \$100, maximum imprisonment, 6 months.
13. New York, Penal Law, Penalty Chart: Class A, \$1,000; Class B, \$500; violation, \$250.
14. North Dakota, N.D.C.C. §12.1-32-01: Class A, \$1,000; maximum imprisonment, one year; Class B, \$500, maximum imprisonment, 30 days.
15. Ohio, O.R.C. §2929.21: First degree, \$1,000, maximum imprisonment, 6 months; Second degree, \$750, maximum imprisonment, 90 days; Third degree, \$500, maximum imprisonment, 60 days; Fourth degree, \$250, maximum imprisonment, 30 days.

December 31, 1980

Bill Curran  
page 5

16. Oregon, O.R.S. 161.635(1): Class A, \$1,000, maximum imprisonment, one year (ORS 161.615); Class B, \$500, maximum imprisonment, 6 months; Class C, \$250, maximum imprisonment, 30 days.

17. South Dakota, 8 S.D.C.L. §22-6-2: Class 1, \$1,000, maximum imprisonment, one year; Class 2, \$100, maximum imprisonment, 30 days; every offense declared to be a misdemeanor and not otherwise specified is Class 1.

18. Tennessee, 7 T.C.A. §39-105: all misdemeanors, \$1,000, maximum imprisonment, one year.

19. Utah, U.C.A. Crim. Code §76-3-301: Class A, \$1,000, maximum imprisonment, one year (§76-3-204); Class B or C, or infraction, \$299, maximum imprisonment, Class B, 6 months, Class C, 90 days.

20. Virginia, 4 C.V. §18.2-11: Class 1, \$1,000, maximum imprisonment, one year; Class 2, \$500, maximum imprisonment, 6 months; Class 3, \$500, no imprisonment; Class 4, \$100, no imprisonment; where no punishment prescribed misdemeanor is considered a Class 1.

21. Washington, R.C.W.A. §9.92.020: Gross misdemeanor, \$1,000, maximum imprisonment, one year; §9.92.030: misdemeanor, \$250, maximum imprisonment, 90 days.

States with maximum fines of \$500 - (9):

1. Alabama, Code of Ala. §15-18-3: all misdemeanors, \$500, maximum imprisonment one year.

2. Alaska, A.S. §11.05.010: all misdemeanors, \$500, maximum imprisonment, one year.

3. California, West's Anno. Penal Code §19: \$500, maximum imprisonment, six months.

4. Kentucky, K.R.S. §534.040: Class A, \$500; Class B, \$250; violation, \$250.

5. Mississippi, M.C.A. §99-19-31: any crime where not prescribed, \$500, maximum imprisonment, six months.

December 31, 1980

Bill Curran  
page 6

6. Montana, M.R.C. §94-116: all misdemeanors, \$500, maximum imprisonment, six months.

7. Oklahoma, 21 Okl. St. Ann. §10: all misdemeanors, \$500, maximum imprisonment, one year.

8. Rhode Island, 3 G.L.R.I. §11-1-2: misdemeanors, \$500, maximum imprisonment, one year; petty misdemeanors \$500, maximum imprisonment, six months; violation, \$500, no imprisonment.

9. Wisconsin, W.S.A. 939.61: all misdemeanors, \$500, maximum imprisonment, 30 days.

States with maximum fines below \$500 - (3).

1. Idaho, 4 Idaho Code §18-113: all misdemeanors, \$300, maximum imprisonment, 6 months.

2. Michigan, M.C.L.A. §750.504: all misdemeanors, \$100, maximum imprisonment, 90 days.

3. Wyoming, W.S.A. §6-1-107: all misdemeanors, \$100, maximum imprisonment, 90 days.

States where no amount prescribed for non-specified misdemeanors - (5).

1. Maine, 17 - A.M.R.S.A. §1301: Crimes not delineated as felonies or misdemeanors, all crimes placed in classes, Class A, no fine, maximum imprisonment, 20 years (§1252); Class B, \$10,000, maximum imprisonment, 10 years; Class C, \$2,500, maximum imprisonment, 5 years; Class D, \$1000, maximum imprisonment, one year; Class E, \$500, maximum imprisonment, six months.

2. Massachusetts, M.G.L.A. ch. 279 §5: If no punishment specified, court shall impose such sentence according to the nature of the crime as conforms to common practice.

3. North Carolina, G.S.N.C. §14-2: Misdemeanors may be punished by fine to be determined by the court.

4. South Carolina, C.L.S.C. §17-25-30: sentence where no punishment provided shall be such as is conformable to the common usage and practice in this state according to the nature of the offense.



December 31, 1980

Bill Curran  
page 7

5. West Virginia, 17 W.V.C. §61-11-17: fine for misdemeanors fixed by the court.

States with no applicable statute - (3).

1. Connecticut.
2. Maryland.
3. Vermont.

TL:nw

*Tom Leeds*

---

TOM LEEDS  
Law Clerk

1981 REGULAR SESSION (61st)

ASSEMBLY ACTION		SENATE ACTION		Assembly	AMENDMENT BLANK
Adopted	<input type="checkbox"/>	Adopted	<input type="checkbox"/>	AMENDMENTS to	Assembly
Lost	<input type="checkbox"/>	Lost	<input type="checkbox"/>	Bill No. 405	<del>Joins</del>
Date:		Date:			Resolution No.
Initial:		Initial:		BDR 14-804	
Concurred in	<input type="checkbox"/>	Concurred in	<input type="checkbox"/>	Proposed by	Committee on Judiciary
Not concurred in	<input type="checkbox"/>	Not concurred in	<input type="checkbox"/>		
Date:		Date:			
Initial:		Initial:			

Amendment No 736

Replaces Amendment No. 567

Amend section 1, page 1, by deleting line 9, and inserting:

"2. In lieu of the affidavit required by subsection 1, the magistrate may take an oral statement, which must be recorded in the presence of the magistrate or in his immediate vicinity by a certified shorthand reporter or by electronic means, transcribed, certified by the reporter if he recorded it, and certified by the magistrate. The statement must be filed with the clerk of the court.

3. After a magistrate has issued a search warrant, whether it is based on an affidavit or an oral statement, he may orally authorize a peace officer to sign the".

Amend section 1, page 1, line 13, by deleting "1." and inserting "4."

Amend section 1, page 1, line 19, by deleting "4." and inserting "5."

Amend section 1, page 1, line 22, by deleting "5." and inserting "6."

Amend the title of the bill on the first line after "magistrates"

by inserting:

"to issue search warrants based on oral statements; authorizing magistrates".

To: E & E  
 LCB File  
 Journal ✓  
 Engrossment  
 Bill

Drafted by DS: ab Date 4-29-81 1612